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U.S. Department of State

China Country Report on Human Rights Practices for 1996

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CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, party members hold almost all top civilian, police, and military positions. Ultimate authority rests with the members of the Politburo, who often consult with still-influential past members of that body on major decisions. These leaders stress the need to maintain stability and social order and are committed to perpetuating rule of the CCP and its heirarchy. Citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years. Economic decentralization has increased the authority of regional officials. The party's authority rests primarily on the success of economic reform, its ability to maintain stability, appeals to patriotism, and control of the security apparatus.

The security apparatus comprises the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

China has a mixed economy that is expanding rapidly. Economic reforms are raising living standards for many, strengthening entrepreneurs, diminishing central control over the economy, and creating new economic opportunities. Although there are problems in the state sector, individual economic opportunities continue to expand rapidly with increased freedom of employment and mobility. As the Government continues to adopt market-based policies, both state-owned and nonstate enterprises are

benefiting from increased freedom to compete in domestic and overseas markets. As economic opportunities grow, however, income disparities between coastal and inland areas continue to widen. The number of citizens living in absolute poverty continues to decline, although estimates of those in poverty range from official figures of 65 million to estimates as high as 350 million out of a total population of 1.2 billion. Tens of millions of peasants have left their homes in search of better jobs and living conditions. According to estimates, as many as 100 million people make up this "floating population," with many major cities counting 1 million or more such people. Urban areas are also coping with workers idled by industrial reforms. An estimated 10 million state workers have been laid off, or not paid. Millions more have been idled on partial wages.

The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights, but they are often ignored in practice. Abuses included torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights. Some restrictions remained on freedom of movement. In many cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms.

Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for "counterrevolutionary crimes" or "crimes against the state," or for peaceful political or religious activities are believed to number in the thousands. Persons detained during 1996 included activists arrested for issuing petitions or open letters calling for reforms and greater democracy.

Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end. Even those released from prison were kept under tight surveillance and often prevented from taking employment or otherwise resuming a normal life. Nonapproved religious groups, including Protestant and Catholic groups, also experienced intensified repression as the Government enforced 1994 regulations that require all such groups to be registered with government religious affairs bureaus and come under the supervision of official "patriotic" religious organizations. Discrimination against women, minorities, and the disabled, violence against women, and the abuse of children remain problems. Serious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia. Controls on religion and on other fundamental freedoms in these areas have also intensified.

During 1996 the National Peoples' Congress (NPC) passed new laws designed to reform criminal procedures and the legal profession. The Government's village elections program conducted closely supervised multicandidate elections in villages inhabited by hundreds of millions of rural citizens. Although these offer some opportunity for local clans and other groups to work out differences democratically, they are tightly controlled and do not threaten the leading role of the Communist Party. In 1996 China had limited human rights discussions and exchanges on the rule of law with foreign interlocutors and hosted a meeting of the Interparliamentary Union at which a human rights resolution was drafted.

In many respects, Chinese society continued to open further. Greater disposable income, looser ideological controls, and freer access to outside sources of information led to greater room for individual choice, more diversity in cultural life, and increased media reporting. Although the sale and use of satellite dishes are tightly regulated, satellite television broadcasts are widely available, particularly in

coastal areas. Increasing numbers of citizens have access to the Internet although the Government closed down some World Wide Web sites, including Chinese-language sites in Hong Kong and Taiwan, those of Western news organizations, and attempted to control the political and social content of the material available through the Internet. Controls on reporting economic information imposed in 1995 continued, and the Government placed new restrictions on the news media.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were reports of extrajudicial killings, including some carried in the Chinese press. There is, however, no reliable information about the number of such killings or the adequacy of the government response. There have been numerous executions carried out immediately after mass summary trials. Often these "trials" occur under circumstances where the lack of basic due process protections borders on extrajudicial killing (see Section 1.e.).

In April the official press reported that a guard assigned to maintain public order in Shenzhai village, Anhui province, was executed for murdering one farmer and wounding two others after they refused to pay illegal levies imposed on local residents. The village chief was given a suspended death sentence for his role in the incident. In March the parents of 33-year-old Wang Jingbo released a statement claiming that their son was beaten to death while illegally detained by the Public Security Bureau in Beijing's Chaoyang District. The victim's parents demanded an impartial investigation after an autopsy reportedly showed that their son suffered a brain hemorrhage and 12 broken ribs while detained. At least three Buddhist monks died as a result of mistreatment while in prison in Tibet (see Tibet addendum).

b. Disappearance

In January the United Nations Working Group on Enforced or Involuntary Disappearances reported on three new cases of disappearances that allegedly occurred in 1995. Most of the 56 cases which the Working Group has under review occurred between 1988-90. The majority were Tibetans, the others were political activists. The Government still has not provided a comprehensive, credible public accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations. Long incommunicado detentions continued (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture, however, both official Chinese sources and international human rights groups continued to report many cases in which police and other elements of the security apparatus employed torture and degrading treatment in dealing with detained and imprisoned persons. Former detainees have credibly reported that officials used cattle prods, electrodes, thumb cuffs, prolonged periods of solitary confinement and incommunicado detention, beating, shackles, and other forms of abuse against detained men and women. Persons detained pending trial were particularly at risk as a result of government failure to correct obvious systemic weaknesses in design and operation of pretrial detention. These weaknesses include a reliance on confessions as a basis for convictions and the lack of access to prisoners by legal counsel and family members until after authorities file formal charges, a step that often takes months. Some, but not all, of these problems were addressed in March, when the National People's Congress enacted amendments to the Criminal Procedures Law. The amendments, which were to become effective on January 1, 1997, are a positive step toward bringing China's criminal justice

process into conformity with international norms (see Sections 1.d. and 1.e.).

In April a Chinese delegate to the United Nations Commission on Human Rights stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." The Government also claimed in its report to the United Nations Committee against Torture that "the State, taking an extremely serious view of any incident of torture, has adopted commensurate measures through administrative and judicial means to punish by law anyone guilty of such an act." However, because prisoners remain inaccessible to international humanitarian organizations, such as the International Committee of the Red Cross (ICRC), these claims are to verify independently.

In March the Supreme People's Procuratorate reported that it had investigated 412 cases in which torture was used to extract confessions in 1995, but it provided no information on convictions or punishments. The number of actual incidents of torture and mistreatment by government officials is almost certainly greater than reflected in published government statistics.

Conditions in penal institutions are generally harsh and frequently degrading, and nutritional and health conditions are sometimes grim. Adequate medical care for prisoners continues to be a problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Political prisoners who reportedly had difficulties in obtaining timely and adequate medical treatment during 1996, despite repeated appeals on their behalf by their families and the international community, included Xi Yang, Zhou Guoqiang, Wei Jingsheng, Wang Dan, Bao Tong, Liu Nianchun, and Gao Yu. Chen Ziming, who has been diagnosed with cancer, was released for a second time on medical parole in November. The terms of his parole were highly restrictive, and he was placed under tight police surveillance.

China's 1994 Prison Law was designed, in part, to improve treatment of detainees and respect for their legal rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. In 1995 Government officials claimed that the Procuratorate had assigned officials to virtually all the prisons, houses of detention, and centers for reeducation through labor, in order to supervise prison management and enforce laws on treatment of prisoners. No information about the number of personnel assigned or the effectiveness of this step was available at year's end.

The official press reported in February 1995 that the Government has established 157 psychological treatment centers and 54 consultation clinics in the nation's 685 prisons. Official sources also claimed that more than 17,000 prisoners were treated at those facilities over the past 10 years. Mental hospitals have reportedly been used on occasion to control political dissidents. The foreign press reported in September that dissident writer Wang Wanxing, who was arrested in 1992 for protesting in Tiananmen Square on the third anniversary of the 1989 demonstrations, was in good mental health but remained detained against his will at the An Kang psychiatric hospital in Shanghai. Neither conditions at such institutions nor treatment of prisoners at these centers could be verified because of lack of access by independent observers.

Conditions of imprisonment and detention for political prisoners vary widely. Bao Tong remained detained at a government residential compound after his 7-year prison term expired in May. Other political prisoners, including Wei Jingsheng, Chen Ziming, and Gao Yu were incarcerated with common criminals. Fellow inmates reportedly beat Liu Nianchun at a prison in Heilongjiang province. Imprisoned dissident Chen Longde reportedly attempted to commit suicide in August by jumping from a multistory prison building after he was kicked, punched, and beaten with electric prods. He survived the fall, but suffered serious injuries. According to nongovernmental organization (NGO) reports, Wang

Hui, wife of jailed labor activist Zhou Guoqiang was detained in May, reportedly for pressing her husband's case. As a result of her treatment, including the withholding of liquids, she attempted suicide. Her attempt was punished with a severe beating. She was released sometime prior to November. According to NGO reports, dissident Yao Zhenxiang also was beaten after his detention in April.

China does not permit independent monitoring of prisons or reeducation-through-labor camps. The Procuratorate is charged with law enforcement in the corrections system. The official press reported in July that 50,000 reprimands were issued to prison personnel during the first 5 months of 1996 for inappropriate conduct. Negotiations with the ICRC regarding access to prisoners have not been resumed since the Government suspended discussions in March 1995.

d. Arbitrary Arrest, Detention, or Exile

Under the Criminal Procedure Law, officials may hold detainees for up to 10 days before the Procuratorate must approve a formal arrest warrant. In theory, the Administrative Procedure Law permits a detainee to challenge the legality of his detention. In practice, however, lack of access to legal counsel inhibits the effective use of this law to obtain prompt judicial decisions on the issue. In known cases involving political dissidents, authorities have interpreted the law in the Government's favor and strictly against detainees.

Activist Wang Dan was held in incommunicado detention for 17 months in connection with the issuance of a prodemocracy petition before being charged, tried, and sentenced in October to 11 years in prison. He is appealing his sentence to the Supreme Court, having lost a lower level appeal.

There is no system of bail, but at the discretion of public security officials some detainees can be released pending further investigation. The authorities must notify the detainee's family or work unit of his detention within 24 hours; in practice, however, authorities seldom give timely notification. Under a sweeping exception to the law, officials need not provide notification if it would "hinder the investigation" of a case. The Government held dissident Liu Nianchun incommunicado for more than a year without charges before his wife was notified of his whereabouts and permitted to visit him in July. His suit contesting his detention was initially dismissed in mid-1996 for reasons that included the fact that his legal papers were written with a ballpoint pen, a minor detail usually overlooked in Chinese courts.

The State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although the majority of Chinese remain unaware of this 1995 law, there is evidence that it is having some impact. The Chinese press reported several cases involving Guangdong and Fujian residents who sued officials for malfeasance and won damage awards. In Hebei a woman was awarded over \$2,000 for wrongful detention.

Amendments to the Criminal Procedures Law enacted by the National People's Congress in March, and effective January 1, 1997, are designed to address some of the problems related to detention. During the year, the Government initiated efforts to educate the Chinese legal community on the nature and function of the new amendments. Human rights activists and legal scholars in China and abroad acknowledged the positive reforms introduced by the new law, but they noted that they do not fully bring Chinese criminal procedure practices into conformity with international standards and may be difficult to implement. The amendments do not apply retroactively.

Because the Government tightly controls information, it is impossible to estimate accurately the total number of people subjected to new or continued arbitrary arrest or detention. Nevertheless, Procurator

General Zhang Siqing reported in March to the NPC that during 1995 the Supreme Procuratorate investigated 4,627 illegal detention cases. These figures likely include illegal detentions of those involved in commercial disputes as well as those detained for other reasons. Local officials and business leaders frequently conspire to use detentions as a means of exerting pressure in commercial disputes. In June the Chief Procurator of Hebei province reported that 600 persons were rescued in 345 cases of illegal hostage-taking in 1995. Such incidents often involve commercial disputes. There were similar cases involving detained foreign businessmen whose passports were confiscated during business disputes. Australian businessman James Peng, whom Chinese public security officials kidnaped in Macau in 1994 and brought to China for trial, was tried in November 1994 and sentenced to a lengthy prison term in September 1995. He remained imprisoned despite continued official and unofficial appeals on his behalf.

In practice, authorities often disregarded or circumvented limits on detention by using regulations on "taking in for shelter and investigation," "supervised residence," and other methods not requiring procuratorial approval. According to Chinese legal experts, the new Criminal Procedures Law amendments are designed to eliminate taking in for shelter and investigation. Recent reforms do not affect the reeducation-through-labor system, which permits authorities to extrajudicially sentence detainees to terms as long as 3 years in labor camps. Liu Xiaobo was detained on October 8 and within hours sentenced to 3 years' reeducation through labor under this system. Numerous other dissidents, including Liu Nianchun, Zhou Guoqiang, Bishop Zeng Jingmu, Chen Longde, Zhang Lin, and Bao Ge were held in reeducation-through-labor camps in 1996.

Authorities detained political and labor activists without cause at "sensitive" times during the year and also used parole regulations to control their activities. Guangzhou authorities detained dissident Wang Xizhe for 15 days in June, ostensibly because he violated his parole by attending a family dinner in an area outside of Guangzhou City. (Wang fled the country in October, see also Section 2.d.) Wang's arrest coincided with the anniversary of the 1989 Tiananmen demonstrations. At the height of a period of increased political tension in mid-1996 between China and Japan regarding sovereignty over the Diaoyu/Senkaku islands, the Government forced longtime anti-Japanese activist Tong Zeng to depart Beijing for a 2-week trip to Gansu province.

The Government continued to impose restrictions on reentry into China by dissidents and activists (see Section 2.d.). There were no reports of the Government forcibly exiling citizens.

e. Denial of Fair Public Trial

According to the Constitution, the court system is equal in authority to the State Council and the Central Military Commission, the two most important government institutions. All three organs are nominally under the supervision of the NPC. Officials state that China's judiciary is independent but acknowledge that it is subject to the Communist Party's policy guidance. All of these state organs are given policy direction by the high-level Party Political and Legal Commission. Party and government leaders use a variety of means to direct the courts on verdicts and sentences. Corruption and conflicts of interest also affect judicial decisionmaking. Supreme Court President Ren Jianxin reported in March to the NPC that in 1995 the judiciary cited some 962 court staff members for violations of discipline and law, and 61 judicial officers received criminal penalties.

The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. Judges are appointed by the people's congresses at the corresponding level. There are special courts for handling military, maritime, and railway transport cases.

In February 1995, the NPC passed three new laws designed to professionalize judges, prosecutors, and policemen; the laws came into effect in July 1995.

In May the NPC passed a new lawyers' law designed to professionalize the legal profession. The law replaced temporary regulations adopted in 1980, 1 year after China permitted lawyers to resume the practice of law following a 20-year period when the practice of law was prohibited. The new law recognized for the first time that lawyers represent their clients, not the State. The bill also granted lawyers formal permission to establish private law firms, established educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the discipline of lawyers.

Officials often ignore the due process provisions of the law and of the Constitution. Both before and after trial, authorities subject prisoners to severe psychological pressure to confess. Defendants who fail to "show the right attitude" by confessing their crimes are typically sentenced more harshly. Criminal trials remain essentially sentencing hearings, despite official denials. Confessions without corroborating evidence are insufficient for a conviction under law, but coerced confessions are frequently introduced into evidence. International observers were especially concerned that the Government's "strike hard" anticrime campaign, which extended throughout most of the year, further encouraged law enforcement personnel to arrest, convict, and punish suspects without according full due process rights.

Under the 1979 Criminal Procedure Law, which was in effect in 1996, the authorities give accused persons virtually no opportunity to prepare an adequate defense while their cases are being investigated, the phase during which the question of guilt or innocence is essentially decided. The law provides that defense lawyers may be retained no earlier than 7 days before the trial. However, in some cases even this brief period is shortened under regulations issued in 1983 to accelerate the adjudication of certain serious criminal cases. Under the law, there is no requirement that the court appoint a defense attorney for the defendant unless the defendant is hearing impaired or a minor, although the court may appoint defense counsel if it feels an attorney is necessary. When attorneys do appear, they have little time to prepare a defense and rarely contest guilt; their function is generally confined to requesting clemency. The conviction rate is over 90 percent. The court's permission is required before the accused or his representative can interrogate witnesses, produce new witnesses, or review evidence.

The Criminal Procedure Law requires that all trials be held in public, except those involving state secrets, juveniles, or "personal secrets." Under this provision, details of cases involving "counterrevolutionary" charges have frequently been kept secret, even from defendants' relatives. The 1988 Law on State Secrets affords a ready basis for denying a public trial. There is an appeals process, but appeals generally do not reverse arbitrary or erroneous verdicts. Under the Criminal Procedure Law, persons "exempted from prosecution" by procurators may still be deemed to have a criminal record, despite the lack of a judicial determination of guilt. Such provisions can be applied in counterrevolutionary crimes as well as for ordinary criminal offenses.

Amendments to the Criminal Procedure Law, passed in March and effective January 1997, are designed to encourage adversarial criminal proceedings and thereby change the traditional practice of holding trials that have essentially been sentencing hearings. The amendments state that criminal suspects may, after being first interrogated by an investigative organ or from the day coercive measures are first taken, retain a lawyer to offer legal advice. Defense attorneys may conduct limited investigations, call defense witnesses, and argue their clients cases in open court. Moreover, courts are prohibited from treating suspects as criminals until they are convicted. Coerced confessions are expressly forbidden. The "exempted from prosecution" provision is barred. Throughout 1996 scholars and government officials took steps to educate legal, procuratorate, and court personnel about these amendments.

Government officials state that China has an insufficient number of lawyers to meet the country's growing needs. A key element in Justice Ministry efforts to encourage legal reform is a plan to have 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by the year 2000. Minister of Justice Xiao Yang stated in January that China currently has 89,000 lawyers, 16,548 notarial personnel, and more than 100,000 grassroots legal service workers. China has more than 7,200 law firms including 73 foreign law offices. In many cities, lawyers are organizing private law firms outside the framework of established government legal offices. These firms are self-regulating and do not have their personnel or budgets determined directly by the State. A foreign press report quoted Justice Ministry officials as stating that there were approximately 1,000 such firms in early 1995. Only a small percentage of lawyers practice criminal law. Political dissidents have frequently found it difficult to find an attorney willing to handle the most sensitive political cases. One explanation for the problem is that authorities have retaliated in the past by revoking the legal licenses of lawyers representing such defendants. Like other citizens, many defense lawyers still depend on an official work unit for employment, housing, and other benefits. Some lawyers are therefore reluctant to be seen as overzealous in representing certain defendants.

The impact of the lack of due process is particularly egregious in death penalty cases. China's 1979 Criminal Code contained 26 crimes punishable by death; 1995 legislation raised this number to 65, including financial crimes such as counterfeiting currency, passing fake negotiable notes and letters of credit, and illegal "pooling" of funds. In May the Supreme Court called for wider use of capital punishment, including in the case of crimes that result in death. It stated that persons whose crimes result in death should be punished by death regardless of extenuating circumstances or lack of a prior criminal record. National figures on the number of executions are not available, but in 1996 it has been estimated that several thousand executions were carried out. The Chinese press confirms that large numbers of speedy executions were carried out in 1996 as part of the "Strike-Hard" national anticrime campaign. A high court nominally reviews all death sentences, but the time between arrest and execution is often a matter of days, and reviews have consistently resulted in a confirmation of sentence. In June the Jilin Provincial Court held a news conference to report that, during a crackdown on crime in the preceding month, provincial authorities held 46 public rallies to "sternly and rapidly" sentence serious criminals. Defendants sentenced included three persons who were caught, tried, and executed within 10 days after they allegedly looted a car, and within 7 days of their arrest. In February the Shanghai Municipal No. 1 Intermediate Court held three separate rallies within 2 days to sentence and execute 18 criminals found guilty of murder, robbery, or other crimes. No executions for political offenses are known to have occurred in 1996.

In recent years, credible reports have alleged that organs from some executed prisoners are removed and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplant. There is no national legislation governing organ donations, but officials assert that consent is required from prisoners or their relatives before organs are removed.

Only courts can sentence prisoners to facilities managed by the criminal justice system. Justice Ministry statistics issued in January 1995 showed that China has imprisoned and released approximately 10 million prisoners since 1949; there were 1,285,000 prisoners in prisons or reform-through-labor camps at the end of 1994. Government authorities can, however, assign persons accused of "minor" public order offenses to reeducation-through-labor camps in an extrajudicial process. Terms of detention run from a normal minimum of 1 year to a maximum of 3 years. The labor reeducation committee, which determines the term of detention, may extend an inmate's sentence for an additional year. According to prison officials, 200,000 detainees were in reeducation-through-labor facilities at the end of 1995, up from 153,000 at the end of 1993. Other estimates of the number of such inmates are considerably higher.

Since 1990 defendants have been able to challenge reeducation-through-labor sentences under the

Administrative Procedure Law. While some persons have gained a reduction in or suspension of their sentences after reconsideration or appeal, in practice these procedures are not widely used, and such problems as short appeal times and lack of access to lawyers weaken their effectiveness in preventing or reversing arbitrary decisions. Liu Nianchun unsuccessfully appealed the reeducation-through-labor sentence that he received in mid-1996. Irregular appellate procedures in his case included inadequate notice of the hearing and insufficient time and resources to prepare the appeal.

Government officials deny that China holds any political prisoners, asserting that authorities detain persons not for the political or religious views they hold, but because they have taken some action that violates the Criminal Law. However, the authorities continue to confine citizens for political reasons. Perhaps thousands of political prisoners remain imprisoned or detained.

Political dissidents are often detained or charged with having committed counterrevolutionary crimes under Articles 90 through 104 of the Criminal Law. Counterrevolutionary offenses range from treason and espionage to spreading counterrevolutionary propaganda. The authorities have also used these articles to punish persons who organized demonstrations, disrupted traffic, disclosed official information to foreigners, or formed associations outside of state control. Efforts are under way, through revisions to the Criminal Law, to redefine counterrevolutionary offenses as treasonous acts designed to threaten national security, but it is not clear whether such a change would make a significant difference in how political cases are treated. Labor rights activists Li Wenming and Guo Baosheng, who were arrested in May and June of 1994 on the charge of "counterrevolutionary propaganda and incitement," were tried and found guilty in November on the more serious charge of "conspiracy" to subvert the Government for spreading information among workers about their rights. By year's end, they had not been sentenced. Of the 12 others who were indicted with Li and Guo, 2 have been sentenced to 1-year terms of reeducation through labor, 2 are being tried in Beijing, and the rest were released.

In January 1995, a Justice Ministry official said that there were 2,678 people serving sentences for counterrevolutionary crimes at the end of 1994. These figures include people convicted of espionage or other internationally recognized criminal offenses, but they do not include political prisoners detained but not charged; political or religious activists held in reeducation-through-labor camps; and persons detained or convicted for criminal offenses solely involving nonviolent political or religious activities.

The 1988 Law on State Secrets provides justification for denying a public trial. Details regarding cases falling under this provision are frequently kept secret, even from defendants' relatives. At least 14 persons were imprisoned on "state secrets" charges in 1996. In May, after being detained for exactly 1 year, dissident Li Hai was tried for stealing unspecified state secrets. Li's family was not permitted to attend the trial. In December authorities announced Li had been convicted and sentenced to a 9-year prison term for "prying into and gathering the following information about people sentenced for criminal activities during the June 4, 1989 period: name, age, family situation, crime, length of sentence, location of imprisonment, treatment while imprisoned." The verdict stated that these data constitute state secrets.

The Government released certain prisoners detained for their political or religious beliefs, including Ren Wandong, Fu Shenqi, and Zhang Xianliang. Fu and Zhang departed China in September. Others were released and then detained again. Tong Yi was released in June after serving her full sentence but was briefly detained again shortly thereafter for traveling without official authorization. Bao Tong was also released from prison in May but remained held in custody in a government facility at year's end (see Section 1.c.). Liu Xiaobo was released in January but was rearrested on October 7 and administratively sentenced to a 3-year term of reeducation through labor the next day. Many others, including Wei Jingsheng, Xi Yang, Hu Shigen, Kang Yuchun, Liu Jingsheng, Jampa Ngodrup, and Ngawang Phulchung remained imprisoned or under other forms of detention during the year. Ngawang Sangdrol, 19-year-old Tibetan nun serving a 9-year sentence for taking part in a proindependence demonstration

and for singing nationalistic songs in prison had her sentence doubled in July (see Tibet addendum).

The Government subjects many prisoners--including political prisoners--to "deprivation of political rights" even after they have served their sentences. This status explicitly limits rights of free speech and association. Former prisoners often find their status in society, ability to find employment, freedom to travel, and access to social services severely restricted. Economic reform and social change have ameliorated these problems for nonpolitical prisoners to some extent in recent years. Former political prisoners and their families, however, are frequently subjected to police surveillance and harassment and also may encounter difficulty in obtaining or keeping employment and housing. Dissident Liu Gang cited constant police harassment, his inability to work, rent an apartment, or accept help from friends as reasons for his decision to flee China in April and seek resettlement abroad. Government harassment has prevented relatives of Chen Ziming, Liu Nianchun, Qin Yongmin, and other dissidents from obtaining and keeping steady employment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Economic liberalization is creating diverse employment opportunities and introducing market forces into the economy, thus loosening governmental monitoring and regulation of personal and family life, particularly in rural areas. In urban areas, however, most people still depend on their government-linked work unit for housing, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. The work unit, along with the neighborhood committee, are charged with monitoring activities and attitudes, although these institutions have become less important as means of social or political control in urban areas.

Although the law requires search warrants before security forces can search premises, this provision is often ignored in practice. In addition the Public Security Bureau and the Procuratorate issue warrants on their own authority.

The 1982 Constitution states that "freedom and privacy of correspondence of citizens are protected by law." In practice, however, authorities frequently monitor telephone conversations, fax transmissions, electronic mail, and Internet communications of foreign visitors, businessmen, diplomats, residents, and journalists as well as Chinese dissidents, activists, and others. Authorities also open and censor domestic and international mail. In March Procurator General Zhang Siqing reported to the National People's Congress that in 1995 the Supreme People's Procuratorate investigated 1,739 cases of illegal searches of residences or surveillance and 87 cases of hindering postal and telecommunications and encroaching on freedom of communications. Government security organs monitor and sometimes restrict contact between foreigners and citizens, particularly dissidents. Rules implementing the State Security Law define as a violation of the law "activities of individuals outside the country (including non-Chinese citizens resident in China) who disregard dissuasion and meet with personnel in the country who have endangered state security or who are seriously suspected of endangering state security."

The Government encouraged expansion of Internet and other communications infrastructure. The Ministry of Posts and Telecommunications licensed more than 20 companies as "agents" authorized to offer Internet access, and access is becoming easier. There are no reliable statistics on the number of Chinese Internet users, but the number in Beijing alone is thought to exceed 10,000. Nevertheless, authorities dedicated increased attention and resources to efforts to control Internet content and usage. In January authorities issued regulations requiring Internet users to register and sign a vaguely worded pledge not to use the Internet to endanger security. In September the Government blocked access to more than 100 news sites on the World Wide Web, including many Chinese language sites in Hong Kong and Taiwan and the sites of major Western news organizations. Sites hosted by dissidents were also blocked. During the year, China's Ministry of State Security was tasked with controlling material on

line. Regulations allegedly adopted to preserve public security were used to implement Internet censorship.

In April the Government issued regulations requiring foreign wire service providers of economic information and financial market data to register, pay substantial fees, and face penalties for the transmission of information deemed "harmful to Chinese national interests." Providers were further required to provide equipment allowing Chinese authorities to simultaneously monitor information provided to customers. All operations, customers, and contracts also were subject to government preapproval. Foreign wire services in China strongly protested and began discussions with the authorities to resolve concerns over the nature and scope of the new regulations. No foreign wire service had completed registration procedures by the end of the year.

The authorities continue to jam Voice of America (VOA) broadcasts, but the effectiveness of this interference varies considerably by region, with audible signals of VOA and other broadcasters reaching most parts of China, including the capital. The British Broadcasting Corporation monitoring service noticed in May that the government-owned China Radio International (CRI) was using English-programming purchased from an Australian entertainment company to jam the "Voice of Tibet," a Tibetan dissident radio station which is produced outside China.

Radio Free Asia began operation in Chinese in September and in Tibetan in December. Reception has been good to fair, and there are no reports of jamming.

The Government continued to implement comprehensive and highly intrusive one-child family planning policies first adopted in the late 1970's. The State Family Planning Commission formulates and implements government policies with assistance from the Family Planning Association, which has 83 million members in 1.02 million branches. China's population policy most heavily affects ethnic Han Chinese in urban areas. Urban couples seldom obtain permission to have a second child. Exceptions are allowed for many of the 70 percent of Han who live in rural areas, and ethnic minorities are subject to less stringent population controls. In special circumstances, minorities in some rural areas are permitted to have as many as four children.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. Rewards for couples who adhere to the policy include monthly stipends and preferential medical and educational benefits. Disciplinary measures against those who violate the policy include fines, withholding of social services, demotion, and other administrative punishments that sometimes result in loss of employment. Penalties for excess births can be levied against local officials and the mothers' work units providing multiple sources of pressure. Fines for giving birth without authorization vary, but they can be a formidable disincentive. In Fujian, for example, the standard fine has been calculated to be twice a family's gross annual income or twice the calculated average income of rural families with no quantifiable cash income; additional, unauthorized births incur fines assessed in increments of 50 percent per child. In Guangzhou the standard fine is calculated to be 30 to 50 percent of 7 years' income for the average resident. Unpaid fines have sometimes resulted in confiscation or destruction of personal property. There were also reports that teams of village officials expelled women and their families from their homes and then destroyed the houses.

According to a 1995 government white paper, more than 200 million married couples of childbearing age, or about 80 percent of all couples in that age group, use contraception. The Government does not authorize the use of force to compel persons to submit to abortion or sterilization, but officials acknowledge that there are instances of forced abortion and sterilizations. Officials maintain that, when discovered, the responsible officials are disciplined and undergo retraining, but they have not

provided any data or examples to verify this assertion. Officials admit, however, that more severe punishment is rare. The State Family Planning Commission has limited ability to punish lower level offenders. Individuals can sue officials who have exceeded their authority in implementing family planning policy, but there are no known successful suits on these grounds.

Poor supervision of local officials who are under intense pressure to meet family planning targets results in instances of abuse, including forced abortion and sterilization. During an unauthorized pregnancy, often a woman is visited by family planning agents and pressured to terminate the pregnancy. There were credible reports that several women were forced to undergo abortions of unauthorized pregnancies in Fujian. The press sometimes reports instances of abuse. For example, a newspaper in Shenyang reported that family planning agents convinced a woman, 7-months pregnant, to take "appropriate measures." A well-documented incident of a 1994 forced 8-month abortion has been reported in the coastal province of Guangdong. A 1995 incident involving a forced sterilization was also reported in Guangzhou.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, some families have used ultrasound to identify female fetuses. Use of ultrasound for this purpose is specifically prohibited by the new Maternal and Child Health Care Law, which calls for punishment of medical practitioners who violate this provision. According to the State Family Planning Commission, a handful of doctors have been charged under this law. The Chinese press has reported that the national ratio of male to female births is 114 to 100. One October 1994 survey of births in rural areas put the ratio as high as 117 male births to 100 female. The statistical norm is 106 male births to 100 female. Official statistics may exclude many female births, especially the second or third in a family. Such births are unreported so that the parents can keep trying to conceive a boy. These statistics also probably reflect, however, the abuse of sonography and the termination of pregnancies based on the sex of the fetus. Female infanticide or neglect of baby girls may also be a factor in some areas.

The Maternal and Child Care Law, which came into effect in June 1995, calls for premarital and prenatal examinations to determine whether couples have acute infectious diseases, certain mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health, not the State Family Planning Commission, implements the law, which mandates abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent to procedures (see also Section 5). At least five provincial governments have implemented regulations seeking to prevent people with severe mental disabilities from having children.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that freedom of speech and freedom of the press are fundamental rights enjoyed by all citizens, the Government interprets the Communist Party's "leading role" as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic Communist Party doctrine providing for a Socialist state under the party's leadership. During the year the Government and party further intensified control over expression of unauthorized political views. The formal charges brought against dissident and prodemocracy advocate Wang Dan were based on public criticisms of the Government. These criticisms together with his publication of articles and his activities in support of democracy advocates resulted in his November conviction and sentence to 11 years in prison, a much harsher sentence than he received for his prodemocracy activities in 1989. The case was not reported in the Chinese language press. Liu

Nianchun, who was denied permission in 1994 to register the Association for Protection of Labor Rights, was sentenced in July to 3 years' reeducation through labor after having been held in detention since his 1995 arrest for involvement with a prodemocracy petition drive (see Section I.d.).

The party and the Government continue to control print and broadcast media and compel them to propagate the current ideological line. All media employees are under explicit, public orders to follow CCP directives, and to "guide public opinion" as directed by political authorities. This greatly restricts the freedom of newspapers and broadcast journalists to report the news. Both formal and informal press guidelines continued to require reporters to avoid coverage of sensitive subjects and to protect "state secrets." Under the State Security Law, state secrets are broadly defined, and interpretation of the law is left to the Ministries of State Security and Public Security.

In June authorities fired the director of the Beijing Youth Daily after the newspaper printed a factual story about the poisoning deaths of three children who drank "Wahaha," a popular beverage produced by a state-owned enterprise. The Party Propaganda Department also forced all those involved with publishing the article to engage in self-criticism, a move that highlighted the absence of laws protecting journalists and consumers. After the fall Communist Party plenum the Propaganda Department reportedly issued a directive forbidding the publication of negative stories, including any major cases of corruption and unrest. It also censored several authors and called for strict supervision over articles on the reversion of Hong Kong. Shanghai customs officials impounded the May 21 editions of the International Herald Tribune and the Asian Wall Street Journal because they carried reports and pictures of the Lee Teng-hui inauguration in Taiwan. Shanghai officials also expurgated foreign English-language newspapers and clamped down on "Hong Kong" style political magazines. Government regulators permit transmission of Hong Kong television broadcasts to Guangzhou but occasionally censor program content.

A Western press report stated that 38 newspapers have been shut down since 1994 either due to poor management or "political problems." According to reports other papers and magazines have been shut down for publishing sensitive articles on the plight of state farms, the cultural revolution, and debates on Deng Xiaoping's reform program.

Articles published by foreign journalists are monitored. The Government has withheld visas from journalists who have written stories critical of China. Foreign journalists working in China have also been subjected to surveillance and, on occasion, harassment. French journalist Christine Ockrent, who visited China in July, was prevented from meeting with any Chinese dissidents and was under surveillance by a team of more than 10 plainclothes officials.

Despite these government controls, uncontrolled information about the nation is flowing into China at an increasing rate. Residents in Guangdong and other parts of southern China have access to Hong Kong television programs and newspapers. Throughout China, a lively tabloid sector continues to flourish. Radio talk shows remain popular, and, while generally avoiding politically sensitive subjects, they provide opportunities for citizens to air grievances about public issues. Despite licensing requirements, a small but rapidly growing segment of the population has access to satellite television broadcasts and most sites on the Internet. Most citizens have the means to own and use shortwave radios, and the Government does not place any restrictions on their use.

Fierce competition and dwindling government subsidies have increased opportunities for private publishers and booksellers, but the Government moved to tighten its control over the production and dissemination of publications during the year. In 1995 the China Press and Publications Administration announced that it would limit the number of books published by controlling book registration numbers issued to officially approved publishing houses. Despite this effort, books continued to be published

through unsanctioned channels.

Fear of government retaliation limited artistic freedom of expression. Security personnel have effectively eliminated an artist community near Beijing University at Yuanmingyuan through harassment and arrests. The crackdown, which began in 1995, appeared to be the result of official irritation over the artists' antigovernment views.

The Government has continued to impose heavy ideological controls on political discourse at colleges, universities, and research institutes. In September, for example, authorities closed computer bulletin boards at universities in Beijing when students began using the Internet to urge government action in defense of Chinese sovereignty claims over the Diaoyu/Senkaku islands. As a result of official controls, many intellectuals and scholars, fearing that books or papers on political topics would be deemed too sensitive to be published, feel compelled to exercise self-censorship. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate.

b. Freedom of Peaceful Assembly and Association

While the Constitution has provisions for freedom of peaceful assembly and association, the Government severely restricts these rights in practice. The Constitution provides, for example, that such activities may not infringe upon the "interests of the State." Protests against the political system or its leaders are prohibited.

Authorities deny permits and quickly move to suppress demonstrations involving expression of dissident political views. On the June 4 anniversary of the 1989 Tiananmen crackdown, police arrested a woman who attempted to commemorate the event by leaving flowers at the Memorial to People's Heroes in Tiananmen Square. In June authorities in Shanghai prevented a Greenpeace ship on an antinuclear mission from calling at the port. In September a group of students from several Beijing universities were detained for attempting to stage a demonstration outside the Japanese Embassy. The Government tolerates some small-scale demonstrations about nonpolitical grievances, and unauthorized protests on nonpolitical subjects are not automatically disrupted. In July some 200 Beijing residents protested in front of the Beijing Municipal Office the Government's failure to provide promised housing and to pay owed factory wages. Police did not interfere with the protest, but no government officials agreed to the group's request for a meeting to discuss its concerns. Such incidents were not uncommon in Beijing and other areas during the year.

The Communist Party organizes and controls most professional and social associations. Regulations require all organizations to be officially registered and approved. Authorities can detain violators for up to 15 days and impose fines up to \$23 (RMB200). Ostensibly aimed at secret societies and criminal gangs, the regulations also deter the formation of unauthorized political, religious, or labor organizations. Political activists including Liu Nianchun and Yang Zhou, were denied permission to register their labor and human rights associations.

In March the Government cited the organizers' failure to preregister with authorities to justify a Beijing police raid of a charity banquet to raise funds for Chinese orphans. The police initially demanded that the event be canceled but relented when the organizers agreed to separate guests into subgroups, to cancel speeches by scheduled speakers, remove banners, and do no fundraising. The 447 guests in attendance included Chinese officials, foreign ambassadors, and foreign business leaders, journalists, and teachers.

c. Freedom of Religion

Although the Constitution affirms toleration of religious beliefs, the Government seeks to restrict all religious practice to closely controlled and government-sanctioned religious organizations and registered places of worship. At the annual national religious affairs conference in January religious policy was "readjusted" to emphasize harder line aspects. During the year many religious groups were subjected to increased restrictions although the degree of restriction varied significantly in different regions of China. Despite these increased restrictions, the number of religious adherents continues to grow.

The annual conference gave special attention to appointing a new generation of party loyalists to lead the work of official religious bodies and to the issue of registering unofficial religious groups. Although there is no legislation governing religious affairs, State Council regulations require all religious groups to register with government religious affairs bureaus and come under the supervision of official "patriotic" religious organizations. In 1996 some groups registered while others were refused registration. Many, however, have been reluctant to comply out of principled opposition to state control of religion or for fear of adverse consequences if they reveal, as required, the names and addresses of members and details about leadership activities, finances, and contacts in China or abroad. The campaign to shut down unauthorized groups is in the hands of the police and religious affairs officials and is being conducted concurrently with other police actions against criminals and underground separatists, prodemocracy, and labor groups. The national goal for 1996 was to register or close down all unregistered religious groups.

In 1996 police closed dozens of "underground" mosques, temples, and seminaries and hundreds of Protestant "house church" groups, many with significant memberships, properties, financial resources, and networks. Leaders of such groups, including itinerant teachers and evangelists, increasingly have been detained for lengthy investigation. There are NGO reports of deaths of detainees by beating. Some congregations have been hit with heavy fines. In Shanghai, home of the patriotic Protestant headquarters, authorities have been particularly tough.

Official Chinese media carried warnings of the "threat of religious infiltration." In August the Communist Party newspaper People's Daily said that "hostile international forces resort to ethnic and religious issues to 'Westernize' and 'split' Socialist countries and step up religious infiltration." The publication also quoted a senior Communist official as saying that religion had "interfered in government administration, judicial matters, education, and marriages."

The State Council's Religious Affairs Bureau and the CCP United Front Work Department, which are staffed by officials who rarely are religious adherents, provide "guidance and supervision" over implementation of government regulations on religion and on the role of foreigners in religious activity. Communist Party officials state that party membership and religious belief are incompatible. This places a serious limitation on religious believers, since party membership is required for almost all high-level positions in government and state-owned businesses. According to a 1995 government survey, 20 percent of Communist Party members engage in some form of religious activity. In January 1995, the CCP circulated a document to party organizations at the provincial level ordering expulsion of party members belonging to open or clandestine religious organizations. In November the People's Liberation Army Daily's report on military "spiritual civilization" stated that "it is necessary to conduct education in atheism so that they (the military) believe in science and oppose superstition. Participation in religious activities is forbidden."

After forcefully suppressing all religious observances and closing all seminaries during the 1966-76 Cultural Revolution, the Government began in the late 1970's to restore or replace damaged or confiscated churches, temples, mosques, and monasteries and allowed seminaries to reopen. According to the Government, there are now 68,000 religious sites in China and 48 religious colleges. The Government also adopted a policy of returning confiscated church property. Implementation of this

policy has varied from locality to locality. The official religious organizations administer local Bible schools, more than a dozen Catholic and Protestant seminaries, nine institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted some Catholic seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies in 1996. Unofficial churches, however, have significant problems training clergy.

The authorities permit officially sanctioned religious organizations to maintain international contacts as long as these do not entail foreign control. The January 1994 regulations codified many existing rules involving foreigners, including a ban on proselytizing by foreigners, but allow foreign nationals to preach to foreigners, bring in religious materials for their own use, and preach to Chinese at churches, mosques, and temples at the invitation of registered religious organizations. Chinese authorities strictly enforced the 1994 regulations in several cities. Some regularly scheduled expatriate religious services were shut down by police, who asserted that the meetings did not comply with regulations that require registration of religious gatherings. Meetings were subsequently allowed to resume in some cases.

Buddhists make up the largest body of religious believers in China. The Government estimates that there are 100 million Buddhists, most of whom are from the dominant Han ethnic group. The Government says that there are 9,500 Buddhist temples and monasteries in China and more than 170,000 nuns and monks. Some local authorities have called for controls on Buddhist places of worship, especially newly established sites. The Zhejiang provincial government, for example, said that from April to June, 17,900 shrines and churches, which had been illegally erected, had been "rectified" which can mean destroyed, registered, or transferred to another group. Religious shrines in other areas of China were also destroyed. In November the Guangming Daily reported that 1,600 "pagan shrines" were destroyed in Hubei province in a nationwide crackdown on superstition. The newspaper reported that the shrines covered approximately 35 acres of land and cost approximately \$700,000 to construct. The Guangming Daily reported that in November nine temples were closed in Guizhou province. In December Beijing Central Television reported that farmers had destroyed 400 temples and ancestral halls in Jiangxi province. The report stated that 200 new schools would be built on the land previously occupied by the temples. (A discussion of government restrictions on Tibetan Buddhism can be found in the addendum to this report.)

According to government figures, there are 17 million Muslims. In some areas with large Muslim populations, officials continue to restrict the building of mosques and the religious education of youths under the age of 18. Following unrest in 1990 in Xinjiang, which has a large Muslim population, the authorities issued regulations further restricting religious activities and teaching. There were several reports of unrest in Xinjiang, prompting the leadership to issue statements on the need to control religion there. During a trip to Xinjiang on September 11, Premier Li Peng said that relevant Chinese departments should "step up the control of religious affairs." Li also stated that China upholds freedom of religious belief, but added that religion "should serve the aims of socialism."

Authorities in Ningxia Hui Autonomous Region, another province with a large Muslim population, issued regulations in July 1994, forbidding religious bodies from interfering in administrative affairs, including education, marriage, and family planning. China permits Muslim citizens to make the hajj to Mecca, and the number of those making the pilgrimage has increased significantly in recent years.

The number of Christians continues to grow rapidly. However, the Government permits only those Christian churches affiliated with either the Catholic Patriotic Association or the (Protestant) Three Self Patriotic Movement to operate openly. The Government established both organizations in the 1950's to eliminate perceived foreign domination of local Christian groups.

In some areas there is tacit cooperation between official and unofficial churches, but active, unofficial religious movements are viewed as posing a challenge as well as an alternative to the state-regulated churches. The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 4 million persons registered with the official Catholic Church, although actual figures are unknown. While government officials estimate that there are about 15 million Protestant worshipers in China, other estimates indicate that there are at least 10 million people who belong to the official Protestant church, while perhaps 30 million worship privately in house churches that are independent of government control. As a result of the increase in Protestant worshipers, there has been a corresponding demand for Bibles. This year, the Government supervised the publication of about 3 million Bibles--a two-fold increase over 1995.

There was evidence that authorities in some areas, guided by national policy, made strong efforts to crack down on the activities of the unapproved Catholic and Protestant movements. Local authorities have used threats, demolition of unregistered property, extortion of "fines," interrogation, detention, and reform-through-education sentences. Unofficial religious groups have been hard hit in Beijing and nearby provinces of Henan, where there are rapidly growing numbers of unregistered Protestants, and Hebei, a center of unregistered Catholics. In Henan police closed down several hundred house churches that were part of a nationwide network claiming 10 million members affiliated with Xu Yongzhe, a religious leader who has been subjected to decades of persecution, including detention and imprisonment. In Hebei repression focused on the location of an annual spring pilgrimage to Donglu was banned this year after attracting 10,000 unofficial Catholics in 1995. Hebei's underground church seminary was also closed down.

In Jiangxi, Zhejiang, and Fujian, police reportedly raided underground masses, destroyed altars, confiscated books, roughed up congregations, and detained some worshipers. During November, according to credible reports, approximately 80 underground Catholics from Linchuan, Jiangxi province, were arrested without warrants, beaten, and jailed. One source reported that several unofficial priests "disappeared" in Shanghai and Hebei.

A Western news report said that Chinese authorities in Fujian refused in August to provide medical care for 76-year-old Catholic Bishop Zeng Jingmu, who had contracted pneumonia. Zeng has been detained since March for holding illegal church services in his home. In May Beijing police detained Fu Xiqu and his wife, Cai Bochun, for their work in establishing a Christian training center near Beijing. The couple were released in July, apparently after police could not find any evidence against them, but they were kept under close surveillance and lost their employment and housing.

Nonmainstream sects are often singled out for particularly heavy-handed treatment. In 1996 police continued to put pressure on an underground evangelical sect called the "Shouters." The Shouters sect has been deemed counterrevolutionary by the Government, and its members have been repeatedly detained, fined, and imprisoned since its establishment over 16 years ago. In August authorities arrested well-known writer Bei Cun, along with 39 others in Fujian Province, for seeking converts to the outlawed sect. In February Public Security Bureau officers in Fujian detained Zhang Ruiyu, a member of the New Testament Church, and in March arrested church member Cai Lifen.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The effectiveness of the Government's identification card system, used to control and restrict the location of individual residences within China, continued to erode. Estimates of the "floating population" of economic migrants leaving their home areas to seek work elsewhere in China range from tens of millions to as many as 100 million. This itinerant population enjoys increased economic opportunities but lacks official residence status which provides full access to social services and

education. Unless they obtain resident status, they must pay a premium for these services.

Authorities have denied some former inmates permission, under the "staying at prison employment" system, to return to their homes, a provision applicable to recidivists incarcerated in reform-through-labor camps. Those inmates sentenced to more than 5 years in reeducation-through-labor camps also may lose their legal right to return home. For those assigned to camps far from their residences, this constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities have reportedly forced others to accept jobs in state enterprises where they can be more closely supervised after their release from prison or detention.

Other released or paroled prisoners returned home but were not permitted freedom of movement. Chen Ziming, who was paroled on medical grounds in November, is confined to his home except for police-escorted visits to doctors. Bao Tong has been held in custody at a government facility in Beijing since his May release from Qincheng prison upon completion of his sentence (see also Sections 1.c. and 1.e.).

The Government routinely permits legal emigration and most foreign travel. In November the Government announced streamlined and standardized procedures for Chinese citizens to obtain exit permits. In September dissident Zhang Xianliang departed China after his release from prison earlier in the year. In the same month, authorities issued a passport to the father of Tiananmen activist Chai Ling but reportedly denied the passport application of Guangzhou dissident Wang Xizhe. Wang fled China in October (see Section 1.d.). Some have reported that their passports have been held by the Ministry of State Security.

Students wishing to go abroad still routinely were able to obtain passports. Permission for couples to travel abroad was sometimes conditioned on agreement to delay childbirth; noncompliance triggered fines for the couple or their work unit. The Government continued to use political attitudes as a major criterion in selecting people for government-sponsored study abroad, but it did not similarly control privately sponsored students, who currently constitute the majority of students studying abroad. The Government continued efforts to attract persons who have studied overseas back to China. Official media have said that people who have joined foreign organizations hostile to China should quit them before returning home and refrain while abroad from activities that violate Chinese law.

In June a Xinhua News Agency official told a journalist that Chinese border control stations generally kept background records of certain citizens so that officials could decide whether to admit them to China. The following month, a Foreign Ministry spokesman dismissed reports that China "blacklists" political activists as "sheer rumor." International observers reported in 1995 that they had documents that substantiated their claims that such lists exist. Perhaps the most prominent case of a dissident refused reentry is labor activist Han Dongfang, whose passport was revoked in 1993 because he allegedly engaged in activities hostile to China while overseas. He remains in Hong Kong. There were instances during 1996 when the authorities refused visas or entry to China on apparent political grounds. In July eight Hong Kong members of the United Front Against the Provisional Legislature, who had hoped to hand a protest petition to the authorities, were denied entry at the Beijing airport.

The Government continued to accept the repatriation of citizens who had entered other countries or territories illegally. In 1996, in addition to the routine return of Chinese illegal immigrants found in Hong Kong, the Government continued accepting the return of several groups of illegal immigrants from other countries. Citizens illegally smuggled to other countries were often detained upon their return for a short time to determine identity and any past criminal record or involvement in smuggling activities. As a deterrent and to recover local costs incurred during the repatriation, the authorities in some areas levied fines of varying amounts up to a maximum of \$1,000 on returnees. Exact amounts depended upon the extent to which returnees actively cooperated with the smugglers. Leaders of the

alien smuggling rings are sometimes fined more than \$1,000 and also face prison sentences.

Since the late 1980's, China has adopted a de facto policy of tolerance toward the small number of persons--fewer than 100 annually--from other nations who have registered with the Beijing office of the United Nations High Commissioner for Refugees (UNHCR) as asylum seekers. China has permitted these persons to stay in China while the UNHCR makes determinations as to their status and--if the UNHCR determines that they are bona fide refugees--while they await resettlement in third countries. Treatment of asylum seekers who present themselves initially to Chinese authorities is unknown. As yet China has no law or regulations that authorize the authorities to grant refugee status, but the Government is reportedly drafting working rules on granting such status.

The Government provided local resettlement to almost 300,000 asylum seekers, overwhelmingly ethnic Chinese, who left Indochina for China during the late 1970's and the 1980's. The authorities have accepted the return to China of would-be illegal emigrants to Hong Kong and Australia from among these individuals, provided that China can verify their identity and willingness to return voluntarily. China has successfully worked with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries, and it is now using the UNHCR's good offices to negotiate Vietnamese agreement to accept 9,000 persons seeking to repatriate to Vietnam. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. In recent years very few such asylum seekers have found resettlement in China.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens lack the means to change their government legally and cannot freely choose or change the laws and officials that govern them. Citizens vote directly only for party-reviewed candidates for delegate positions in county-level people's congresses and for village-level officials. People's congress delegates at the provincial level, however, are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress (NPC). NPC seats are allocated on the basis of 1 per 220,000 urban residents and 1 per 880,000 rural residents. Although the CCP approves the candidates, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the 1982 Constitution, the NPC is the highest organ of state power. Formally it elects the President and Vice President, selects the Premier and Vice Premiers, and elects the Chairman of the Government's Central Military Commission. At the 1996 session of the NPC nearly 30 percent (799) of the delegates attending took the unusual step of either voting against, abstaining, or failing to vote on the Supreme People's Procuratorate work report. The Supreme Court work report received 514 negative votes. Most observers interpret these votes as expressions of delegate unhappiness about the problems of crime and corruption. The NPC has not in practice demonstrated the power to set policy or remove government or party leaders.

The election and agenda of people's congresses at all levels remain under the firm control of the Communist Party, the paramount source of political authority in China. A number of small "democratic" parties that date from before the Communist takeover in 1949 play only a minor consultative role, and they pledge their allegiance to the Communist Party. The party retains a tight rein on political decisionmaking. Efforts to form new political parties are suppressed.

Direct elections for basic level or village government are legally sanctioned for all of China's approximately 1 million villages. Foreign observers estimate that more than 80 percent of these villages have already participated in elections for local leaders. Although many have yet to hold truly

competitive elections, central government officials have expressed their intent to further expand the competitive election process, and efforts to make these elections more competitive and fair continued. Successful village elections have included campaigning by multiple candidates, platforms, and the use of secret ballots. The Ministry of Civil Affairs, which administers the village election program, plans to set up an election training center in Beijing that will train local and provincial officials to teach others the basic techniques of running democratic elections. In some cases, candidates most favored by the authorities were defeated in village elections. Although there have been reports of "vote buying" in some locales, elections have reportedly reduced corruption and brought better management to some villages. Many local observers do not, however, take village elections seriously. Political controls are tight, and village elections do not threaten to undermine implementation of unpopular central policies or endanger the leading role of the Communist Party.

The official requirement that associations register and be approved discourages independent interest groups from forming and affecting the system. Social organizations registered in recent years include groups promoting environmental protection, consumer rights, charitable work, and the rights of the disabled, but the Government monitors their activities to ensure that they remain apolitical. Political activities are quickly suppressed. Liu Xiaobo, Wang Xizhe, and other activists submitted proreform petitions to government authorities. Liu was arrested in October and sentenced in a matter of hours to 3 years at a reeducation-through-labor camp. Shortly thereafter, Wang escaped China and is now living abroad.

The Government places no formal restrictions on the participation of women or minority groups in the political process. The Government and party organizations include approximately 12 million female officials. In September the press reported that women and ethnic minorities constituted 21.03 percent and 14.7 percent of National People's Congress delegates, respectively. All of China's 56 nationalities are represented in the NPC membership. Women and minorities, however, hold relatively few positions of significant influence within the party or government structure. There are currently no women in the Politburo, but women hold 3 out of 41 ministerial-level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent Chinese organizations that publicly monitor or comment on human rights conditions in China. Shanghai officials, for example, have refused to register the Chinese Human Rights Association. Founders of the group were detained, but it is not clear whether their detentions resulted solely from their involvement in the group. The detention or incarceration of all active, prominent human rights activists confirms the Government's intolerance of such groups. For example, Wang Dan--the Tiananmen-era activist who announced in 1994 his intention to investigate China's human rights situation--was sentenced to 11 years' imprisonment in October after having been held in incommunicado detention for 17 months.

Since 1991 the Government has promoted limited academic study and discussion of concepts of human rights, although activity in these areas has been less frequent since 1994. In 1993 the Government formed the China Society for Human Rights Studies as a "nongovernmental organization." Its efforts have focused largely on improving China's image abroad and responding to criticism of China's human rights record. The Society was widely regarded as the author of a March commentary published in various official newspapers and magazines entitled "A Comparison of Human Rights in China with Those in the United States." The article purported to refute alleged U.S. "distortions" of China's human rights record while arguing that China's human rights performance was better than that of the United States. In March the State Council's Information Office issued a White Paper entitled "Safeguarding Human Rights or Interfering in Internal Affairs of China," which criticized foreign criticism of China's

human rights record.

In September the Government hosted a meeting of the Interparliamentary Union (IPU), an international organization of legislators. China played a role in efforts to draft an IPU human rights resolution, displayed greater openness on human rights issues, and agreed to a final resolution text that recognized the universality of human rights. Despite this public acknowledgment of universal human rights principles, however, Chinese officials reject in theory the universality of human rights. They argue instead that a nation's political, economic, and social system and its unique historical, religious, and cultural background determine its concept of human rights.

The Government remains reluctant to accept criticism of China's human rights situation by other nations or international organizations and often criticized reports by international human rights monitoring groups. To deflect attempts to discuss its human rights record, the Government strongly opposed and vigorously lobbied against a resolution on China's human rights record at the 1996 session of the U.N. Commission on Human Rights (UNHRC). The Government also introduced a procedural motion, as it has every year the resolution is introduced, to take no action on the resolution. The motion was passed by the Commission, and the resolution was not debated by the Commission.

Nevertheless, officials no longer dismiss all discussion of human rights as interference in China's internal affairs. Chinese authorities continued to discuss human rights issues with foreign governments during bilateral visits. The Government sought to limit the Dalai Lama's influence by threatening leaders of several nations with serious diplomatic and economic consequences if they met with him (see Tibet addendum). China's displeasure with those who cosponsored the UNHRC resolution in April led it to refuse some foreign governments' requests to hold a human rights dialog.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There are laws designed to protect women, children, the disabled, and minorities. In practice, however, societal discrimination based on ethnicity, gender, and disability has persisted. The concept of a largely homogeneous Chinese people pervades the thinking of the Han majority.

Women

Violence against women can be grounds for prosecution under the law. Nationwide statistics on the extent of physical violence against women are not available, but the public discussion of the establishment of abuse hot lines and women's centers has focused attention on the problem. In April 1995, the Chairman of the China Academy of Management Science Institute of Women's Studies stated that domestic incidents have become both more violent and more frequent in recent years. In 1994 the Beijing Society for Research on Marriage and the Family published a survey of 2,100 families showing that one-fifth of the wives surveyed had been abused by their spouses.

In recognition of the seriousness of spousal abuse, some areas took measures to address the problem. In February the city of Changsha, Hunan province, implemented China's first provincial regulation on controlling and preventing family violence. The regulation called on grassroots governments and party committees to assist efforts to decrease domestic violence. In March a women's legal hot line was set up in Beijing to provide legal advice for women who cannot afford regular attorneys' fees. In May Shanghai opened its first shelter for battered women. A women's legal center, which was opened near Beijing in 1995, was active in educating women about their legal rights and offering free or inexpensive legal aid to women and children in need and unable to escape family violence and abuse. The women served were poor, uneducated rural women. Some were not even aware that they could leave home without their

husband's permission. The center has been highly successful and has developed a cooperative relationship with police, who have started bringing battered women to the center.

No statute outlaws sexual harassment in the workplace, a problem that is often unaddressed in society and the legal system. A 1996 case highlighted the obstacles that victims of sexual harassment and abuse face in Chinese courts. A woman who complained to peers about sexual harassment by her boss, was sued by him for criminal defamation, found guilty, fined, and sentenced to 2 years in prison. She served 7 months of her sentence before an appeal to a provincial supreme court reversed the decision in her case and found her innocent.

The increased commercialization of sex and related trafficking in women has trapped tens of thousands of women in a cycle of crime and exploitation. These women face a high risk of drug addiction, AIDS, and other sexually transmitted diseases. According to media reports, 80 percent of Beijing's massage parlors offer sex service. In July the Beijing municipal government announced a crackdown on massage parlors in the capital, but the long-term effectiveness of the crackdown on this lucrative business, which involves organized crime groups, businesspeople, and even the military is uncertain. Unsafe working conditions are rampant among the saunas, massage houses, and hostess bars that have sprung up in large numbers.

The abduction of women is a serious and growing problem. The Government continued to condemn and to take steps to prevent and punish the abduction and sale of women for marriage or prostitution. The press reported in March that 10 Xinjiang farmers, who were part of a gang, were convicted for abducting and selling as many as 75 women. In June, 24 gang members from Guangdong province were arrested for allegedly abducting and selling 230 young women in southern China. According to figures announced by the Ministry of Public Security in January 1994, there were over 15,000 cases of abduction and trafficking in women and children in 1993. In October police broke up China's largest female abduction racket, arresting 62 alleged traffickers and freeing 344 young women after a gunfight in the small village of Maoyanghao in Anhui province. According to a Chinese media report, more than 80 percent of the village's population was implicated in supporting the racket. The group had sold girls as young as 12 years old. In November police arrested 61 kidnapers in Fujian province and set free 79 women and children in a raid.

Some research indicates that a key reason for the abduction and sale of women is a serious imbalance in sex ratios in certain localities. Male/female birth ratios and the traditional preference for boys contribute to this situation (see Section I.f.). This has created a situation where the demand by men for marriageable women cannot be met by local brides. Some families address the problem by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished.

The authorities have enacted laws and conducted educational campaigns in an effort to eradicate the traditional preference for sons; however, this preference remains strong in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents by establishing or improving pensions and retirement homes.

The 1982 Constitution states that "women enjoy equal rights with men in all spheres of life," including ownership of property, inheritance rights, and access to education. In 1992 the NPC enacted legislation on the protection of the rights and interests of women, which was designed to assist in curbing gender-based discrimination. Women have continued, however, to report discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies.

Women are also sometimes the unintended victims of reforms designed to streamline enterprises and give workers greater job mobility. The press reported that, according to a 1995 survey by the Women's Research Institute of the Chinese Academy of Management Science, women constituted 70 percent of persons fired or likely to be fired as a result of restructuring unprofitable state enterprises. Women under the age of 35 or over the age of 45 were the most affected, and the least likely to be retrained. In addition, female employees were more likely to be chosen to take pay cuts when a plant or company was in financial trouble.

Many employers prefer to hire men to avoid the expense of maternity leave and child care, and some even lower the effective retirement age for female workers to 40 years of age. (The official retirement age for men is 60 years and for women 55 years.) Although the law promises equal pay for equal work, a 1990 survey found that women's salaries averaged 77 percent of men's. Those statistics still appear to be accurate. Most women employed in industry work in lower skilled and lower paid jobs.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small number of Chinese who receive a university-level education. In 1994, 830,000 Chinese graduated from undergraduate institutions. According to the State Education Commission, women made up 35.6 percent of college students and 30.3 percent of postgraduate students. Educators in China's large cities have reported, however, that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments, women are beginning to outnumber men--even in some graduate schools. However, women with advanced degrees report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive.

In March the Government outlined its 5-Year Plan for the Advancement of Women in China. The main priority is to increase literacy of rural women, 80 percent of whom are illiterate or nearly illiterate. Overall, women make up about 70 percent of illiterates in the country. The All-China Women's Federation, the country's largest organization devoted to women's issues, stated that one of the goals of the plan was to decrease the number of female illiterates by 3 million every year. Some Chinese women's advocates, however, were skeptical that the goal could be realized because of a lack of resources.

Children

According to a government white paper on children released in April, "The Constitution of China...promotes the all-around moral, intellectual and physical development of children and young people," and prohibits maltreatment of children. The white paper also states that "China's legal framework for the protection of children's rights and interests and its social guarantee mechanisms are effective in practice." China ratified the United Nations Convention on the Rights of the Child in 1995.

The Constitution provides for 9 years of compulsory education for children (see Tibet addendum). The extensive health care delivery system has led to improved child health and a sharp decline in national infant mortality rates. According to the April Child Welfare White Paper, the infant mortality rate has decreased to 37.79 per 1,000 from approximately 200 per 1,000 in the early 1950's. There were credible reports of female infanticide and the use of ultrasound tests to terminate pregnancies of female fetuses, but no reliable statistics were available to demonstrate the extent of the problem. The Chinese press has reported in the past that the national ratio of male to female births is 114 to 100, while the worldwide statistical norm is 106 to 100 (see Section I.f.).

Physical abuse of children can be grounds for criminal prosecution. The 1992 Law on the Protection of

Juveniles forbids infanticide, as well as mistreatment or abandonment of children. This law also prohibits discrimination against disabled minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. In January the press reported that a couple in Dongguan was fined the equivalent of a month's wages for abandoning their newborn son at a hospital; the child was born with a deformed liver, kidneys, and intestines.

Despite government efforts to prevent the kidnaping and buying and selling of children, the problem persists in some rural areas. In March 1995, authorities in Guangxi province reported that, as a result of three campaigns in the past 2 years against trading of children and women, police arrested 3,886 criminals, smashed 595 criminal gangs, and released 134 children and 2,861 women. In December 1995, the press reported that six boys, some of whom were taken from their parents soon after birth, were returned from central Henan province to their original families in neighboring Sichuan province (see also section on Women above).

According to a 1994 Beijing University demographics study, the number of children abandoned in China each year is approximately 1.7 million, despite the fact that under the law child abandonment is punishable by fines and a 5-year prison term. The vast majority of those eventually admitted to Chinese orphanages every year are female or disabled and are in poor health. The treatment of children at orphanages varies from deplorable to adequate. There have been reports of children being restrained for long periods of time and being denied basic care and feeding. Differences among available statistics make accurate determination of infant mortality rates in orphanages difficult, but rates appear to be very high at many orphanages, especially among new arrivals. Human Rights Watch cites Ministry of Civil Affairs statistics for 1989-90 that put infant mortality in orphanages in 10 provinces at over 50 percent.

According to several sources, orphanage workers practice triage and reserve basic medical care and even nutrition for children who are deemed to have the best chances for survival. Some sources report that children whose prospects of survival are determined to be poor are placed in rooms separate from other children and subjected to extreme neglect. Claims that government policies, as opposed to lack of resources, were to blame for the lack of care of children placed in orphanages could not be verified. Human Rights Watch reported in January, however, that many orphanages, including those with the highest death rates, have budgets that provide for adequate wages, bonuses, and other personnel-related costs, but that budgets for children's food, clothing, and other necessities are low in institutions throughout the country. The Government denies that orphans are mistreated or refused medical care but acknowledges that the orphanage system is hard pressed to provide for those children who are admitted with serious medical problems.

People with Disabilities

In 1990 the Government adopted legislation protecting the rights of the country's approximately 60 million disabled persons. According to the official press, all local governments subsequently drafted specific measures to implement the law. The Government reported in July that, in the 3 preceding years, the NPC Standing Committee conducted nationwide inspections to verify compliance with the law; it "found that the handicapped generally received good services and help in both their dealings with officials and in public life."

However, reality for the disabled lags far behind legal dictates. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems for the disabled population. Moreover, statistics compiled in 1993 and published in the official press as recently as March show that approximately 50 percent of the disabled lack adequate food and clothing. The same figures show that 68 percent of the disabled are illiterate; 67 percent require family support; 49 percent are unemployed; only 6 percent of blind and deaf children enter school; and only 0.33 percent of mentally retarded

children enter school.

Deng Pufang, son of retired senior leader Deng Xiaoping, heads the China Welfare Fund for the Handicapped, the government organization tasked with assisting the disabled. In July the official press reported that the State Council had completed the outline of a government program for the disabled. The program, which is a part of the Government's ninth 5-year plan for 1996-2000, is designed to solve food and clothing problems for the 15 million disabled persons able to work, and to guarantee the basic needs of 3 million disabled individuals believed to be living in extreme poverty. The program also confirms goals previously established to provide rehabilitation services to 3 million people, raise school enrollment rates for disabled persons to 80 percent, and increase their employment rate to 80 percent. The Government requires all state enterprises to hire a certain number of disabled workers, but authorities estimate that nearly half of all disabled persons are jobless.

Standards adopted in 1994 for making roads and buildings accessible to the disabled are subject to the 1990 Law on the Handicapped, which calls for their "gradual" implementation. To date lax compliance with the law has resulted in only limited access to most buildings.

The new Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. This law mandates premarital and prenatal examination for genetic or contagious diseases, but it specifies that medically advised abortion or sterilization requires the signed consent of the patients or their guardians.

National/Racial/Ethnic Minorities

The State Statistical Bureau reported in February that, according to an October 1, 1995, census, the total population of China's 55 ethnic minorities was 108.46 million, or 8.98 percent of the national population. Most minority groups reside in areas they have traditionally inhabited, many of which are mountainous or remote. China's policy on minorities calls for preferential treatment in marriage regulations, family planning, university admission, and employment. The Government has programs to provide low interest loans, subsidies, and special development funds for minority areas.

Government development policies have helped improve minority living standards in recent years. According to government statistics, between 1991 and 1995 the economies in minority regions grew by 11 percent annually. However, incomes for members of minorities in minority areas remain well below the national average. Development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Uighur majority of western Xinjiang. Recent plans to develop tourism in Xinjiang have often, for example, focused on marketing and investment opportunities but paid little attention to how minority cultures and the environment might be adversely affected. However, some projects have been dropped for environmental reasons, for example, a proposal to build a railroad track around Lake Tianchi near Urumqi.

In the area of education, the Government has tried to design policies responsive to minority concerns. According to government statistics, 15.34 million minority students have attended schools since 1994. In many areas with a significant population of minorities, there are two-track school systems using either standard Chinese or the local minority language. Students can choose to attend schools in either system. One acknowledged side effect of this policy designed to protect and maintain minority cultures has been reinforcement of a segregated education system. Under this divided education system, those graduating from minority schools are at a disadvantage in competing for jobs in government and business, which

require good spoken Chinese. These graduates must take Chinese-language instruction before attending universities and colleges (see also Tibet addendum).

The Communist Party has an avowed policy of boosting minority representation in the Government and the party. In March the official press reported that there were 2.4 million minority cadres. Many members of minorities occupy local leadership slots, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political and decisionmaking power. Minorities often resent Han officials holding key positions in minority autonomous regions. Ethnic minorities in Tibet, Xinjiang, and elsewhere have at times demonstrated against Han Chinese authority.

In 1996 tensions between ethnic Hans and Uighurs in Xinjiang intensified, and incidents of violence occurred. According to some estimates, the migration of ethnic Han into the area in recent decades has caused the Han-Uighur ratio in Urumqi to shift from 20:80 to 80:20 and has created Uighur resentment. Chinese officials' control of the region's political and economic institutions has also been a factor in the growth of tension. Although Chinese policies have brought tangible economic improvements, Uighurs maintain that they receive only a small share of the benefits. Authorities have maintained tight control over separatist activities. Possession of separatist publications is not permitted, and according to reports, possession of such materials has resulted in lengthy prison sentences. In general, central authorities have made it clear that they will not tolerate opposition to Communist Party rule in minority regions and have responded to unrest with force and heightened security measures.

Section 6 Worker Rights

a. The Right of Association

The 1982 Constitution provides for "freedom of association," but qualifying language makes it clear that this right is subject to the interests of the State and the leadership of the Communist Party. The country's sole officially recognized workers' organization, the All-China Federation of Trade Unions (ACFTU), is controlled by the Communist Party. Independent trade unions are illegal. Although ACFTU officials recognize that workers' interests may not always coincide with those of the Communist Party, the ACFTU's primary goals and functions remain to improve labor discipline, mobilize workers to achieve party and government objectives, and to dispense social welfare funds. The 1993 Trade Union Law required that the establishment of unions at any level be submitted to a higher level trade union organization for approval. The ACFTU, the highest level organization, has not approved the establishment of independent unions. Attempts to form or register independent unions have been severely repressed.

The ACFTU's primary attention remains focused on state-sector workers. The Trade Union Law mandates that workers may decide whether to join the union in their enterprise. By official estimate, approximately 8 percent of workers in collective and state-owned enterprises have chosen for their own reasons not to join. There have been no reports of repercussions for workers who have not joined ACFTU unions. Diversification in types of enterprises over the last decade of reform has vastly increased the number of workers outside the traditional sphere of the ACFTU.

Over half of China's nonagricultural work force is now largely unorganized and outside the state industrial structure, employed in collectives, township and village enterprises, private and individual enterprises, and foreign investment enterprises. In township and village enterprises, one of the fastest growing sectors of the economy, only a tiny percentage of workers are organized in ACFTU affiliates. Workers in companies with foreign investors, even when such companies are located in special

economic zones (SEZ's), have the right to form unions provided that the unions are affiliated with the ACFTU. The ACFTU estimates that, as of the end of 1995, 91 percent of foreign investment enterprises had union branches. Anecdotal evidence, however, indicates that union influence in such enterprises is weak.

Credible reports indicate the Government has attempted to stamp out illegal union activity. Veteran labor activist Liu Nianchun, who was detained in May 1994 after he tried to register the "League for the Protection of the Rights of the Working People," and again in May 1995 after he had signed a petition calling for labor rights, was sentenced to 3 years of reeducation through labor in July. Labor rights activist Li Wenming and Guo Baosheng were tried in November but by year's end had not yet been sentenced (see Section 1.e.).

In March 1994, a petition calling for workers to have "freedom from exploitation," the right to strike, and the right to organize nonofficial trade unions was circulated in Beijing. The authorities detained Zhou Guoqiang, Yuan Hongbing, and Wang Jiaqi after they presented the petition. Zhou is an associate of Han Dongfang, the leader of the Beijing Autonomous Workers' Federation. Zhou was sentenced in September 1994 to 3 years' reeducation through labor, although the charges against him were reportedly not linked to the petition. According to reports, he was sentenced in 1995 to a fourth year for an alleged escape attempt. Accurate figures are not available on the number of Beijing Autonomous Workers' Federation detainees still being held for their participation in the 1989 Tiananmen Square demonstrations.

The Government was cited by the International Labor Organization (ILO) during 1996 for its failure to protect the human and trade union rights of Chinese seafarers serving on foreign-flag ships (ILO complaint number 1819). The case stemmed from a complaint brought against China by the International Confederation of Free Trade Unions (ICFTU) in January 1995, regarding the Government's arrest of Chinese seafarers who had requested the assistance of the International Transport Workers' Federation (ITF) to improve their wages and working conditions. The Government detained three of the seafarers for 2 1/2 years and confiscated their seamen's documentation and evidence of qualifications. The ILO's Committee on Freedom of Association (CFA) in its subsequent recommendations urged the Chinese Government to "refrain in the future from having recourse to any act of antiunion discrimination, especially the arrest and detention of Chinese seafarers who pursue their legitimate grievances through the organizations of their choice."

The right to strike, which had been included in China's 1975 and 1978 constitutions, was removed from the 1982 Constitution on the ground that the Socialist political system had eradicated contradictions between the proletariat and enterprise owners. The Trade Union Law assigns unions the role of mediators or go-betweens with management in cases of work stoppages or slowdowns. Beginning in 1993, the Ministry of Labor stopped officially denying the existence of strikes, but strikes are still not officially sanctioned, and accurate statistics on strike incidents are not available. One unofficial, yet credible 1995 estimate put the number of work stoppages at 1,870. In March 600 workers went on strike to protest unpaid back wages and excessive overtime at a joint venture hardware manufacturing factory in the Shenzhen SEZ. In Wuhan, according to reports, unemployed workers have repeatedly staged sit-down protests in front of the entrances of the Wuhan government and Hubei provincial government offices. Six hundred people participated in the largest demonstration.

A dispute settlement procedure has been in effect since 1987. The procedure provides for mediation, two levels of arbitration committees, and a final appeal to the courts. According to official statistics based on National Mediation Center and Labor Bureau records, labor disputes increased by approximately 73 percent in 1995. This followed a 65 percent increase during 1994. Most cases are solved through arbitration, and very few reach the courts. According to Ministry of Labor officials, the majority of

arbitration cases are filed by contract workers or their employers. During 1995, 23,000 labor disputes were brought before arbitration committees.

There are no provisions allowing for individual workers or unofficial worker organizations to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The National Labor Law, which took effect on January 1, 1995, permits workers in all types of enterprises to bargain collectively. This law supersedes a 1988 law that allowed collective bargaining only by workers in private enterprises. The Labor Law provides for workers and employers at all types of enterprises to sign individual as well as collective contracts. Collective contracts are to be worked out between ACFTU or worker representatives and management and specify such matters as working conditions, wage distribution, and hours of work. Individual contracts are then to be drawn up in line with the terms of the collective contract. Collective contracts must be submitted to local government authorities for approval within 15 days. As of August, approximately 44 percent of China's industrial work force were officially on collective contracts.

To date, union and labor officials report the initiation of only a few experiments in collective bargaining. Official sources have explained that sufficient ideological and practical difficulties remain to preclude drawing clear distinctions between labor and capital in China's state-owned enterprise sector. According to the ACFTU, collective bargaining is being implemented first in foreign investment enterprises where capital interests are clearly delineated.

The Ministry of Labor sets a total wage bill for each collective and state-owned enterprise according to four criteria: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) for money losing enterprises, according to a state-set amount, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among workers, a decision usually made by the enterprise manager in consultation with the enterprise party chief and the ACFTU representative.

Worker congresses are authorized to review plans for wage reform, although these bodies serve primarily as rubber-stamp organizations. Wages are generally equal for the same type of work within enterprises. Incentives are provided for increased productivity. Under the National Labor Law, wages may be set according to conditions stipulated in collective contracts negotiated between ACFTU representatives and management. In practice, however, only the small number of workers with high technical skills can negotiate effectively on salary and fringe benefits.

Worker congresses theoretically have the authority to remove incompetent managers and approve major decisions affecting enterprises, notably wage and bonus distribution systems. The congresses generally, however, take place only once a year and serve essentially to approve agreements worked out among factory managers, party secretaries, and ACFTU representatives. In smaller enterprises it is not unusual to find these three posts held by the same person. The Trade Union Law prohibits antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Unionized foreign businesses generally report pragmatic relations with ACFTU representatives.

Laws governing working conditions in SEZ's are not significantly different from those in the rest of the country. Wages in the SEZ's, however, and in southeastern China generally, are significantly higher than in other parts of the country because high investment has created a great demand for available labor. As

in other areas of China, officials admit that some foreign investors in SEZ's are able to negotiate "sweetheart" deals with local partners that effectively bypass labor regulations.

c. Prohibition of Forced or Compulsory Labor

Some penal facilities contract with regular industries for prisoners to perform light manufacturing and assembly work. In 1991 the Government published a reiteration of its regulations barring the export of prison-made goods.

On August 7, 1992, the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in prison labor products. A statement of cooperation (SOC) detailing specific working procedures for implementation of the MOU was signed on March 14, 1994. Although the signing of the SOC initially helped to foster a more productive relationship with the authorities, cooperation has been limited recently. In 1996 the authorities granted access to only one prison labor facility requested by U.S. Customs. Repeated delays in arranging prison labor site visits called into question the Government's intentions regarding the implementation of the MOU and SOC.

In addition to prisons and reform through labor facilities, which hold inmates sentenced through judicial procedures, the Government also maintains a network of reeducation-through-labor camps, where inmates are sentenced through nonjudicial procedures (see Section 1.e.). Inmates of reeducation-through-labor facilities are generally required to work, but the authorities assert that the facilities are not prisons and have denied access to them under the 1992 prison labor MOU with the United States. Reports from international human rights organizations and the foreign press indicate that at least some persons in pretrial detention are also required to work.

Most anecdotal reports conclude that work conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the penal system's farms and in mines can be very harsh. As in many Chinese workplaces, safety is a low priority. There are no available figures for casualties in prison industry.

d. Minimum Age for Employment of Children

The National Labor Law specifies that "no employing unit shall be allowed to recruit juveniles under the age of 16." Administrative review, fines, and revocation of business licenses of those businesses that hire minors are specified in Article 94 of the Labor Law. The law also provides for children to receive 9 years of compulsory education and to receive their subsistence from parents or guardians. Laborers between the ages of 16 and 18 are referred to as "juvenile workers" and are prohibited from engaging in certain forms of physical work, including labor in mines.

The Ministry of Labor is responsible for the enforcement of labor-related regulations. The Labor Law mandates the establishment of labor inspection corps at all administrative levels above county government. The rapid growth of the nonstate sector, however, has outpaced the evolution of government regulatory structures and resulted in inadequate labor inspection and enforcement regimes. In poorer, isolated areas, child labor in agriculture is widespread, given the few options available to minors who have completed their primary school education at approximately 13 years of age.

The vast reserve of surplus adult labor, however, minimizes the incentive to employ children. Most independent observers agree with Chinese officials that urban child labor is a relatively small problem in formal, monetized sectors of the economy. Rising dropout rates at secondary schools in some provinces and anecdotal reports suggest that children may increasingly be entering unregulated sectors of the

economy. It has been reported that the Government puts the number of children between the ages of 6 and 14 who did not attend school in 1995 between 13 and 24 million. Using this report, there is one estimate that approximately 12 million children are in the work force full time. No specific industry is identifiable as a significant violator of child labor regulations.

e. Acceptable Conditions of Work

The Labor Law codifies many of the general principles of labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. There is no national minimum wage. Rather, the Labor Law allows local governments to determine their own standards on minimum wages. In general, minimum wage level determinations are higher than the local poverty relief ceiling but lower than the current wage level of the average worker.

In December the monthly minimum wage in Beijing was raised to \$32.50 (RMB 270) from \$29. In the Shenzhen and Zhuhai SEZ's in south China, the monthly minimum wage was approximately \$48 (RMB 398). Minimum wage levels were raised in 12 provinces in December. Although these wage levels may be slightly greater than average living expenditures according to some official statistics, they would provide only a very basic standard of living for a worker and family. Minimum wage figures do not, however, include free or heavily subsidized benefits that some state-sector employers may provide in kind, such as housing, medical care, and education. In poorer, rural areas monthly minimum wage levels are as low as \$14 (RMB 120). Official government estimates put the number of people living in absolute poverty at 65 million; other estimates range to 350 million.

China reduced the national standard workweek in May 1995 from 44 hours to 40 hours, excluding overtime. The Labor Law mandates a 24-hour rest period weekly and does not allow overtime work in excess of 3 hours a day or 36 hours a month. It also sets forth a required scale of remuneration for overtime work. Enforcement of regulations regarding overtime work varies according to region and type of enterprise. The official press regularly reports cases of workers forced to work long overtime hours at small-scale foreign investment enterprises, particularly in southern China and the SEZ's. Abuses at private enterprises are sometimes also given coverage.

Occupational health and safety are constant themes of posters and campaigns. Every work unit must designate a health and safety officer, and the ILO has established a training program for these officials. Although the 1982 Constitution does not provide for the right to strike, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and participate in accident investigations. It is unclear, however, to what extent workers can actually remove themselves from such dangerous situations without risking loss of employment.

Pressures for increased output, lack of financial resources to maintain equipment, lack of concern by management, and a traditionally poor understanding of safety issues by workers have contributed to a continuing high rate of accidents. According to one official survey, 18,160 people died, and 6,005 people were injured in 1995 due to work-related accidents, a decrease from 1994. Over 10,000 of the deaths occurred as a result of mine accidents. According to the Ministry of Public Health, over 75 million workers are at risk from occupational respiratory diseases such as pneumoconiosis due to poor working conditions. Less than half of rural enterprises meet national dust and poison standards. Many factories using harmful products, such as asbestos, fail not only to protect their workers against the ill effects of such products, but also fail to inform them about the potential hazards.

Poor enforcement by local officials of occupational safety and health regulations continues to put the

lives of workers at risk. Work safety issues have, however, attracted the attention of senior government leaders. In August the National People's Congress sent seven inspection teams to various provinces to investigate poor enforcement of work safety standards and other labor abuses. The Ministry of Labor is also trying to draft a more rigorous national system of occupational health and safety standards. It is unlikely, however, that supervision of small-scale private and township and village enterprises, where many accidents occur, will improve substantially in the near future.

TIBET

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103-236. The United States recognizes the Tibet Autonomous Region--hereinafter referred to as "Tibet"--to be part of the People's Republic of China. Preservation and development of Tibet's unique religious, cultural and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

Respect for the Integrity of the Person

Because the Chinese Government strictly controls access to and information about Tibet, the scope of human rights abuses cannot be precisely determined. However, according to credible reports, during 1996 Chinese government authorities continued to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans.

The authorities permit many traditional religious practices. Those seen as a vehicle for political dissent, however, are not tolerated and are promptly and forcibly suppressed. Individuals accused of political activism faced increased persecution during the year, as the Government moved to limit the power of religious persons and secular leaders who openly sympathized with the Dalai Lama. In February the Government issued orders to close all politically active monasteries, and during the year authorities increased repression, imprisonment, and abuse or torture of monks and nuns accused of political activism. According to authoritative Chinese press reports, in May Beijing launched a campaign to "limit criminal activity in the guise of religious practice." The crackdown appears to have three goals: To stop acts of defiance, to break the political power wielded by lamas, and to remove officials loyal to the Dalai Lama.

There have been reports of bomb blasts in Lhasa. There is no information about casualties. Chinese officials claim Tibetan separatist groups are responsible for the bombings, which they characterize as "terrorist acts." However, no group has claimed responsibility.

During 1996 small-scale protests occurred at the Ganden, Sera, Drepung, Jokhang, and Tashilhunpo monasteries, resulting in swift detention for many participants. In April the Government banned photographs of the Dalai Lama in monasteries and private homes, extending and widening a 1994 prohibition on the sale of the Dalai Lama's photograph in shops and on officials displaying his photograph in their homes or offices. Police reportedly conducted house-to-house searches to enforce the ban. This ban prompted some of the protests in monasteries. In May and June, approximately 90 monks openly sympathetic to the Dalai Lama protested and were detained at Lhasa's Ganden monastery. During a May incident at Ganden, security personnel reportedly shot three monks. One of the monks, 40-year-old Kelsang Nyendrak, reportedly died of a bullet wound. According to press reports, a Chinese

official admitted that monks were arrested but denied the murder.

Legal safeguards for ethnic Tibetans detained or imprisoned mirror those in the rest of China and are inadequate in design and implementation. Lack of independent outside access to prisoners or prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners.

International human rights organizations reported that a 49-year-old Tibetan monk, Kelsang Thutob, died in July at Drapchi prison in Lhasa. He was reportedly imprisoned in 1989 and sentenced to 18 years for forming a prodemocracy group and distributing antigovernment material that included a Tibetan translation of the Universal Declaration of Human Rights. The monk reportedly suffered from high blood pressure and other ailments but received no medical care. Tibetan exile sources reported that a 19-year-old monk, Sangye Tenphel, also died in Drapchi as a result of beatings by prison guards. In September Tenchok Tenphel, a 27-year-old monk, died in Sakya detention center, 2 weeks after being detained during a ritual dance performance, according to an NGO report. Chinese officials claimed the death was suicide, but, according to local sources, he died of abuse while in detention. His body reportedly was cremated before the family could view it, and no autopsy was performed. Yongdrung, a 27-year-old artist who specialized in painting portraits of the Dalai Lama was found in shock in Lhasa in October after having been released from 58 days in a detention center, where he was reportedly tortured. In July Ngawang Sandrol, who has been in jail since she was 15, reportedly had her sentence doubled for protesting a political reeducation campaign aimed at monks and nuns.

There were credible reports that Chinese authorities also detained foreigners visiting Tibet, searched them, and confiscated materials deemed politically sensitive. Ngawang Choephel, a 29-year-old Tibetan ethnomusicologist and former Fulbright scholar, was held in incommunicado detention in Tibet throughout 1996. He is believed to have been detained in Shigatse in August 1995 while making a film documentary about Tibetan performing arts. In December Ngawang Choephel was sentenced to 18 years in prison for "espionage" under the State Security Law. A New Zealand tourist was detained, interrogated, and forced to make a confession after sending a fax to New Zealand that included a reference to what he thought might be a bomb explosion in Lhasa.

Freedom of Religion

The Government does not tolerate religious manifestations that advocate Tibetan independence. The Government condemns the Dalai Lama's political activities and his leadership of a "government in exile." The official press intensified the rhetoric against him and repeatedly described him as a "criminal" determined to "split" China. The Government sought to limit the Dalai Lama's international influence by threatening leaders of Britain, Germany, Australia, and other nations with serious diplomatic and economic consequences if they met with him during his visits to those countries. International leaders generally ignored China's threats and welcomed meetings with the Tibetan Buddhist religious leader and Nobel laureate.

Tibetan Buddhism and proindependence activism are closely associated in Tibet, and already tense relations between Buddhists and secular authorities worsened during the year in some areas, although nonpolitical forms of worship were tolerated. In May the Government reportedly began a campaign to "register" and "reeducate" dissident monks at Tibet's three main monasteries, Drepung, Sera, and Ganden. Hundreds of officials participated in the campaign, during which monks were forced to attend sessions on law, patriotism, and support for national unity and were coerced to sign statements criticizing the Dalai Lama. According to reports, some monks fled their places of worship and feigned illness to avoid attending the sessions, but the management committees of the involved monasteries imposed deadlines for participation forcing monks to cooperate or be stricken from the roles of the monastery.

Chinese officials claim that some 46,000 Buddhist monks and nuns live in approximately 1,400 Tibetan monasteries, and some travelers to Tibet have reported seeing increased numbers of monks and nuns. The Government, however, has moved to curb the proliferation of Tibetan Buddhist monasteries, which are seen as a drain on local resources and a conduit for political infiltration by the Tibetan exile community. In March 1995, the Government acknowledged that it strictly enforces limits on the number of monks in major monasteries. In April the Tibetan press reported that the Tibet Autonomous Region Religious Affairs Bureau had issued regulations that restricted leadership of management committees of temples to "patriotic and devoted monks and nuns." To bolster loyalty to the party, the Government stepped up efforts to ensure that party cadres in Tibet, over 70 percent of whom are ethnic Tibetans, adhere to the party's code of atheism.

In November the official Tibet Daily newspaper called for "large-scale" reform of religious policy. "Buddhism must conform to socialism, not socialism to Buddhism...Some people are seeking to expand the role and influence of religion, without recognizing its negative influence." The article published statistics that it said provided indications of the negative influence of religion on Tibet's economic development: There were 1,787 temples in Tibet at the beginning of 1996, "exceeding the number of towns and cities," while 46,000 monks and nuns "outnumbered middle school students." Temples compete for scarce resources hurting other areas, the article claimed. "We must adopt an offensive strategy to protect the paramount interests of the state...."

The Government continues to oversee the daily operations of monasteries. Although the Government generally only contributes a small percentage of the monasteries' operational funds, it retains management control of the monasteries through the government-controlled democratic management committees and the local religious affairs bureaus.

The Government continued to insist that a boy it selected and enthroned in 1995 is the Panchen Lama's eleventh reincarnation. The boy appeared publicly on at least two occasions, including Chinese National Day in October. At all other times, he was held incommunicado by Chinese authorities. Meanwhile, the Government also detained the boy selected by the Dalai Lama as the Panchen Lama's reincarnation. The boy's family was also detained. The Government refused to provide access by unofficial observers to either of the boys or their families, whose exact locations were unknown. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy selected as the reincarnation of the Panchen Lama by the Government.

Buddhist sites, many of which were destroyed during the Cultural Revolution, continue to be restored. Despite government attempts to curb their proliferation, the monasteries continue to house and train young monks, making possible the transmission of Tibetan Buddhist traditions to future generations.

Economic Development and Protection of Cultural Heritage

Like China's 54 other minority ethnic groups, Tibetans receive nominal preferential treatment in marriage policy, university admission, and employment. However, in practice, discrimination against Tibetans is widespread, especially in the area of employment. In addition, ethnic Han and Hui immigrants from other parts of China, encouraged by government policies and new opportunities are competing with--and in some cases displacing--Tibetan enterprises and labor. Overall, government development policies have helped raise the economic living standards of many ethnic Tibetans. However, rapid and ecologically inappropriate growth has also disrupted traditional living patterns and thereby threatened traditional Tibetan culture.

Chinese officials moved on several fronts to downgrade the use of Tibetan in education. According to

NGO reports Tibet University dropped its Tibetan language entrance requirement and switched to Chinese to teach a course in Tibetan history in the Tibetan Language Department. All but 1 of 17 courses there are now taught in Chinese, although the University was established in 1985 to increase the study of Tibetan language and culture in Tibetan. There was a suggestion late in the year to suspend entry of the 1997 freshman class entirely while new materials were developed and resume operation with a class to enter in 1998. Four highly successful experimental Tibetan language middle schools are being closed down or phased out. A new project has started to provide bilingual Chinese and Tibetan instruction from grade one on to increase children's fluency in Chinese.

Primary schools at the village level teach in Tibetan, but those usually have only two or three grades. Illiteracy levels are high--the current rate for all Tibetans is over 44 percent--and in some areas it reaches 80 percent. Approximately 70 percent of eligible children attend primary school, but most pupils end their formal education after graduating from village schools. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is necessary to receive a higher education.

The Dalai Lama continued to express concern that development projects and other central government policies encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting Tibetan demographic dominance. In recent years, freer movement of people throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui peoples (mostly restaurants and retail shops) are becoming more numerous in or near some Tibetan towns and cities. In Lhasa roughly one-third of the population is Han Chinese; elsewhere, the Han percentage of the population is significantly lower. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remainder. Ongoing economic development raises the prospect of the temporary or permanent transfer to Tibet of increased numbers of non-Tibetan technical personnel. Since 1994, 50 major investment projects have been completed at a cost of \$400 million. An increased number of immigrants from China's large transient population is seeking to take advantage of new economic opportunities.

Economic development, fueled by central government subsidies, is modernizing parts of Tibetan society and changing traditional Tibetan ways of life. While the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans.

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