

2010 ANNUAL REPORT: NEW DEVELOPMENTS IN HUMAN RIGHTS AND THE RULE OF LAW IN CHINA

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED ELEVENTH CONGRESS

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WEDNESDAY, OCTOBER 20, 2010

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2:02 p.m., in room 628, Dirksen Senate Office Building, Charlotte Oldham-Moore, Staff Director, presiding.

Also present: Douglas Grob, Cochairman's Senior Staff Member; Lawrence Liu, Senior Counsel; Anna Brettell, Senior Advisor; Steve Marshall, Senior Advisor and Prisoner Database Program Director; Kara Abramson, Advocacy Director; Abigail Story, Research Associate and Manager of Special Projects; Jesse Heatley, Research Associate; and Kiel Downey, Project Assistant.

OPENING STATEMENT OF CHARLOTTE OLDHAM-MOORE, STAFF DIRECTOR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Ms. OLDHAM-MOORE. Good afternoon. Thank you for making it through the rain to join us this afternoon. We're grateful you are here. On behalf of Chairman Byron Dorgan, I want to welcome you to this briefing on the occasion of the Commission's release of its 2010 Annual Report. I'm joined by Cochairman Representative Sander Levin's Senior Staff Member, Doug Grob.

For those of you who are unfamiliar with the Commission's work, I'm just going to do a quick recap of what we do because it's pretty unique on the Hill. Established in 2000, the Commission, by law, has 23 Commissioners, 9 from the Senate, 9 from the House, and 5 Executive Branch members appointed by the President.

The Commission closely monitors developments in China using primary sites, for example, Chinese language Web sites, and publishes frequent analysis on developments in China, which can be found on its Web site. The Commission holds briefings, roundtables, and hearings, and publishes a flagship publication, an annual overview and analysis of rule of law and human rights developments in China. It is perhaps the most comprehensive, publicly available review of its kind published by the U.S. Government.

The Commission also, by legislative mandate, maintains a database of information on political prisoners in China. I encourage you to visit the Web site, *www.cecc.gov*. There's an extraordinary wealth of information that's been built up over the years and the

political prisoner database, which has undergone a major upgrade, makes it very user friendly.

We have area specialists, each one who has considerable depth, experience, and expertise in Chinese research and analysis. I'm going to introduce them to you now. First, is Jesse Heatley. He is our expert on criminal justice and access to justice issues in China; Anna Brettell, who handles democratic governance, climate change, and environment; and Kiel Downey, who handles freedom of religion. Abbey Story is our expert on public health, women's issues, as well as trafficking in China.

Three staff members in particular will provide a quick snapshot of findings in their areas of expertise, and then we'll turn to a question and answer period for members of the audience to ask questions on the range of issues the Commission reports on. The first one is Lawrence Liu, our Senior Counsel. He will discuss key developments this past year in the area of freedom of expression and the Internet.

I am also joined by Kara Abramson. She is our Advocacy Director and our resident expert on Xinjiang and ethnic minorities, and she'll talk about developments in that far western region of China.

Steve Marshall, who runs our political prisoner database and is our resident expert on the Tibetan areas of China, will also discuss recent developments there over the past year.

While these are different sectors in China, there are a number of cross-cutting trends among them. I'm just going to highlight two. One concerns freedom of expression. Over this past year, Chinese authorities continued to maintain a wide range of restrictions that deny Chinese citizens the right to freedom of speech, which is guaranteed under the Chinese Constitution. This can be seen in the growing ranks of political prisoners who were penalized for expression over the past year, whether it be Nobel laureate Liu Xiaobo or Uyghur and Tibetan webmasters and bloggers.

We've also seen the nexus between human rights and commercial rule of law become more evident. I think it's something our business community in China is even beginning to talk more openly about.

Developments over the past year have shown how business disputes and commercial issues can have real human rights implications when the Party perceives its rights are threatened. This was certainly evident in the Google case, which Lawrence Liu will discuss, and of course the recent trial and sentencing of American geologist Xue Feng, who was sentenced to eight years in jail.

So I'm going to turn, first, to Lawrence to begin our discussion. Lawrence will make a brief presentation, followed by Kara Abramson, and then by Steve Marshall. Then we'll open it up to the audience to ask your questions of Commission staff. Thanks.

**PRESENTATION OF LAWRENCE LIU, SENIOR COUNSEL,
CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Mr. LIU. Thanks, Charlotte. I wanted to begin this discussion by—Charlotte mentioned highlighting a few of our Annual Report findings with respect to freedom of expression, but I'm focusing my remarks right now on the Internet.

The main thing that we observed over the past year was heightened concern by Chinese officials over their ability to maintain control over the Internet. To just give a backdrop to this, I wanted to throw out some figures in terms of the growing influence of the Internet in China.

Officials now estimate that there are 420 million Internet users in China, the most of any country in the world. There are 220 million bloggers and approximately 800 million cell phone users. Those numbers have risen and will continue to rise. The Internet and cell phones, text messaging, electronic technology, basically, used for communication has created a very vibrant and somewhat less restrictive space for expression.

For example, earlier this summer worker strikes in China got a lot of media attention over here, and a lot of those strikes were organized and documented by Chinese citizens using the Internet and cell phones. That's just one example of the growing influence and the power of these technologies to be able to organize dissent and to criticize the government. So they are a growing influence, the numbers.

But far from trying to contain this growth, the government is actually encouraging this. In a white paper that they released in April, they talked about increasing the number of Internet users as a proportion of the population from the current figure of about 29 percent to 45 percent in five years.

So why is that? Why is the government encouraging the growth of information technologies that arguably pose a challenge to the government's ability to control information? There are a couple of reasons. One, is it helps spur economic development. The Internet has been a key driver of economic development over the last few years, 10 years.

The other reason is that it is a good platform for government propaganda and the government's message. Their reason is that the Internet has been a source for measuring public opinion for officials, so if they see problems being discussed on the Internet, it gives them sort of a heads up.

But they're still trying to obviously maintain control, and that is, again, back to the major observation from the past year. There are a number of measures in a variety of areas. I want to focus on two areas right now.

One is tightening entry requirements, which is basically the ability of Chinese citizens, companies, and groups to gain a presence on the Internet. Some of you may know, China imposes a fairly strict licensing regime over Internet content, so if you want to host a Web site, for example, apply for a domain name, you have to go through the government.

What we observed this past year was that individuals were facing increasing control over the ability to register their Web sites, as well as to post comments anonymously on Chinese Web sites. The government acknowledged that they were pursuing a policy of requiring more people to use their real names and IDs when they post comments on news Web sites, for example.

The second thing I wanted to discuss is the increasing pressure on private companies to censor. We observed a crackdown on blogging sites earlier this year and we observed a couple of new

laws, one being the state secrets law, and another the tort liability law, which included new provisions aimed at Internet companies which could, in the future, increase the pressure on them to censor political content.

Which brings me to the Google case and discussion of private companies and the obstacles they face in the Chinese market with respect to censorship. Just as a little background, if you're not familiar with the case, in January, Google announced that it was re-considering its offering of search services through their Google.cn site, which they created for the Chinese market back in 2006, because, as they put it, they had been the victim of a cyber attack originating from China, as well as increasing censorship from Chinese officials over the past year. It really put Google on a collision course with the Chinese Government.

Now, the way the case unfolded really highlighted a couple of issues regarding China's censorship and licensing requirements. The first, was the most obvious problem of the content prohibitions, basically, the requirement that all Internet service providers in China must censor political content based on standards that are vague and orders that are not delivered in a very transparent way. The Google case really highlighted that.

The Google case also highlighted this nexus between trade and human rights, the issue being that those unwilling to censor, or to censor as vigorously as the Chinese officials like them to, risk market access and market share. I don't know if you've seen the news from today, but analysts are now reporting that Google's share of the Chinese market has declined even further this past quarter, and it's seen a steady decline throughout the whole year.

The third issue that the Google case highlights is the free flow of information for Chinese citizens. So this is not just about a private company trying to gain access to the Chinese market, it's about Chinese citizens potentially losing what they perceive to be, and what by some accounts is true, a less censored source of information compared to domestic alternatives like Baidu. So this presented a free flow of information problem for Chinese citizens, particularly academics and more educated Chinese who really saw Google as a primary source of information.

The last issue is this licensing issue that I mentioned earlier. Google, just like any other company that needs to operate in China, wants to operate in China, was required to get a license. This controversy arose. Google's solution was to automatically redirect users to their Hong Kong site, which they didn't have to censor because it was in Hong Kong.

But then Google's licensing renewal in China came up, and so they backtracked from that position and instead of automatically redirecting users to their Hong Kong site, they created a link on the Chinese site that would allow users to voluntarily opt to go to the Hong Kong site. So that's just an example of how the licensing requirement forces companies to consider whether or not what they're doing could potentially jeopardize the ability to get their license renewed or to keep their license.

I just wanted to mention briefly the Liu Xiaobo case, because that's come up a lot because of the Nobel Peace Prize. That case was also an example of this heightened concern over the Internet

because the court opinion really emphasized the writings that Liu Xiaobo was associated with, including Charter 08, which was this manifesto supporting political reform and human rights, as well as the essays that Liu had written, were posted on the Internet, had been viewed a certain number of times, and the opinion included some really interesting language about the sort of dangerous effects of the Internet and how quickly information can be spread over the Internet. So it definitely highlighted how concerned officials were over their ability to control the free flow of information on the Internet.

One more interesting point about how all of this translated into how Chinese officials were responding to attacks from people about censorship, claims that China was censoring information. The Google case really kind of put them on a PR defensive. In response, what they did was to, not start, but continue arguing that what they're doing is actually in line with international law.

In June, they issued a white paper in which they said that China guarantees freedom of speech on the Internet, that their model is consistent with international practices. They acknowledged, in a speech given by a high-level official in April, that they were engaged in a sort of diplomatic or PR campaign to convince other countries and to gain the international community's acceptance of their model of the Internet and acknowledged that they had engaged in dialogue and exchanges with more than 70 countries and international organizations to get that message out. So it's turned into an interesting response in terms of Chinese officials arguing that what they're doing is simply what other countries are doing.

Now, has there been push-back within China? Definitely, there has been. I just wanted to point out that most recently some of you may have heard of the open letter that had been issued by a group of retired Communist Party officials. One of the points that they had argued in that letter was that they wanted the Internet regulated to stop arbitrary deletion of online comments and to do away with the restrictions on anti-censorship technologies. So the issue is definitely a hot one within China. You can see it in terms of blog postings and other ways that Chinese citizens are using to try to get around the censorship.

In the Freedom of Expression section of the Annual Report we also discuss the issue of press freedom and the abuse of criminal law to punish free expression, and I would be happy to address any of those issues in the Q&A.

But I'll turn it over now to Kara Abramson, who will talk about developments in Xinjiang, where Internet access was also severely curtailed this past year.

**PRESENTATION BY KARA ABRAMSON, ADVOCACY DIRECTOR,
CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Ms. ABRAMSON. Thanks, Lawrence. I will indeed return to the subject of freedom of expression in just a moment, as it relates to conditions in Xinjiang.

Turning to this topic, simply put, human rights conditions in the Xinjiang Uyghur Autonomous Region worsened during the Commission's 2010 reporting year. This reporting year came on the

heels of a suppressed demonstration by Uyghurs and multi-ethnic riots in the region in July 2009.

Following these July 2009 events, authorities instituted unprecedented levels of control over the free flow of information, imposing a full and then partial block on Internet access, for example, that extended into May 2010. In many ways, this information block set the tone for the past year and exemplifies the worsening conditions that we've seen.

In the past year, authorities also strengthened security measures in the region and, as in the past, authorities continued to politicize security concerns, targeting peaceful human rights activity and political dissent, for example, as threats to the region's security.

Authorities singled out Uyghurs in security campaigns and the whereabouts of some Uyghurs detained in the aftermath of the July 2009 demonstrations and riots, including Uyghurs who were detained in broad security sweeps, remain unknown.

As the government tightened security campaigns, it used the specter of religious extremism to tighten control over religion, and over Islam in particular. We also saw new steps to bring Muslim women religious figures under government control, campaigns against women who wear head scarves, and detentions of Muslims who gathered in organizations independent of government control.

A number of trials took place in the past year that were connected to the July 2009 demonstrations and riots, and they have been marked by a lack of transparency and violations of due process, both as defined in Chinese and international law. We have only limited details on all of the trials that took place, but we have seen evidence of curbs on legal defense, and judges chosen for their political reliability.

The Chinese Government has publicized trials connected to violent crimes that took place in July 2009, but we have also seen reports of people tried and imprisoned for political reasons. Among them are Uyghur Web site workers whose Web sites posted announcements for a peaceful demonstration on July 5, 2009, or whose Web sites posted critical articles. Among them is also a journalist who gave a foreign media interview that was critical of some aspects of government policy in Xinjiang.

In April, Zhang Chunxian replaced Wang Lequan as Xinjiang Party secretary, and while Zhang is seen as a softer and more media-friendly figure than his predecessor, after his taking his post he continued to reiterate official calls to place "stability above all else" and to "strike hard with maximum pressure" against the "three forces" of terrorism, separatism, and religious extremism.

Also notable from the past year, in May, central government and Party authorities convened a meeting on Xinjiang policy. Authorities at the meeting defined "development by leaps and bounds" and upholding stability as twin goals for the region, and they announced a series of initiatives to spur economic development. It remains an open question, however, to what extent local communities, and especially Uyghurs and other non-Han groups, will benefit from potentially positive aspects of these initiatives.

At the same time, other initiatives, such as promoting schooling in Mandarin Chinese at the expense of Uyghur, resettling herders, and bolstering state-defined ethnic unity campaigns, raise serious

questions and concerns for the rights of Uyghurs and other non-Han groups to preserve their language, culture, and heritage.

Also in the past year, China's influence in neighboring countries and its disregard for international refugee law continued to have serious implications for Uyghurs. This was starkly illustrated in December when the Cambodian Government deported 20 Uyghur asylum seekers to China following Chinese Government intervention.

In our report, we also detail a number of other measures that have fueled worsening human rights conditions in the region, especially for Uyghurs. These include rampant job discrimination, new controls over internal Uyghur migrants within Xinjiang, and continued work to raze the old city section of Kashgar, thereby undermining Uyghurs rights to preserve their cultural heritage and undercutting property protections. I'm happy to pick up on any of these issues during the question and answer period. Thank you.

Ms. OLDHAM-MOORE. Thank you, Kara.

Now we turn to Steve Marshall, who will discuss developments in Tibetan areas.

PRESENTATION OF STEVE MARSHALL, SENIOR ADVISOR AND PRISONER DATABASE PROGRAM DIRECTOR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Mr. MARSHALL. All right. Thank you, Charlotte. These remarks, for the sake of the briefing, will just touch on five key areas, not the full spectrum of subjects of interest and concern with Tibetan areas. Those subjects are: the Dalai Lama; the Communist Party; religion; economic development; and law and punishment.

The first of those five: the Dalai Lama. Over the past year, the Chinese Government continued to press what it calls its core interest policy. The core interests are issues that the Chinese Government identifies as involving sovereignty and national unity. On those issues, the Chinese Government expects other countries to follow its policy recommendations in the interests of trying to maintain "harmonious relations" with China.

The purpose of that policy, internationally, is to try to isolate the Dalai Lama and diminish or end his international influence. A domestic policy that the Chinese Government continued to pursue in tandem with the international policy seeks to isolate Tibetans domestically from the Dalai Lama and his influence.

The combination of these two policies could result in an increase of human rights abuses of Tibetans and, importantly, in a decrease in the ability of the international community to detect and respond to these abuses.

With respect to the Communist Party, in January the Standing Committee of the Communist Party Politburo, the absolute top of the power organization of the Communist Party, held what is known as the Fifth Tibet Work Forum to outline a series of policy initiatives that, over the next 10 years, up to 2020, would seek to achieve sweeping economic, cultural, and development changes across the entire Tibetan area.

One of the most important initiatives that this forum introduced was to expand the area of influence and coordination from the Tibet Autonomous Region [TAR] to include 10 Tibetan Autonomous

Prefectures that are located in neighboring provinces, namely Qinghai, Gansu, Sichuan, and Yunnan.

The effect of that is that the coordinated policy area—which is contiguous—will roughly double the number of Tibetans affected by the policy and it nearly doubles the size of the policy area being coordinated by the central government and the central Communist Party structure.

The third topic: religion. The situation for Tibetan Buddhism continued to deteriorate over the last year. One of the more important undertakings under way, which has not been widely reported, is a central government-directed re-registration of what the government refers to as “religious professionals.” This would be monks, nuns, and teachers of Tibetan Buddhism. In the TAR, that was slated to be completed by the end of 2010.

Part of this process is that religious authorities would review, basically, the patriotic position of monks and nuns and determine whether or not their registrations are valid. Were this policy to be applied in a manner that sought to weed out monks and nuns that were not sufficiently patriotic or did not adhere to what the government considers to be legal forms of religion, that could result in serious losses for the Tibetan monastic community. We don’t have any information on that yet.

A word on what’s legal. Two of the things that the government official does not treat as legal is devotion to the Dalai Lama, and also Tibetan support or acceptance of the Panchen Lama identified by the Dalai Lama in 1995. His name is Gedun Choekyi Nyima. Both issues are very important to Tibetans, and the government seeks to prevent or discourage both of them.

On economic development, Hu Jintao, the President of China and also the General Secretary of the Communist Party, at the Fifth Forum, outlined 10-year objectives that included increasing major infrastructure projects, increasing natural resource exploitation, and pushing forward with the policy to settle nomadic herders and re-settle farmers into larger and better-organized, fixed communities.

During the year, one official gave a figure for the Tibet Autonomous Region—this was just the TAR—that by the end of 2009, the government had settled 1.3 million nomadic herders and farmers into these communities. To put that into perspective, that would be roughly half of the population of the TAR that had been settled or re-settled by the end of 2009.

Another very interesting figure: An official said that by the end of 2020, the TAR—this is not the whole area of the plateau, just the TAR—would increase the mining share of GDP from 3 percent currently to between 30 and 50 percent by 2020. This would be an increase of, say, 10 to 16 times in mining GDP by the end of this decade.

Connected to this increase in mining, if anybody’s been following the news, you’ve seen that over the past year there have been some Tibetan protests, rather heated protests, in a number of areas inside the TAR, and also in Sichuan and Gansu Provinces, by Tibetans who are unhappy with new and continuing mining initiatives.

On law and imprisonment, a key process over the last year was increasing official use of the laws on splittism and what’s known

as “leaking state secrets” to imprison Tibetans for lengthy periods of time. Splittism, basically, can be when a Tibetan criticizes government policy on one issue or another and officials equate it with separatism—even if the subject doesn’t have anything to do with “independence.”

Leaking state secrets, under the law, means that someone provides information that could be politically sensitive to individuals or organizations outside of China. In this case, this would be Tibetans inside of China trying to let Tibetans or Tibetan organizations outside of China know about incidents of repression. These contacts have been resulting in prison.

Another key trend that has existed before but has become more prominent over the last year, is the imprisoning of secular civic leaders, intellectuals, writers, Tibetans who host Tibetan language Web sites, for reasons that sometimes involve political charges but other times can involve other charges. There appears to be an effort on the part of the government to remove some influential secular figures from society by putting them in prison. Thank you. And please ask questions about any of the topics on our report.

Ms. OLDHAM-MOORE. Thank you, Steve.

Now we turn to the Q&A portion of this proceeding. We only have about a half hour, so I would encourage those of you in the audience to please ask questions of all our staff.

Before you stand up and say your name, and ask a question I just want you to be mindful of two things. We always invite members or representatives from the Chinese Embassy to attend all of our events and we know our friends are here today, and that’s welcomed. We hope that they will participate in this discussion.

The second item is, we have a lot of press in the room. This proceeding is on the record, so if you have any privacy concerns, I want you to be mindful, if you ask questions, that they will be recorded.

AUDIENCE PARTICIPANT. My name is Matthew [inaudible] I didn’t understand the reason for that.

Mr. MARSHALL. It’s a relatively new development, so there hasn’t been a lot of discussion of it so far. All I can do is theorize and suggest what appears to be the case. There has been, for the past 20 years or so, fairly strong government pressure on the monastic community and that has been where a lot of the political push-back has come from in Tibetan society. Secular society has been relatively more quiet.

But as the government has implemented policies on education, on economic development, the movement of population, re-settlement of farmers and nomads—policies that affect the secular part of society rather than the monastic part of society—this has contributed to Tibetan resentment.

Also, Tibetans have taken to the Web, as my colleague Lawrence was describing, with real zeal. They’ve set up a lot of Tibetan language Web sites and they really like exchanging and circulating views and commenting on events and developments. That promotes a lot of discussion.

AUDIENCE PARTICIPANT. Anti-government discussion?

Mr. MARSHALL. Generally speaking, they’re very careful in their language. But anything that falls short of endorsing the govern-

ment can be treated as suspicious, and particularly if they discuss the consequences of the 2008 protests, which involved a lot of deaths, a lot of long sentences. Tibetans feel that it's very important for them to share and circulate that information. The government will step in and stop that as well.

Ms. OLDHAM-MOORE. Thank you.

Dr. Wan Yanhai?

Dr. WAN. My question—[inaudible].

Ms. OLDHAM-MOORE. Can I recap what you just said very briefly and let them respond? Okay. I'm sorry. I didn't mean to cut you off.

Dr. WAN. [Inaudible.]

Ms. OLDHAM-MOORE. Right. Research in this area. Right.

Dr. WAN. There is discrimination against Uyghurs and Tibetans in Beijing and other cities outside of Xinjiang and Tibet. Uyghur and Tibetan migrants in those areas also face unique health challenges. Your report just focuses on Xinjiang and Tibet. My recommendation is that you also should report on conditions for Uyghurs and Tibetans outside these areas.

Ms. OLDHAM-MOORE. Okay. Dr. Wan made a very good point, which is the report may not address in the detail that it might the challenges facing Uyghurs and Tibetans who migrant to eastern cities, who migrate out of Xinjiang and Tibetan areas, and the challenges they face in their daily lives—getting into hotels, getting residency permits, etc.

He mentioned the example of Uyghurs who, as Muslims, try to meet together collectively. Those groups are broken up by the police in some eastern cities and the Uyghurs have to sleep on the streets. He recommended that the Commission should recommend support of funding for research on the socio-economic effects of this kind of migration and the impact. I hope I got that right, Dr. Wan.

Dr. WAN. Yes.

Ms. OLDHAM-MOORE. Okay. Yes, please.

Ms. ABRAMSON. Thank you for your comments. It certainly is an issue of concern that we have been following. We have noted reports, especially around the time of the Olympics, of curbs on hotel access for Tibetans and Uyghurs in other cities. Certainly that is an issue of concern.

Because of the way our report is divided, in some cases we have dealt with cases of Uyghurs or Tibetans elsewhere in China in sections of the report on freedom of residence, for example, or other sections. We mention this year, for example, a Uyghur scholar in Beijing who has had trouble leaving the country, and it's not in the Xinjiang section but in the freedom of residence section. Because of the way our report is divided up, the information may be spread throughout the report. It is an issue we will continue to follow.

Of note, we have, as you know, a political prisoner database and we have put in a number of cases recently that highlight the challenges that Uyghurs face in cities outside of Xinjiang. These include a number of cases recently of Uyghurs who were rounded up as they were petitioning in Beijing and the case of a Uyghur who didn't have an ID card and was sent back to Xinjiang. So a number of cases in our database, which is publicly accessible from our Web

site, detail some of these challenges that Uyghurs outside of Xinjiang face.

Mr. MARSHALL. Dr. Wan, I agree with all of your points and all of those are important issues to cover. One thing that I think would help, is for everybody to understand that each of these annual reports is not a report on the entire spectrum of human rights issues every single year. The annual reports are based on events and trends over the past year.

So, we don't necessarily have an identical focus every year because different things happen in different years. For example, with the Tibet section in past years, I've had sections on job opportunities, employment, education, and literacy. I think, in 2008–2009, the report addressed the issue of registering in hotels that you mentioned—residency permits. That has been in the Annual Report. If anyone read five years' worth of the reports, there is a lot more information available.

Thank you very much.

Ms. OLDHAM-MOORE. Thank you.

Yes, sir?

AUDIENCE PARTICIPANT. Can you say anything that happened this year about the difficulties Uyghurs and Tibetans were having [inaudible] using their languages in the schools?

Ms. OLDHAM-MOORE. Kara?

Ms. ABRAMSON. Yes. Thank you. That's a hugely important issue that we've been covering extensively in several reports. In Xinjiang, the issue is that the government has been promoting what it calls bilingual education. It's been doing this on a trial basis since the 1990s, but it really went into full gear starting in the mid-2000s.

It's called bilingual education, but the model that the government has chosen to implement most widely in Xinjiang is essentially school instruction in Mandarin Chinese, with Uyghur largely relegated to a language arts class, or sometimes completely eliminated from the school. So the way shifts in language use have been playing out in Xinjiang have largely taken place in schools, where this bilingual education program has been implemented.

As I mentioned, it's been growing each year since the mid-2000s, but notably, in May, central government and Party authorities met to hold a meeting on Xinjiang's future development. At this meeting, they pledged that by 2020, all students would have proficiency in Mandarin Chinese. So this is a pretty big development because, although the Chinese Government has been promoting bilingual education for many years, it's easier said than done, and it has not yet been fully implemented. It still requires a lot of skilled teaching staff.

Up until now, the government has made steady, but slow, progress to some extent. I think with this renewed desire following this high-level meeting in Beijing, we are seeing more resources, more money, and more teachers being poured into this project. This can have serious implications for the future of the Uyghur language and for Xinjiang schools. There are some new limited efforts and limited pilot programs that we've seen to have Uyghur instruction in some schools along with Mandarin Chinese instruction, but the real thrust of educational policy in Xinjiang is to make Man-

darin the medium of instruction by 2020, and we now see an even greater push behind that from the government.

Ms. OLDHAM-MOORE. Just briefly, and then I want to get some questions on criminal justice and environment.

Mr. MARSHALL. If anybody's been looking at the news yesterday and today, you'll have seen a very important story that has emerged from one of the capitals of one of the Tibetan autonomous prefectures. This story is on Qinghai Province and involves protests by between a thousand and several thousand students from five different schools and their teachers. They were very orderly, teachers and students peacefully and quietly protesting on the street, and it's about this very subject: the role of Tibetan language and studies.

The government had announced that they were going to transfer more of the teaching curriculum from Tibetan language to Chinese language—the announcement put both students and teachers in the street. This is an ongoing topic which we are watching very closely. It's an agonizing balancing act for Uyghurs and Tibetans.

On the one hand, they need very much to learn Chinese language so they can find employment in a very competitive job market, and on the other hand they need to maintain their language in order to maintain their culture. This is a very important story and we'll be watching it for years.

Ms. OLDHAM-MOORE. Great. Thank you.

Can I have questions on the environment, criminal justice concerns, religion? Is anybody asking questions on those matters? Sir, you? Thank you.

Mr. SHAW. My name is Zachary Shaw. I work at the U.S.-China Economic and Security Review Commission. Many Chinese media commentary regarding Liu Xiaobo claim he made statements alluding to, China should be colonized by the West. Have you heard of these statements and did he actually say them? What is the difference between Chinese perceptions of dissidents and Chinese media perceptions versus the perception in the West?

Mr. LIU. Unfortunately, I don't know. I can't answer the question of whether or not he said those things. I've seen some of the articles that you've mentioned. My sense is that, I mean, he's apparently written hundreds of essays, upward of 800, the majority of them written since 2005. He's written on all kinds of topics relating to political reform. Certainly there's a lot of material to potentially work with, if you wanted to find something that you could use to either—I don't know.

I don't know the context, but some of the stuff is out online. If you wanted to look for it, I'm sure you could find it. In terms of our work, we don't get into sort of parsing what the significance or interpreting what the sort of substantive meaning of what they said is.

What we focus on is, was the trial fair and in terms of what the court cited as the reasons for punishing him, whether or not those were legitimate reasons under international human rights law. Now, whether or not he deserved the Nobel Peace Prize, that's a separate issue for the rest of you guys to consider.

Ms. OLDHAM-MOORE. Thank you.

Yes, sir. In the back, with the yellow tie.

Mr. LEE. I'm Nun Lee from [inaudible] and I have a question. In the past year, I've seen a lot of Chinese citizens mobilize themselves to defend their human rights, and in some cases they were successful [inaudible] they were able to [inaudible]. One of these cases was the case of [inaudible], and even [inaudible] played a very important role in that case. But I have two questions. One question is, do you see the potential of this [inaudible] approach of human rights [inaudible] since human rights have been playing an important role in this case [inaudible] recommendations [inaudible] to take action [inaudible] more freedom [inaudible].

Ms. OLDHAM-MOORE. Thank you.

Doug, do you want to reply to the question on political reform?

Mr. GROB. I think this raises the question of how we assess and measure progress, or, as in the case that you cite, openness. For example, we do see specific cases that we might observe as openness. Sometimes you see investigative journalism allowed to do its work in China. You see this in cases of wrongful conviction, you see it in some cases of whistleblowers. You see it sometimes in anti-corruption cases. So what you called the grassroots, bubble-up approach can play an anti-corruption role, and some central authorities see that.

However, I think that as analysts we have to be extra careful to differentiate between two types of cases, both of which may at first appear to signify greater openness. We have to differentiate between cases in which the end result of openness aligns with central government or party policy and cases in which it does not. For example, if it is in the central government's or the central Party leadership's interest to pursue anti-corruption in a specific locality such that the activities "bubbling up" serve that interest, then we may observe what will appear to be openness. But it will not be as significant as, say, central authorities' permitting openness when it is not in their immediate interests politically to do so, but they do so nonetheless. If we publicly recognize the former as a case of the latter, then we are not necessarily contributing to the promotion of the rule of law. We should publicly recognize as cases of openness those cases in which central authorities permit openness when it is difficult politically for them to do so, but they do so nonetheless. It is critical that we differentiate these types of cases.

Ms. OLDHAM-MOORE. And in terms of the Internet, we have a whole section of recommendations for the U.S. Government, so I would ask that you read this report.

Any other questions? Yes. Madeleine? Please.

Ms. MCDUGALL. Hi. I'd just like to ask a quick question in regard to religion other than Buddhism and Islam. In regard to religious groups such as Protestants, Catholics, and "cult" organizations, what types of trends have you observed, particularly in connection with major events, including the Shanghai Expo and the upcoming Asian Games?

Ms. OLDHAM-MOORE. Thank you, Madeleine. Kiel Downey, who's our resident expert on Protestantism in China, will speak to that.

Mr. DOWNEY. Thank you very much for that question. That's a broad question that covers a number of different groups, but I'll try to be concise. In the last few months of 2009, we did see a fairly clear trend in terms of a string of cases where authorities were tar-

getting particularly large, high-profile, “house churches,” which refers to groups of Protestants in China that are not part of the state-sanctioned religious community, and that’s another issue, but Protestants who are not part of state-controlled churches, some in Beijing, Shanghai, and other locations.

There was a fairly clear trend in which authorities, according to reports that we saw, had pressured landlords to move house church congregations out of their places of worship, and then authorities were targeting these groups after they began meeting in public spaces, such as parks or other public locations, trying to disperse these congregations. That was just a string of incidents over one short period of time. In terms of broad trends, it’s difficult to say for sure what we expect to see in the future.

But one thing I will say, especially in regard to Protestants, is that I’ve seen a number of reports over the past year indicating that the space or scope of activity for unregistered Protestants in China is expanding. I’d like to clarify and qualify that statement. From the reports I’ve seen, it does appear that the sheer size of the Protestant community in China is indeed increasing fairly rapidly.

But in terms of whether the space for activity is increasing, I think it depends on how you look at it, because certainly by virtue of the fact that the size of the community is increasing, there is an increase in the amount of activity, including activity outside of state-sanctioned parameters. But at the same time, as evidenced by those cases that we saw at the end of last year and other cases throughout 2010, there are definitely limits, at least in certain cases, on what worshipers are permitted to do.

I think you also asked a question about the Shanghai World Expo and the Asian Games. Is that correct?

Ms. MCDUGALL. Yes.

Mr. DOWNEY. One thing that the Commission has observed around the period of the Shanghai World Expo is a tightening of security measures, particularly with reference to Falun Gong practitioners. A number of local governments in the greater Shanghai area have issued statements and directives to public security authorities, asking them to look out for potential Falun Gong activities surrounding the Shanghai World Expo, such as petitioning or protests, and to be vigilant about finding and targeting Falun Gong practitioners during that time.

The same goes for the Asian Games. The Asian Games are typically held in Guangzhou, and local governments in the area around Guangzhou have also issued a number of statements to the public security authorities, instructing them to be vigilant about any sort of unapproved religious activity surrounding the time of the Asian Games, any sort of incident that might contribute to “instability” in that area.

Ms. OLDHAM-MOORE. Thank you, Kiel.

Anybody else? Ms. Susan Weld? Please.

Ms. WELD. [Inaudible.] Are there any bright spots to report in relation to environmental protection and information transparency?

Ms. OLDHAM-MOORE. Yes.

Ms. WELD. [Inaudible.] What about the Open Government Information regulations, are they being implemented?

Ms. OLDHAM-MOORE. Anna Brettell, could you address that? Lawrence? Please. On Open Government Information [OGI] and whether it's being advanced, and how effectively it's being used.

Ms. BRETTELL. There were a couple of studies that looked at the use of OGI in the environment sector, one involving 113 cities. They found some bright spots in that citizens were asking for information based on the Open Government Information regulations. They were making requests. The environmental protection bureaus in some cities were responding and being quite transparent, while in other cities they were not.

One of the reports indicated that there are a number of reasons why government officials may not respond to citizen information requests, including the lack of institutional capacity, the vagueness of the OGI measures, and the inconsistency in making officials accountable for failing to comply with the measures. In some locations, there may be the lack of political will to be more transparent. There are a number of different issues, but there have been some bright spots, yes.

Ms. OLDHAM-MOORE. Go ahead. Oh, I'm sorry. Lawrence wants to jump in.

Mr. LIU. I just wanted to highlight an important related development, which was the amendment of the state secrets law, which a lot of people viewed in tandem with the OGI regulations and had hoped that the state secrets law would be amended in a way that would give greater clarity and definition to what a state secret is under Chinese law.

The amendment went through, I believe—I can't remember the month, but it was a recent amendment earlier this year, in April of this year. It just recently took effect early this month, which basically leaves intact the vague definition of state secrets. So as a fundamental barrier to the OGI, that law hasn't changed.

Mr. GROB. Let me just add as well, if you're interested, in our report, on page 61, and then again on pages 174–176, we cover developments concerning the Open Government Information Regulation. For those who may not be familiar, the Open Government Information Regulation was issued by the State Council a couple of years ago, and it essentially is a records access regulation. It allows individuals to file applications for access to government information in China. It was rolled out as part of a broader anti-corruption initiative, and it obviously speaks to the twin goals of accountability and transparency. In terms of promising developments, one of them, which we go into somewhat in the report, is the application of the Regulation and the exercise of rights under the Regulation in areas such as budget transparency and so forth. Another promising development is the analysis that's going on, both by public organs, state organs in China, as well as by local social science academies, which do research for the local governments, and by the Chinese Academy of Social Sciences, which is the public policy research arm of the State Council. In the academic sector as well, there's a great deal of analysis going on, grappling with key questions in the implementation of this Regulation.

One question that's on the table that is very interesting is, are applications for access to government information themselves considered records that are then subject to the OGI Regulation? In

other words, can someone submit an application for access to information about the government's handling of a request for information previously submitted on another matter? This would provide a way to analyze the effectiveness of implementation. We can talk further about this afterward if you'd like.

Ms. OLDHAM-MOORE. Okay. One last question.

Ms. MARSDEN. I am Lani Marsden, a CECC intern. My question is: This past year the State Administration Foreign Exchange put out new restrictions on foreign funding to Chinese civil society organizations. How has this affected public health organizations in particular?

Ms. OLDHAM-MOORE. Did you catch that, Abbey? Okay. She asked about foreign funding assistance to public health organizations in China.

Ms. STORY. Thank you for your question. This is definitely an issue of concern.

Ms. OLDHAM-MOORE. Oh. Yes.

Ms. STORY. The Commission does not have much recent information on the direct impact that these regulations have had on public health advocacy organizations. To give a brief background, the State Administration of Foreign Exchange issued a circular in March 2010 requiring that domestic organizations—

Ms. OLDHAM-MOORE. Receipt of funds from overseas.

Ms. STORY [continuing].—receiving donations from abroad must submit their business licenses, notarized donation agreements, and certificates of registration of the overseas donating organizations. The requirements are restrictive, and authorities could use them to exercise tighter control over the activities of select organizations they deem to be “problematic” for various reasons. It is still early, however, so many organizations are just sort of waiting and seeing how the circular will be implemented. We have not yet heard detailed reports of the impact on specific groups.

Ms. OLDHAM-MOORE. Thank you.

I know some of you might get whiplash here because we're bouncing from topic to topic, but this is great for people who have no attention span, like myself.

Jesse Heatley. This last question is from Chairman Dorgan, who's had a great amount of concern about the state of Gao Zhisheng, who is one of the foremost human rights defenders in China. Can you give us an update on, where is Gao? Senator Dorgan wants to know: Where is Gao?

Mr. HEATLEY. I wish I could. Gao continues to be forcibly detained. We don't have any updates on his whereabouts. Gao resurfaced in late March. At that point he contacted a number of foreign media outlets and told them he was staying near Wutai Mountain, and he returned to Beijing shortly in April. He was there and gave a certain number of interviews in April and, by mid-April, around April 20, April 21, he once again was forcibly detained or disappeared. At present, we haven't had an update from any Chinese officials, overseas media, or nonprofit organizations that are covering the case, so it continues to be of great concern to our government, and other governments in Europe as well.

Ms. OLDHAM-MOORE. Thank you.

The continued disappearance and lack of knowledge about Gao Zhisheng is a very sad situation, which hopefully will be addressed soon by the Chinese Government.

Thank you for coming today. This has been a genuine pleasure for us to have you here and to share our work with you. So, thank you very much. And if you want to talk to individual staff experts, please come on up afterward and they'll be available. Also, visit our Web site and feel free to call us at any time. Thank you.

[Whereupon, at 3:05 p.m. the roundtable was adjourned.]

