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U.S. Department of State

China Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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 government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to 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, and economic decentralization has increased the authority of regional officials. The party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, party control of personnel and the security apparatus, and the continued improvement in the living standards of most of China's 1.2 billion citizens. The Constitution provides for an independent judiciary; however, in practice, the judicial system is subject to the "policy guidance" of the CCP and government influence, particularly in politically sensitive cases.

The security apparatus is made up of 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 continues to expand, albeit at a slower rate than in recent years. The growth rate target was 8.0 percent for 1998. According to official government statistics gross domestic

product reached a growth rate of 7.8 percent, but the actual figure was widely considered to be between 3 and 5 percent. The economy faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. Rural unemployment and underemployment is estimated to be over 30 percent. Tens of millions of peasants have left their homes in search of better jobs and living conditions. Demographers estimate that between 80 and 130 million persons make up this "floating population," with many major cities counting 1 million or more such persons. Urban areas also are coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. Workers throughout the country increasingly organized public protests to press their demands. Nonetheless, economic reforms have raised living standards for many, providing greater independence for entrepreneurs, diminishing state control over the economy and citizen's daily lives, and creating new economic opportunities. Despite serious economic difficulties in the state sector, individual economic opportunities expanded in nonstate sectors, resulting in increased freedom of employment and mobility. The total number of citizens living in absolute poverty continues to decline; estimates range from official figures of 42 million to World Bank estimates of 150 million. However, the income gap between coastal and internal regions is growing markedly. The ratio is now approximately 12 to 1.

The Government's human rights record deteriorated sharply beginning in the final months of the year with a crackdown against organized political dissent. The loosening of restrictions on political debate and activism by authorities for much of 1997 and 1998, including toward public calls for political reform and expressions of opposition to government policies, abruptly ended in the fall. The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' very limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights, but these protections often are ignored in practice. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Prison conditions at most facilities remained harsh. In many cases, particularly sensitive political 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. The Government infringed on citizens' privacy rights. The Government continued restrictions on freedom of speech and of the press, and tightened these toward the end of the year. The Government severely restricted freedom of assembly, and continued to restrict freedom of association, religion, and movement. Discrimination against women, minorities, and the disabled; violence against women, including coercive family planning practices--which sometimes include forced abortion and forced sterilization; prostitution, trafficking in women and children, and the abuse of children all are problems. The Government continued to restrict tightly worker rights, and forced labor remains a problem. Serious human rights abuses persisted in minority areas, including Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.

Beginning in the fall, Communist Party leaders moved to "nip in the bud" organized challenges they believed threatened national stability or Communist Party authority. Dozens of political activists were arrested for attempts to register a political party and engage in other political activities. In November over 30 members and supporters of the China Democracy Party were detained, and, in December, three of its leaders were sentenced to lengthy jail terms, apparently as a warning to other activists. Veteran dissidents Xu Wenli, Wang Youcai, and Qin Yongmin were tried under the law on state security for their attempts to organize and register the CDP as an opposition party and for allegedly colluding with foreign forces to "subvert state power." They were given harsh sentences of 13, 11, and 12 years, respectively, in closed trials that flagrantly violated due process. Also in November and December, the authorities imposed new regulations on the Internet, the publishing industry, and social organizations;

closed several newspapers and fired several outspoken editors; and banned a popular, but politically-sensitive, book and other publications. The China Development Union, an independent group in Beijing, which had organized discussions on a wide range of topical issues, including political reform, had its activities curtailed in November and was eventually shut down.

Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference and repression. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. There were significant differences from region to region, and even locality to locality, in the attitudes of government officials toward religion. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were detained and, at times, reportedly beaten. At year's end, some remained in prison because of their religious activities. In other regions, registered and unregistered churches were treated similarly by the authorities. Citizens worshiping in officially sanctioned churches, mosques, and temples reported little or no day-to-day interference by the Government. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The Government engaged in discussions of religious freedom issues with the international community, welcoming several high-level foreign delegations.

Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views. Persons detained at times during the year include political activists who tried to register an opposition party; leaders of a national house church movement; and organizers of political discussion groups that exceeded what the Government deemed the permissible level of dissent. Some minority groups, particularly Tibetan Buddhists and Muslim Uyghurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet the reeducation campaign aimed at monks and nuns was renewed, as was a rhetorical campaign against the Dalai Lama. In Xinjiang, authorities tightened restrictions on fundamental freedoms in an effort to control independence groups.

The Government took some actions to address international concerns in the area of human rights. In October it signed the United Nations Covenant on Civil and Political Rights (ICCPR), but gave no indication when the covenant would be ratified. In September the United Nations High Commissioner for Human Rights (UNHCHR) visited for the first time at the invitation of the Government. The Government also continued to expand its human rights dialogs and exchanges with other nations, and in October hosted for the first time an international human rights conference in Beijing.

The authorities released a few political prisoners before their terms were over. Tiananmen student leader Wang Dan was released on medical parole in April on the condition that he leave the country for medical treatment. Liu Nianchun was released under the same conditions in December. Both are now living abroad in exile. Catholic Bishop Zeng Jingmu and democracy activist Pan Mingdong were released on medical parole before the end of their terms and remained in China. Bishop Zeng was reportedly under house arrest at year's end. Zhang Xiaoxu was paroled 6 years early, after having served 9 years of his 15-year sentence for involvement in the 1989 student protests. However, at year's end several thousand others, including Li Hai, Han Chunsheng, Liu Jingsheng, Chen Lantao, Liu Xiaobo, Chen Longde, Pastor Xu Yongze, Bishop An Shuxin, Abbot Chadrel Rinpoche, Ngawang Sangdrol, Jigme Sangpo, and Ngawang Choephel remained in prison for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison--such as Bao Tong, senior aide to former Communist Party leaders--were kept under surveillance and

prevented from taking employment or otherwise resuming normal lives.

During the year, the Government launched new efforts to reform the legal system and widely disseminated information about new legislation. It also initiated a highly publicized campaign to "rectify" endemic problems such as corruption and abuse of power on the part of judges, prosecutors, and police. A number of laws passed in recent years, if enforced effectively, hold the potential to enhance citizens' rights--e.g., the Administrative Litigation Law, the Lawyers Law, the State Compensation Law, the Prison Law, the Criminal Law, and the Criminal Procedure Law. The revised Criminal Procedure Law, which came into effect in 1997, provided for the defendant's right to legal counsel, an active legal defense, and other rights of criminal defendants recognized in international human rights instruments. If fully implemented, this law would bring China's criminal laws closer toward compliance with international norms. However, enforcement of the new statute was uneven and incomplete and was violated in the cases of high-profile dissidents. In an effort to strengthen enforcement, the Government issued additional, more specific implementing guidelines. The Government also expanded efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of new statutes. China expanded its efforts to increase bilateral and multilateral cooperation in the field of law.

In addition, some positive trends continued. The leadership continued governmental restructuring efforts and took steps to create a more accountable and less intrusive government (under the firm leadership of the Communist Party). The range of issues covered in the media--especially regarding corruption and abuse of power--continued to expand. New initiatives were undertaken to improve the transparency and accountability of China's judicial and legal systems; nongovernmental level village committee elections were expanded, giving citizens choices about grassroots representatives, as well as introducing the principle of democratic elections; and at least one experiment with township elections was conducted successfully (albeit not approved in advance by the central Government). Government efforts to separate the military and the Communist Party from commercial ventures proceeded, as did campaigns against government corruption and smuggling. Social groups with economic resources at their disposal continued to play an increasing role in community life.

Despite the sharp crackdown on political dissent at the end of the year, society as a whole continued to be more open and diverse. Academics and government officials continued to debate formerly taboo subjects such as political reform and democratization in official channels. Satellite television broadcasts continued to be widely available, particularly in coastal provinces, despite the Government's efforts to regulate the sale and use of satellite dishes. Cable television also is available in many cities, including access to global news networks. As many as 6 million citizens had access to the Internet, although the Government increased its efforts to try to control the content of material available on the Internet. Overall, average citizens go about their daily lives with more personal freedom than ever before: Higher disposable income, looser economic controls, greater freedom of movement, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, authorities did not hesitate to move quickly against those it perceived to be a threat to government power or national stability. Citizens who seek to express openly dissenting political and religious views continue to live in an environment filled with repression.

RESPECT FOR HUMAN RIGHTS

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