



LUND UNIVERSITY
Department of Political Science

Exam: Bachelor Thesis STV003
Term: Spring 2005
Supervisor: Anders Sannerstedt

China and the International Human Rights Regime

- struggling for hegemony

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Abstract

Although the Chinese government claims respect of human rights, it seems that the official Chinese conception of these rights is not only different from but also challenges the dominant international conception – this Chinese challenge of the international human rights regime constitutes the problem area of this thesis.

Using a Laclau and Mouffe inspired discourse analysis strategy to deconstruct and analyse the hegemonic struggle between *the official Chinese human rights discourse* and *the dominant international human rights discourse*, I have established that the Chinese challenge lies in the continued effort to redefine the dominant conception of human rights, shifting the focus from freedom rights towards subsistence rights. Furthermore I have established that the Chinese human rights discourse has embraced the universality of human rights, seeking to redefine the language of human rights within the framework of universalism.

In addition I have identified two instruments by which the official Chinese human rights discourse seeks to redefine the international human rights discourse, the first instrument being the continued rearticulation of ‘human rights with Chinese characteristics’. The second and more tangible instrument being Chinese human rights diplomacy, through which the Chinese government continuously seeks to redefine the international human rights discourse, but also and perhaps more so, seeks to incapacitate the international human rights regime.

Key words: China, Human Rights, Discourse, Deconstruction and Hegemony.

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1. Introduction

Every year the US State Department issues a comprehensive *Country Report on Human Rights Practices* (State Department 2005). This year, like previous years, China did not perform particularly well according to the US State Department report and regular as clockwork the Chinese State Council responded with two reports of their own entitled *China's Progress in Human Rights in 2004* (State Council 2005a) and *The Human Rights Record of the United States in 2004* (State Council 2005b). This annually recurring springtime war on words between the United States and China serves as point of departure for my thesis. Although the Chinese government, itself a participant in the international human rights regime claims respect of human rights (Nathan 1999: 136), it seems that the official Chinese conception of these rights is not only different from but also challenges the dominant international conception – this Chinese challenge of the international human rights regime is the focus of this thesis.

Given the problem area and my personal scientific position, I propose doing a qualitative case study in the interpretist tradition, rejecting that social phenomena exist independently of our interpretation of them. Seeing human rights, or any other value system for that matter as social constructions and not as universal constants, I have chosen to apply a discourse theoretical approach. Through discourse analysis of the hegemonic struggle between the official Chinese human rights discourse and the dominant international human rights discourse, I will establish in *what* manner the official Chinese human rights discourse challenge the dominant international human rights discourse and *how* the Chinese human rights discourse seeks to redefine the international human rights discourse. The object of this thesis is *not* to draw any normative conclusions regarding the concept of human rights, nor is it to pass judgement on Chinese human rights practices.

As primary empirical data, I have chosen the two above mentioned reports by the Chinese State Council, which initially brought my attention to the subject. Firstly, because I can safely assume they are representative of the official Chinese conception of human rights since they are issued by the Chinese State Council¹. Secondly, because these reports are the most recent official documents pertaining to the official Chinese conception of human rights and thirdly because together these reports represent both a defence of the official Chinese conception of human rights (State Council 2005a) and a counterattack on the dominant international conception of human rights (State Council 2005b). In addition to the two reports by the Chinese State Council, I will include three international human rights

¹ The highest organ within the Chinese state administration, the State Council (Guówùyuàn) is the executive organ of the National People's Congress, to which it in theory is responsible and accountable, in effect, it is the government of the People's Republic of China (Saich 2001: 119).

reports in the analysis as well as various theoretical secondary literature relevant to theoretical aspects of the thesis and to the empirical case study as such.

Structure-wise the thesis is divided into three main sections: the first section covering introduction, theory and operationalisation, the second section, the body of the thesis, covering the actual discourse analysis and lastly the third section covering conclusions and perspectives.

1.1 Research Question

To establish in *what* manner the official Chinese human rights discourse challenge the dominant international human rights discourse and *how* the Chinese human rights discourse seeks to redefine the international human rights discourse.

2. Theory and Operationalisation

In this second chapter, I will operationalise theory central to the problem area of the thesis beginning with a section on discourse theory, in which I will adopt a discourse analysis strategy to answer the before mentioned research question, ending the chapter with a section on human rights theory which I will draw on in the discourse analysis later on.

2.1 Discourse Theory

In this section on discourse theory, I will briefly discuss the scientific origin and position of discourse theory, followed by operationalising discourse, deconstruction and hegemony into a discourse analysis strategy. For this purpose, I have divided the section into three subsections: *The Concept of Discourse*, *Deconstruction and Hegemony*, and *Discourse Analysis Strategy*.

2.1.1 The Concept of Discourse

Social constructivism is a commonly used label for a wide range of recent theories on culture and society encompassing post-structuralism and postmodernism, of which discourse is one theory (Bevir et al. 2002: 137). Common for these theories is a critical position towards obvious knowledge, claiming that our knowledge of the world cannot be taken as an objective truth. Believing that we are historic and cultural beings and that the ways in which we understand and present our world are historically and culturally specific and most importantly contingent, with everything depending on the eyes that see (Dyrberg et al. 2000: 9; Jørgensen et al. 1999: 13-14). Discourse theory aims towards an understanding of the social as a discursive construction, in which all social phenomena in principal can be analysed through discourse analysis. The overall idea is that social phenomena are never complete or permanent, their meaning never locked, but in constant social struggle over defining society and identity (Jørgensen et al. 1999: 34). In discourse theory all knowledge, identities and relations are therefore contingent, meaning that everything is in a certain way at a particular time – but that things could have been different – and that things will inevitably change (ibid: 49). To help clarify the concept of discourse theoretically, I would say that it is the opposite of the Marxist tradition of historical materialism, in which discourse is fully constituted by history and capital, making discourse analysis somewhat pointless.

Despite different conceptions of discourse, leading international discourse theorists Michel Foucault (1926-1984), Norman Fairclough (1941-), Ernesto

Laclau (1943-) and Chantal Mouffe (1943-) all agree that our access to reality inevitably goes through our language. Believing it is through our language that we construct representations of reality, which are never mirrors of any objective reality, but instrumental in the construction of reality. This does not mean that the world does not exist, as many critics of discourse theory fear – meanings and representations are very real indeed, as are physical objects in the world surrounding us of course, but it is the meanings which we assign these objects that constitute reality, not the actual objects themselves (ibid: 46). Some discourse theorists like Foucault and Fairclough distinguish between social structures and discursive structures, reserving discourse for text, speech and other semiological systems, believing social structures and discursive structures mutually constitutes one another, constructing reality in a dialectal relationship (ibid: 28-29). This places Foucault and Fairclough's narrow concept of discourse within the tradition of *text orientated discourse analysis*. Others like Laclau and Mouffe do not distinguish between social structures and discursive structures, but see all structures as discursive believing discourse to fully constitute reality (Jensen et al. 2002: 17). This places Laclau and Mouffe's much broader and abstract concept of discourse within the tradition of *social orientated discourse analysis*. The fundamental difference between the two concepts of discourse being whether discourse is only part of what constitutes reality, as proponents of text orientated discourse analysis believe, or whether reality itself is discourse, as proponents of social orientated discourse analysis believe (Dyrberg et al. 2000: 323; Larsen et al. 2002: 16). Laclau has suggested defining discourse as a sort of social optics – like a pair of social glasses through which we see and understand everything, without which we would be blind and not able to see at all (Jensen et al. 2002: 239).

For the purpose of this thesis, I have chosen the *social orientated discourse analysis* with its broad concept of discourse. This will enable me to analyse human rights as a discursive structure, rather than having to distinguish between social and discursive structures and more importantly it will open my problem area to a Laclau and Mouffe inspired deconstruction and hegemony-analysis. This is of course first and foremost a theoretical choice, since different discourse theorists use different concepts of discourse. However, since the focus of this thesis is the hegemonic struggle between two seemingly discrepant discourses, and not the relationship between discursive and social structures, my choice of a social orientated discourse analysis approach seems to me an obvious one.

2.1.2 Deconstruction and Hegemony

In the following subsection, I will elaborate on Ernesto Laclau and Chantal Mouffe's concepts of *deconstruction* and *hegemony* my choice of theoretical framework for this thesis before proceeding to operationalise these two concepts into a discourse analysis strategy.

Central to Laclau and Mouffe's discourse theory is the concept of *discursive struggle*, where different discourses are in constant struggle for *hegemony*, each representing a certain way of understanding particular social phenomena (Jørgensen et al. 1999: 15). Although Laclau and Mouffe believe complete

hegemony to be unattainable, it is something every discourse strives to attain, which is why there will always be conflicting discourses struggling for discursive hegemony (ibid: 53). Following the Western metaphysical tradition that meaning is constructed in binary hierarchies, with one discourse more privileged than the other, hegemonic discourses are constantly reproduced by the otherness of opposing discourses and vice versa without any one discourse attaining complete hegemony (Dyrberg et al. 2000: 321). In hegemony-analysis, discourse is a structural entity of differences where any one discourse is constituted as an attempt to dominate and arrest the flow of differences in what Laclau terms the *field of discursivity* (Andersen 1999: 90). The hegemony-analysis is essentially an analysis of this totalisation process, where particular interpretations are made universal – the relative made absolute (Dyrberg et al. 2000: 322).

According to Danish discourse theorists Marianne Winther Jørgensen and Louise Phillips, Laclau and Mouffe's *deconstruction* is roughly the same as what is otherwise known as discourse analysis. A deconstruction of hegemonic structures will prove them contingent, showing that the discursive power balance could have been different and has the capacity for change; thereby revealing that any given social construction is a result of discursive processes with social consequences (Jørgensen et al. 1999: 61). Others like Danish political scientist Niels Åkerstrøm Andersen disagree, seeing deconstruction as an independent analysis revealing discursive mechanisms, which then in turn can be subjected to discourse analysis (Andersen 1999: 99-101). Danish discourse theorists Torben Dyrberg et al. settle by distinguishing deconstruction and hegemony-analysis as two different strategies within Laclau and Mouffe's discourse theory, although both Andersen and Dyrberg et al. acknowledge the possibility of combining the two strategies (Andersen 1999: 155; Dyrberg et al. 2000: 320-321).

Combining deconstruction and hegemony-analysis is exactly what I will do in this analysis of the hegemonic struggle between the official Chinese human rights discourse and the dominant international human rights discourse which I will explain in more detail in the next subsection.

2.1.3 Discourse Analysis Strategy

Discourse theory distinguishes itself by being, if not method-hostile, then at least methodless, not presenting any master method as such. In discourse analysis it is necessary to formulate an analysis strategy dependent on problem area and empirical data on a case by case basis which is why I will piece together an analysis strategy for the purpose of this thesis exclusively. For this reason, I also avoid using the term method, preferring the term analysis strategy, because any mention of method could imply that it was generally applicable, something which is not the case in discourse theory.

In my analysis strategy, I will distinguish between three layers of discursivity: *Discourse*, *discourse order* and *field of discursivity*. Discourse and field of discursivity are the two layers from Laclau and Mouffe's discourse theory, the third and middle layer discourse order is actually a term borrowed from Fairclough's critical discourse analysis. Discourse constitutes the individual

synonymous signifier and the field of discursivity is everything outside the individual discourse. Discourse order constitutes an arena in between discourse and the field of discursivity in which discourses covering the same terrain, struggle for hegemony. By defining this middle layer, the discourse order, the arena of discursive struggle, I ensure that the discursive struggle becomes the central focus of the analysis (Jørgensen et al. 1999: 69).

For the purpose of this thesis, human rights will make up the discourse order and the international human rights discourse and the Chinese human rights discourse make up two conflicting discourses struggling for hegemony within the human rights discourse order. According to Jørgensen et al. it is precisely in this struggle, that the social consequences become most visible – when two discourses each with their concept of reality are struggling for hegemony within the same terrain, you can begin questioning the consequences of one concept being accepted over the other (ibid: 151).

Concerning analysis structure the first item on the agenda will be the deconstruction of the dominant international human rights discourse and the challenging Chinese human rights discourse, and secondly to do a hegemony-analysis of the struggle between these conflicting discourses.

2.2 Human Rights Theory

The object of this section is to discuss and operationalise human rights theory central to the problem area of this thesis. For this purpose I have divided the section into three subsections on *The International Human Rights Regime*, *Universalism versus Cultural Relativism* and *Human Rights in Foreign Policy*.

2.2.1 The International Human Rights Regime

The philosophical concept of human rights has its origin in medieval European philosophy. The political concept of human rights however, did not see the light of day until the French *Rights of Man and of the Citizen (1789)* and the American *Bill of Rights (1791)*, but was then more or less shelved for the next 150 years according to American Professor of Law, Louis Henkin (Henkin 1989: 12). Not until the aftermath of World War II did the world see its first set of international human rights – the United Nations Universal Declaration of Human Rights of 1948.

International human rights has come a long way since then and are now a complex international network of laws and practices. The official number of human rights documents produced by the United Nations alone numbers close to a hundred, with a list of United Nation bodies with some kind of responsibility in the field of human rights to match it (Dunér 2002: 47). This is one reason why I, for the most part of this thesis, will concentrate on the *Universal Declaration of Human Rights (1948)*, the *International Covenant on Civil and Political Rights (1966)* and the *International Covenant on Economic, Social and Cultural Rights*

(1966), together commonly referred to as the *International Bill of Rights*². Another reason is that the human rights described in these documents are the only rights having been accepted by virtually all sovereign states and in the case of the Universal Declaration on Human Rights, also incorporated into their respective national laws and translated into international legal obligations (Henkin 1989: 10).

The Universal Declaration of Human Rights has become the normative core of what is commonly referred to as the *international human rights regime*, which has evolved around the idea that individuals possess rights simply by the virtue of being human (Dunér 2002: 28; Kim 2000: 140). Contemporary human rights theory distinguishes between three generations of human rights: first, civil and political rights; second, social, economic and cultural rights; and third, the rights of peoples (collective rights). Although not meant as a hierarchal division, the international human rights regime has a tendency to emphasise first generation rights (Brown 2001: 601).

According to American political scientist Jack Donnelly the international human rights regime is well on its way to becoming a new international standard of civilisation (Donnelly 1998: 1). The seemingly inescapable moral appeal of human rights is seen as an important factor in the rise of the international human rights regime. Donnelly even suggests that an idea as appealing as human rights has the capacity to draw power to it, becoming an ideological hegemon in international relations (Donnelly 1986: 638). Despite moral appeal and public support the central problem for the international human rights regime remains – the discrepancy between commitments of states and their actual practices, given that the international human rights regime only has weak mechanisms of enforcement (Dunne et al. 2000: 8; Wan 2001: 146). Ultimately human rights, although held equally by all human beings, are held with respect to, and exercised against, the sovereign territorial state. It is important not to confuse the increasing constraints under which states discharge their international human rights obligations with a serious challenge to the sovereign state as the principal protector of international human rights (Donnelly 2000: 85-94).

British political scientist Chris Brown argues that the international human rights regime has not been very effective, partly due to the weak mechanisms of enforcement, but not the least because of the unwillingness to recognise the philosophical and cultural problems associated with their universalist position (Brown 2000: 121) – a critique which I will discuss in more detail in the next subsection.

2.2.2 Universalism versus Cultural Relativism

According to the Universal Declaration of Human Rights not only do humans have rights by virtue of being human, these rights also have universal applicability.

² When referring to human rights without further specifications I will be referring to the contents of the International Bill of Rights, consisting of the Universal Declaration and the two Covenants.

Before World War II this was not the case which makes the idea of universal human rights a recent construction. Just 60 years ago, human rights were not even considered to be a legitimate international concern. Today human rights have been accepted as the idea of our time; no other political idea – not socialism, not capitalism, not even democracy – has received such universal acclaim (Henkin 1989: 13). At the 1993 World Conference on Human Rights in Vienna a total of 170 sovereign states reaffirmed the universality of human rights as stated in the Universal Declaration of Human Rights (Baehr et al. 2004: 24), thereby adding considerable legitimacy to the universality claim. Any critique of the universality of human rights is met with the standard argument – that human rights must be universal since virtually all sovereign states have acceded to the Universal Declaration of Human Rights (Dunér 2002: 62). It is noteworthy that acceptance of the universality of human rights, even hypocritical acceptance, is still a commitment in principle to upholding human rights. Although there are huge gaps between principle and practice in many not only third world countries, the international normative consensus on human rights clearly has deepened in the past two decades (Donnelly 2000: 89). According to Donnelly there simply is not much international appeal today to arguments that the list of recognised human rights is either too long or systematically misguided (ibid: 99). Everyone is in favour, no one is against. There appears to be consensus – at least in words, if not always in deeds.

However, as Swedish political scientist Bertil Dunér points out, the Universal Declaration on Human Rights was adopted at a time when membership of the United Nations was predominately Western which has allegedly resulted in an unbalanced Judeo-Christian normative input at the core of the human rights tradition (Dunér 2002: 68-69). Henkin disagrees, arguing that this is the case with so many contemporary political ideas – the concept of sovereignty, socialism, and development, all Western concepts, yet still universally acclaimed (Henkin 1989: 14). In any case there seems to be consensus that critique of the universality principle is the most serious challenge facing the international human rights regime today (Baehr et al. 2004: 130; Dunér 2002: 55-56; Svensson 1998: 42).

Despite this seemingly inescapable moral appeal of human rights, their Western origin have come to be seen as problematic in the postcolonial era, as the proponents of *Asian values* have stressed. Resistance to the universality of human rights is hardly a new phenomenon though – communitarians have argued against the egocentric nature of human rights, socialists have argued against property rights, communists have argued against political rights and so on. Latest in this line of critique of the universality of human rights, and most relevant for this thesis, is the critique delivered by proponents of the so-called Asian values. In the early nineties, leaders of the newly industrialised quasi-authoritarian countries of Southeast Asia³ asserted the existence of certain Asian values which are in conflict with the allegedly Western values associated with the international human rights regime. The Western notion of human rights is seen as excessively individualistic, in opposition to traditional Asian family values and communal

³ Particular vocal advocates of Asian values are Singapore's Lee Kuan Yew (Prime Minister 1959-1990) and Malaysia's Mahathir bin Mohamad (Prime Minister 1981-2003).

values, and not least hostile towards traditional religious values, most notably Islam. However, according to Danish China scholar Ole Bruun et al. when scrutinised, Asian values closely resemble commonplace conservative values, such as strong leadership, respect for authority, law and order, emphasis on the family etc. (Bruun et al. 2000: 2).

Loud proponents of Asian values like Singapore, Malaysia, Indonesia and China has had some success in securing diplomatic backing of third world countries in arguing for cultural differentiation in human rights. In addition, many third world advocates of such *cultural relativism* have come to see universal human rights as a new form of imperialism, through which Western powers can attack various state practices in Asia and elsewhere (Brown 2001: 610-611). In the words of controversial American political scientist Samuel Huntington: “What is universalism to the West is imperialism to the rest” (Huntington 1996: 184). Interestingly, despite continuing debate on cultural relativism and Asian values, no efforts have been made to transform Asian values into concrete proposals concerning ‘Asian human rights’ (Dunér 2002: 87; Friedman 1999: 71).

According to Brown, it should also be taken into account, that the apparently principled rejection of universalism by proponents of cultural relativism could in fact, be no more than a rationalisation of tyranny (Brown 2001: 611). In any event there is a conspicuous correlation between countries with a record of human rights abuse and countries who advocate cultural relativism.

2.2.3 Human Rights in Foreign Policy

Realists argue that the international society is an anarchical one in which order can only be reached by maintaining the balance of power. This is why national interest defined in terms of power and security, should be the guiding principle in a country’s foreign policy (Baehr et al. 2004: 19). For decades this view has dominated international relations and to a large extent still does. Although human rights have come to play an increasingly important role in international relations, it is no match for power politics or international law of sovereign equality (Donnelly 1998: 18).

Despite the cautions by realists however, governments continue to pursue human rights in international relations, although only few governments are willing to accept significant costs in pursuing international human rights objectives (Donnelly 2000: 93). Often international human rights considerations are waived in favour of other (more important) foreign policy considerations. There is no shortage of examples of human rights concerns having to give ground to national security concerns or economic interests (Dunér 2002: 159-160). It seems rather obvious that in the cases of staunch NATO ally Turkey, strategic partner in the Gulf Wars Saudi Arabia, and strategic partner in the War on Terror Pakistan, that security interests have prevailed over human rights considerations. Certainly since the terrorist attacks of 11 September 2001, the War on Terror has trumped most international human rights considerations. In accordance with the realist tradition, human rights policy is reduced to an instrument of security policy, in the sense that governments concentrate their critique of human rights abuses on countries

that are already or are likely to become enemies, while neglecting criticism of friends and allies (Baehr et al. 2004: 64).

The same logic can be applied to economic interests, with emerging economic superpower China being the most obvious contemporary example. Although allegedly one of the world's biggest human rights violators, international criticism remains moderate and international sanctions are virtually nonexistent. For example, despite worldwide condemnation of the Chinese crackdown on student demonstrators on Tiananmen Square in 1989, the United States still renewed China's trade status of *Most Favoured Nation*⁴ soon after, thereby prioritising trade policy over human rights policy (Baehr et al. 2004: 51-56; Weatherley 1999: 155-156).

Human rights policy is essentially a choice among priorities, meaning that any government will have to decide whether and when it will give higher priority to human rights over other foreign policy considerations.

⁴ The somewhat deceiving trade status definition Most Favoured Nation (MFN) actually meant normal trade relations. The name has since been changed to Normal Trade Relations (NTR).

3. Deconstructing Discourses

The purpose of this chapter is the deconstruction of the two seemingly discrepant discourses – *the dominant international human rights discourse* and *the official Chinese human rights discourse*. Through this deconstruction of the two discourses I will answer the first part of my research question, *in what manner the official Chinese human rights discourse challenge the dominant international human rights discourse*. The results of which will be used in the following hegemony-analysis, through which I will answer the second part of my research question, *how the Chinese human rights discourse seeks to redefine the international human rights discourse*.

I will begin by deconstructing the dominant international human rights discourse followed by a deconstruction of the official Chinese human rights discourse. My emphasis will be on the Chinese human rights discourse since this is the challenging ‘alien’ discourse; whereas the international human rights discourse is the dominant ‘native’ discourse through which I myself see and understand human rights. The analysis of the international human rights discourse is based primarily on three international human rights reports on China, supported by relevant secondary material and my findings in the previous section on human rights theory. The analysis of the Chinese human rights discourse is based primarily on the two reports by the Chinese State Council, supported by secondary material when relevant. In line with my discourse theoretical approach, I assume these reports’ conceptual universes are integrated parts of the two discourses, so when analysing the reports I am in effect analysing the two discourses (Dyrberg et al. 2000: 326).

3.1 The Dominant International Human Rights Discourse

In deconstructing the dominant international human rights discourse I have chosen to focus my analysis on the international critique of the Chinese human rights practices. I have done so primarily because this critique reveals the conceptual priorities within the international human rights discourse, as well as the differences between the two seemingly discrepant discourses, but also because this critique represents an active instrument in the hegemonic struggle. For this purpose I have chosen three very recent human rights reports: One is the annual *Amnesty International Report* from May 2005 (Amnesty International 2005), second is the annual *Human Rights Watch World Report* from January 2005 (Human Rights Watch 2005), third and last is the annual *US Department of State Country Report on Human Rights Practices* from February 2005 (State Department 2005). I have chosen the reports by Amnesty International and

Human Rights Watch because they are both well-respected international non-governmental organisations, whose annual reports carry substantial weight in the international community. The US State Department report, I have chosen primarily because one of the Chinese State Council reports is a counterattack on this report which makes it very relevant to this thesis.

3.1.1 International Critique

All three before mentioned reports are issued annually and evaluate the human rights practices in a majority of the world's countries in 2004 – China being one of them. It is not my intention to analyse the three reports in depth, nor is it to evaluate the accusations brought forward; rather it is to determine which human rights violations are emphasised in the three reports.

There are many similarities in the contents of the Amnesty International report (Amnesty International 2005) and the Human Rights Watch report (Human Rights Watch 2005). Both report's respective sections on China are about seven pages in total. The US State Department report (State Department 2005) differs in that it is much longer, about 130 pages including Tibet, Hong Kong and Macau. It is far more detailed than the two other reports, but the most significant difference is that the two other reports are issued by international non-governmental organisations, while the US State Department report is a government report. This raises the question of bias – the US State Department is required by law to submit this report to Congress and the American public annually, and although the report has a reputation as highly accurate with a worldwide readership, the report could also be seen as a foreign policy instrument (Baehr et al. 2004: 97; Dunér 2002: 133).

All three reports describe the political and religious persecution of members of a number of organisations such as the Tiananmen Mothers⁵ and Falun Gong, as well as AIDS-activists and of course pro-democracy activists. All reports contain examples of arbitrary arrest and detention, torture, unfair trials, forced evictions and violations of labour rights and women's rights. Furthermore, all three report of violations of the freedom of expression, freedom of speech, freedom of assembly and association, freedom of movement and freedom of religion. Finally all three reports have independent sections on human rights violations in Tibet and Hong Kong, and in Xinjiang where China uses the War on Terror as a pretext to crack down on Uighur⁶ pro-independence groups.

In addition to the above similarities Amnesty International gives special attention to the excessive and inconsistent use of the death penalty, and the arrest and forced returning of North Korean asylum seekers (Amnesty International 2005). Human Rights Watch devotes special attention to the Chinese inability to address the growing AIDS epidemic and the Chinese unwillingness to meet its

⁵ The Tiananmen Mothers (Tiān'ānmén mǔqīn) is a group of relatives to victims of the 'Tiananmen Square Protests' who has challenged the official Chinese story of what actually happened on Tiananmen Square those fateful first days of June 1989.

⁶ The Uighur is a Muslim minority of Turkish descent mainly inhabiting the north western part of China's Xinjiang Uighur Autonomous Region also known as East Turkestan.

human rights obligations in the United Nations (Human Rights Watch 2005). The more detailed report by the US State Department awards special attention to political rights compared with the two other reports, criticising China for its lack of popular elections at all levels of government as well as China's lack of cooperation with international non-governmental human rights organisations (State Department 2005).

The above is not an exhaustive list of contents from the three reports, but only a sketch of the main issues treated in these reports. It goes without saying that the degree of detail in the reports, especially the US State Department report, is not just beyond the scope of this thesis, but also not of particular importance to the problem area of this thesis. For here, it is sufficient to observe that the contents of the three reports are very similar and not surprisingly, the majority of human rights violations described in the three reports fall within the category of civil and political rights, the so-called first generation rights.

3.1.2 The International Conception

As shown in the previous subsection, the international critique of China's human rights record is focused almost entirely on civil and political rights, first generation rights. Personally I do not think this is because there is any lack of examples of social, economic and cultural rights violations in China. This is why I am tempted to draw the conclusion that civil and political rights are considered more important to Amnesty International, Human Rights Watch and the US State Department than social, economic and cultural rights, the so-called second generation of rights.

The US State Department's emphasis on civil and political rights does not come as any surprise, since the United States is one of the few remaining countries not to have ratified the International Covenant on Economic, Social and Cultural Rights. The contents of which, the United States do not consider being human rights, but rather regard as ambitions and aspirations (Baehr et al. 2004: 92). To find Amnesty International and Human Rights Watch focus almost entirely on civil and political rights as well, supports Brown's claim that there is a tendency within the international human rights regime to attach the most importance to civil and political rights (Brown 2001: 601).

In any event, by focusing almost entirely on civil and political rights, the three reports certainly contribute to the construction and reconstruction of an international human rights discourse revolving around civil and political rights, thereby essentially equalling human rights with first generation 'freedom rights' held by the individual, with respect to, and exercised against the sovereign territorial state (Donnelly 2000: 85).

Based on the analysis above, I believe that at the heart of the dominant international conception of human rights is an idea that freedom rights (civil and political rights) comes first and that with freedom the rest (economic, social and cultural rights) will follow.

3.2 The Official Chinese Human Rights Discourse

Following last section's deconstruction of the dominant international human rights discourse, I will now deconstruct the official Chinese human rights discourse, the 'alien' human rights discourse, which is why this deconstruction will require more attention than the previous one. As explained in the introduction I have chosen two reports issued by the Chinese State Council entitled *China's Progress in Human Rights in 2004* (State Council 2005a) and *The Human Rights Record of the United States in 2004* (State Council 2005b) as primary empirical data. Firstly, because I can safely assume they are representative of the official Chinese conception of human rights, secondly, because these reports are the most recent of their kind and thirdly, because together these reports represent both a defence of the official Chinese conception of human rights (State Council 2005a) and a counterattack on the dominant international conception of human rights (State Council 2005b).

3.2.1 Chinese Self-Defence

In this subsection I will analyse the first of the two reports, *China's Progress in Human Rights in 2004* (State Council 2005a), sometimes simply referred to as the Chinese White Paper on Human Rights. The paper was issued for the first time in 1991 at a time when China was eagerly trying to mend its international human rights image after the 'Tiananmen Square Protests' in 1989. Since then the white paper has been issued annually with few exceptions - the current report is from April 2005.

After a brief introduction summarizing the past year's improvements in living standards and human rights, the paper is divided into seven chapters on the following subjects: 1) People's right to subsistence and development, 2) Civil and political rights, 3) The judicial guarantee for human rights, 4) Economic, social and cultural rights, 5) Equal rights and protection of ethnic minorities, 6) The rights and interests of the disabled, and 7) International cooperation in the human rights field.

I find the tone within the report rather defensive, as if the Chinese State Council feels it has to justify the present human rights situation in China. For example, in the introduction it is stated that: "China is a developing country, and its human rights conditions are in a process of sustained development and perfection." (State Council 2005a: 28), leaving the impression that the current human rights situation needs explaining and justification. At the same time it is obvious that the focus of the report is different from that of the three international reports. To me, the first chapter is central in this regard, in dealing with people's rights to subsistence and development, none of which enjoy a very prominent position in the international human rights discourse. Judging from the contents of the chapter, the Chinese definition of subsistence is also rather broad, encompassing not only food, shelter and clothing, but also health care, education and an adequate material standard of living (ibid: 29). In the Chinese discourse,

subsistence rights emphasise the economic aspects of right to life before the civil aspects of right to life. According to the report: “The Chinese government considers the safety of the people above everything else” (Ibid: 30); and not just the safety of the individual, but rather the group, as the Chinese word for people (*rénmín*) tends to have a more collective connotation, whereas the English word is almost synonymous with individual.

The second chapter is about civil and political rights, first generation rights, and accounts for the Chinese people’s democratic rights, freedom of speech, freedom of the press, freedom of religion, and so on, basically all the freedom rights (ibid: 32). I find it rather curious that the Chinese choose to devote a full chapter to these rights, with which they have had the most reservations. Although these rights are covered by the Universal Declaration of Human Rights, China has yet to ratify the International Covenant on Civil and Political Rights, in which these rights are further developed. According to the report something the Chinese government is actively considering doing in the near future (ibid: 49).

The third chapter accounts for the legal foundation of the above mentioned rights, as well as the general improvements made in the Chinese legal system through the ongoing judicial reform. Among other improvements, the existing legal aid system has been improved to better guarantee that everyone can afford seeking justice at the courts (ibid: 38).

The fourth chapter concerns economic, social and cultural rights, second generation rights as specified in the International Covenant on Economic, Social and Cultural Rights which China has ratified contrary to the United States. The new party policy of *putting people first*⁷, is praised as a means of guaranteeing these rights (ibid: 40). The chapter also accounts for improvements in labour rights, farmer’s living conditions, migrant workers living conditions, education, and women’s and children’s rights.

The topic of the fifth chapter is the equality rights of ethnic minorities, which is guaranteed by the Chinese constitution (ibid: 44). Basically the chapter summarises what has been done to improve the standard of living in the often impoverished ethnic minority communities. Chapter six concerns the rights and interests of the disabled and accounts for the protection of the rights of the disabled, and the improvements made medically as well as materially for the disabled (ibid: 47).

Chapter seven is an account of China’s cooperation with the United Nations and its overall implementation of various human rights protocols, as well as bilateral cooperation in the field of human rights. In this regard, one formulation is of particular interest: “Based on equality and mutual respect, China has actively carried out bilateral dialogues and exchanges on human rights.” (ibid: 49). Perhaps not that curious at first sight, but why emphasise the obvious – basing bilateral relations on equality and mutual respect, if not to imply that others do not? I consider this another example that the report is defensive in nature.

The overall emphasis of the report is on the improving standard of living and economic development. All chapters, irrelevant of content, emphasise the

⁷ Putting people first (*yǐ rén wèi běn*) is a recent party policy introduced by Chairman Hu Jintao in an attempt to give more consideration to the plight of ordinary people.

improving standard of living as a human rights accomplishment. This supports the view that the right to subsistence and development are central to the official Chinese human rights discourse.

3.2.2 Chinese Counter-Critique

In this subsection I will analyse the second of the two reports, *The Human Rights Record of the United States in 2004* (State Council 2005b), which is essentially a response to the US State Department report on China. Since the US State Department report only concerns human rights practices of foreign countries, the Chinese State Council took it upon their shoulders a few years back to issue an annual report on the US human rights practices – the current report is from March 2005.

Judging from the introduction, the report is a direct response to the most recent US State Department report, apart from which the introduction focuses on the gross human rights abuses at Abu Ghraib prison outside Baghdad which according to the report signifies the ‘double standards’ of the United States on human rights. (State Council 2005b: 52). The report is divided into six chapters on the following subjects: 1) The right to life, liberty and personal safety, 2) Political rights and freedoms, 3) Economic, social and cultural rights, 4) Racial discrimination, 5) Rights of women and children, and 6) Violations of the human rights of foreign nationals.

The language is considerably more confrontational in this second report than in the first one, the defensive character of the first report was rather subtle, whereas the aggressive character of this report is rather obvious. The opening statement of chapter one serves as a good example: “American society is characterised by rampant violent crime, severe violations of people’s rights by law enforcement, and lack of guarantee for people’s right to life, liberty and security.” (ibid: 52). The report relies amongst other on significant statistical material from various US media, rather ironical, since the report also contains accusations of bias and hypocrisy in the US news media (ibid: 56).

Chapter one on life, liberty and personal safety concerns the alarming crime rate in the United States as well as problems of police brutality. In addition, the report criticises prison conditions and questions the large numbers of Americans incarcerated in them (ibid: 53-54). The second chapter on political rights and freedoms criticise the electoral system of the United States, the ‘paragon of democracy’ (ibid: 55), claiming that elections can be bought within such a system. The third chapter concerns economic, social and cultural rights, and criticise the United States for not ratifying the International Covenant on Economic, Social and Cultural Rights. The growing income gap, the numbers of homeless and people without health insurance are also heavily criticised (ibid: 58).

The fourth chapter concerns racial discrimination, claiming that racial discrimination is deeply rooted in American society (ibid: 59). Statistical material is used to illustrate anything from income gap to life expectancy between Caucasian and African Americans. Chapter five also covers discrimination, of women and children, and accounts of serious problems with child abuse, child

poverty, unequal pay for equal work, and sex crimes against both women and children (ibid: 62).

The sixth and final chapter concerns human rights violations on foreign nationals, most notably in connection with the War on Terror, with Abu Ghraib and Guantanamo Bay at the top of the list (ibid: 65). The seemingly unprovoked beating of businesswoman Zhao Yan, a Chinese national, by two US Customs and Border Protection Officers, an incident that was massively covered in the Chinese news media, is also mentioned in the report (ibid: 53). The report as a whole is filled with accusations of double standards in human rights, for example in the closing words of the report: “The double standards of the United States on human rights and its practice of hegemonism and power politics under the pretext of promoting human rights will inevitably be met with opposition from all just members of the international community.” (ibid: 68). It is apparent from the report that the Chinese seek to judge the United States on its own terms, civil and political rights, but at the same time levy serious critique for violations of economic, social and cultural rights, second generation rights, which the United States do not recognise as human rights. As in the first report subsistence rights play a central role, with substantial attention given to unequal distribution of wealth, the impoverished, the homeless and the uninsured throughout the report.

3.2.3 The Chinese Conception

As shown in the previous two subsections, the emphasis in the two reports by the Chinese State Council is somewhat different from that of the three international human rights reports. Both reports attach great importance to subsistence rights compared with the international human rights reports, thereby constructing an alternative interpretation of human rights centred round subsistence rights, while at the same time not dismissing civil and political rights completely.

Curiously, I did not find any signs of a Chinese claim to cultural relativism in any of the two reports. The language of both reports is kept within the framework of universal human rights, although with a different emphasis than the dominant international human rights discourse.

In emphasising subsistence rights, the reports become instrumental in the construction and reconstruction of an alternative human rights discourse revolving around subsistence rights, while at the same time not dismissing the language of the dominant international human rights discourse. With one hand embracing the dominant international human rights discourse, the other hand seeks to redefine the very same discourse in an attempt to redefine its conceptual universe.

Based on the above deconstruction it is my belief that the official Chinese conception of human rights rests on an idea that the right to subsistence is the most basic of all human rights, without which all other human rights are out of the question – the Chinese expression ‘rice before rights’ might be an oversimplification, but it serves the argument.

3.3 The Chinese Challenge

The purpose of the past pages deconstruction of the dominant international human rights discourse and the official Chinese human rights discourse was to answer the first part of my research question, *in what manner the official Chinese human rights discourse challenge the dominant international human rights discourse.*

As I have shown the primary discord between the two human rights discourses is essentially a conceptual one of how to understand human rights – which rights are the principal ones forming the foundation of all human rights. In the dominant international human rights discourse emphasis is on freedom rights, whereas in the official Chinese human rights discourse emphasis is on subsistence rights. The official Chinese human rights discourse does not reject the idea of universal human rights; rather it is the conception of these rights that is challenged by the Chinese discourse. It is a complex relationship of discursive acceptance and challenge. On the one hand, the Chinese State Council is defending their own human rights practices and criticising US human rights practices within the framework of universal human rights, while at the same time challenging the foundation of these rights, in seeking to redefine them.

The way I see it, by emphasising the right to subsistence, the Chinese State Council is attempting to redefine universal human rights, rather than dismiss them altogether; a view shared by international China scholars Ann Kent (Kent 1993: 2), Marina Svensson (Svensson 2002: 271-273) and Robert Weatherley (Weatherley 1999: 157), who all agree that China has accepted the universal character of human rights and today primarily seeks to redefine these rights within the framework of universalism.

4. Discrepant Discourses

Based on the results of the deconstruction I will now proceed with the second part of my discourse analysis strategy, a hegemony-analysis of the hegemonic struggle between the two discrepant discourses, *the dominant international human rights discourse* and *the official Chinese human rights discourse*. Through this hegemony-analysis of the two struggling discourses I will answer the second part of my research question, *how the Chinese human rights discourse seeks to redefine the international human rights discourse*.

Having established in what manner the official Chinese human rights discourse challenge the dominant international human rights discourse in the deconstruction, the focus is now on *how* the official Chinese human rights discourse seeks to redefine the dominant human rights discourse. For this purpose I will draw on the two principal findings from the deconstruction; that China has accepted the universal character of human rights, at least in theory if not always in practice, and that China is seeking to redefine these rights within the framework of universalism, attempting to rearticulate the conceptual emphasis away from freedom rights towards subsistence rights.

4.1 The Struggle for Hegemony

For the purpose of this hegemony-analysis I will define the two discrepant discourses, *the dominant international human rights discourse* and *the official Chinese human rights discourse*, as structural entities of differences, both attempting to dominate, and arrest the flow of differences within the human rights discourse order. As established earlier, the hegemony-analysis is in essence an analysis of the totalitarian process within the discourse order, where particular interpretations are made universal, the relative made absolute (Dyrberg et al. 2000: 322).

4.1.1 Embracing Universalism

Despite official Chinese advocacy of Asian values in the early nineties, I did not find any signs of this argument for cultural relativism in the two Chinese State Council reports; instead discursive emphasis was on redefining human rights within the framework of universalism. In the two Chinese State Council reports, Chinese human rights practices were justified and American human rights practices criticised, but all within the framework of universalism.

Ten years ago American human rights scholar Michael Davis reached the conclusion that the Chinese government had come down firmly on the side of

cultural relativism against universalism (Davis 1995: 21). From my findings in the deconstruction of the official Chinese human rights discourse, I would have to disagree. By all indications, this was the case in the early and mid nineties in the heyday of the *Asian values debate*, as much of my collected secondary literature indicates (Bruun et al. 2000: 2; Kim 2000: 145; Wan 2001: 132). However, since then Chinese emphasis has shifted away from cultural relativism towards *developmental universalism*, arguing that development and subsistence should spearhead the international human rights discourse, but within the framework of universalism.

The central issue in contemporary Chinese human rights discourse is not whether human rights originated from ‘Western’ or ‘Asian’ values, but rather the balance between subsistence rights on the one hand and freedom rights on the other (Donnelly 1999: 74). This balance between subsistence rights and freedom rights is neither obvious nor fixed, but contingent, constantly challenged and redefined by the two discrepant discourses, both discourses attempting to dominate and arrest the flow differences within the human rights discourse order. In my opinion by embracing universalism the Chinese human rights discourse has approached the dominant international discourse, gaining comparative influence and enhancing its possibilities of redefining the international discourse; instead of completely dismissing the discourse, whereby leaving the Chinese discourse outside influence.

4.1.2 Rearticulating Universal Human Rights

As I have established in the deconstruction, the Chinese challenge lies in the attempt to redefine the international human rights discourse, insisting that the right to subsistence comes before freedom rights.

The two Chinese State Council reports are one instrument in the struggle for hegemony through which the official Chinese human rights discourse seeks to redefine the language of human rights. Discourses need to be constantly reconstructed – both dominant and challenging discourse are constantly rearticulating the discourse – the loudest and most convincing discourse will eventually attract the most attention and support, thereby gaining the upper hand in the struggle for hegemony. For now the dominant international human rights discourse has the upper hand, leaving the official Chinese human rights discourse on the defensive. As discussed earlier, human rights are but a recent social construction, albeit a very sympathetic one, which will hopefully help shape our world in time to come. For the purpose of this thesis however, this is beside the point. As argued by Swedish China scholar Marina Svensson, the Chinese human rights discourse is by no means the only discourse to have tried to appropriate the concept of human rights, nor is it a prerogative of governments, as individuals and organisations are also engaged in the discursive struggle over defining the international human rights discourse (Svensson 2002: 271).

It is essentially a struggle over defining the language of human rights, a struggle in which China has become increasingly active in the rearticulation of ‘human rights with Chinese characteristics’ of which the two reports are evidence.

This continued rearticulation of universal human rights (with Chinese characteristics) by the Chinese government serves as an instrument in shifting the focus from freedom rights towards subsistence rights, thereby implicitly counterposing the right to subsistence, the economic aspect of the right to life, against the civil aspect of right to life (Kent 1993: 231).

4.1.3 Chinese Human Rights Diplomacy

Another more tangible instrument in the struggle for hegemony is the Chinese *human rights diplomacy*⁸, an arena of discursive struggle where China has become increasingly active and successful over the past fifteen years (Kent 1999: 234). Western sanctions, however moderate, resulting from the Chinese crackdown on student demonstrators on Tiananmen Square in 1989, did inflict direct costs on China in terms of trade, foreign investments, development assistance, tourism, and mass defection of elite students and intellectuals (Wan 2001: 136). In addition, further moral pressure and international humiliation was exerted on China by awarding the Nobel Peace Prize to the Dalai Lama in 1991 (Kent 1999: 216).

By the early nineties China's international human rights reputation was at an all time low and the Chinese government was forced to commit valuable policy resources to fend off international human rights pressure in the following years; for example by offering financial incentives to fellow developing countries like Pakistan to support China in its human rights disputes with the international community (Kent 1999: 215; Wan 2001: 136-137). The Chinese government was able to further cripple the ability of the international community to rally support for additional pressure on China by offering commercial incentives to some industrialised European countries and Japan, thereby dividing key Western powers on the issue of further sanctions (Wan 2001: 141).

According to British political scientist Rosemary Foot, by allying with other authoritarian governments, China has consistently worked to restrict the mandate of the United Nations Commission on Human Rights, and has routinely questioned the Commission's impartiality by alleging over-weaning focus on civil and political rights to the neglect of economic, social and cultural rights questions (Foot 2000: 270). American Asia scholar Samuel Kim agrees, suggesting that China has systematically led the way on behalf of other authoritarian governments to keep the international human rights regime small, fragmented and ineffective (Kim 2000: 143). By using anything from propaganda and commercial incentives to threats and persuasion, as a means to sway the position of fellow countries, the Chinese government has succeeded in no resolutions on China ever passing at the United Nations Commission on Human Rights (Wan 2001: 142).

Another example of Chinese human rights diplomacy is the before mentioned *Asian values alliance* with Singapore, Malaysia and Indonesia in the early and mid nineties. This attack on the universality of human rights could

⁸ The Chinese government only began actively engaging in the international human rights debate through vigorous human rights diplomacy (rénquán wàijiāo) after the 'Tiananmen Square Protests'.

however, also be seen as a means of deflecting criticism of own human rights violations – although this strategy has since all but been abandoned by the Chinese government. The purpose of this somewhat aggressive Chinese human rights diplomacy seems not just to be a question of redefining the international human rights discourse, but also and perhaps more so, a question of incapacitating the international human rights regime.

As established earlier, human rights policy is essentially a choice among priorities, meaning that any government will have to decide whether and when it will give higher priority to human rights over other foreign policy considerations. In this regard Western human rights diplomacy has largely failed if judged by the objective of facilitating change in China's human rights practices (ibid: 134). According to Chinese-American political scientist Wan Ming, the Chinese government has been able to stand its ground, without retreating to isolation or yielding to international pressure (ibid: 138), partly because of vigorous Chinese human rights diplomacy, and partly because of former Chairman Deng Xiaoping's (1904-1997) decision to continue economic reforms, much in the interest of the international community as a whole (ibid: 140). Fear of China retreating back into isolation certainly was an argument against imposing further sanctions at that time and one which is still sometimes used today.

Since 'joining' the international human rights regime and embracing the universal character of human rights, China has challenged and sought to redefine the language of human rights from within the regime. Although China's participation in the international human rights regime has added legitimacy to the universality claim, the question remains, who has benefited the most from China's participation – China or the international human rights regime?

5. Conclusions

The following conclusions are based primarily on the results of my deconstruction of the two reports by the Chinese State Council and the following hegemony-analysis, and secondarily on collected secondary literature. Given the problem area and my personal scientific position, I find the use of a Laclau and Mouffe inspired deconstruction and hegemony-analysis a scientifically viable discourse analysis strategy for analysing the problem area of this thesis.

I have established that the main discrepancy between the official Chinese human rights discourse and the dominant international human rights discourse lies in which rights are emphasised within the two discourses. The official Chinese human rights discourse emphasises the right to subsistence and development, whereas the dominant international human rights discourse emphasises civil and political rights, the so-called freedom rights.

Furthermore I have established that the official Chinese human rights discourse has embraced the universality of human rights, seeking to redefine the language of human rights within the framework of universalism. The central challenge lies in the Chinese human rights discourse's continued effort to redefine the dominant conception of human rights, shifting the focus from freedom rights towards subsistence rights.

In addition I have identified two instruments by which the official Chinese human rights discourse seeks to redefine the dominant international human rights discourse, the first instrument being the continued rearticulation of 'human rights with Chinese characteristics' to which the two reports by the Chinese State Council testify. The second and more tangible instrument being Chinese human rights diplomacy, through which the Chinese government continuously seeks to redefine the international human rights discourse, but also and perhaps more so, seeks to incapacitate the international human rights regime.

My findings are limited by the relatively small size of this thesis, which has prevented me from incorporating further empirical data in this analysis which in turn would have strengthened the credibility of my findings. Furthermore, in the spirit of discourse theory it should be taken into consideration that this is but one of many ways of analysing the problem area, other approaches might have produced different but not necessarily truer results.

6. Perspectives

Writing this thesis has raised several new questions – the most pressing to me, is what to make of the arguments put forward through the official Chinese human rights discourse? It seems that the Chinese position is open to two possible interpretations. Either China is a sincere participant of the international human rights regime, albeit with a slightly different interpretation of human rights than the dominant discourse, or China is merely using the language of human rights as a foreign policy instrument designed to deflect criticism of its own human rights practices, while promoting economic interests in the process.

As shown earlier, China has embraced the universality of human rights, at least in words if not always in deeds, meaning that the relativist argument has not been shelved altogether in the public discourse, where China's cultural and historical uniqueness are sometimes used as an argument in favour of cultural relativism. Furthermore, in the public discourse it is sometimes argued that minor human rights violations are a necessary, temporary trade-off to achieve economic development (Nathan 2002: 152), however, according to Svensson, there is no empirical evidence to support that violation of civil and political rights promote stability and economic development (Svensson 1997: 34). Let's for arguments sake indulge and assume that such a correlation exist, then I am willing to admit that the Chinese argument of 'rice before rights' may have some merit in extraordinarily poor countries. Can China be categorised as an extraordinarily poor country though? And if it could when is enough rice to warrant rights?

I believe the answer lies somewhere in between the two interpretations. On the one hand I believe in the Chinese sincerity in wanting to uphold at least a minimum of civil and political rights, like freedom from slavery and torture, and equality before the law. Rather it is the full civil and political human rights template to which China object. On the other hand I have no doubt that China is using the language of human rights as a foreign policy instrument, just like everyone else. However, as Svensson points out, for the international human rights regime to maintain its credibility it is crucial that all human rights violations are addressed in an impartial, objective and consistent manner regardless of where they occur (Svensson 2000: 221), whether they be committed in the name of economic development or the War on Terror. To apply different standards to different countries serves to undermine the very concept of universal human rights, of which we have always prided ourselves to be such staunch defenders.

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Appendixes

China's Progress in Human Rights in 2004

Beijing: Information Office of the State Council of the People's Republic of China

The year 2004 is an important year for China in building a well-off society in an all-round way. It is also a year that saw all-round progress in China's human rights undertakings.

In that year, China expressly stated in its Constitution that "The state respects and safeguards human rights," further manifesting the essential requirements of the socialist system. The Chinese government pressed forward on promoting administration according to law in an all-round way. It promulgated the document "Outline of Full Implementation for Promoting Administration According to Law," which clearly states that China must basically realize the goal of establishing a government under the rule of law after making sustained efforts for about 10 years. A series of effective measures were adopted to standardize and restrain administrative power, and to safeguard and protect citizens' rights and interests. The Communist Party of China (CPC) adopted the "Decision on Strengthening the Party's Governing Capability," which stresses that state power should be exercised in a scientific and democratic manner within the framework of the law, and that human rights should be respected and protected.

In 2004, China adhered to the scientific view of development by putting people first, and made every effort to build a harmonious society. New progress was achieved in its reform, opening-up and modernization drive. Along with continuous economic growth, more democratic practices were seen in the political arena, and the society progressed in a comprehensive way. Further improvements were made in people's living standards, and China's human rights conditions were continuously improved and developed in all fields.

China is a developing country, and its human rights conditions are in a process of sustained development and perfection. The Chinese government pays special attention to respecting and safeguarding human rights. It will take effective measures to promote the development of human rights and to raise the level of human rights and basic freedom enjoyed by the Chinese people.

To help the international community toward a better understanding of the human rights situation in China, we hereby present an overview of the developments in the field of human rights in China in 2004.

I. People's Rights to Subsistence and Development

In 2004, China's economy developed steadily and relatively rapidly, and people's rights to subsistence and development were improved considerably. China's gross domestic product (GDP) reached 13,650 billion yuan, an increase of 9.5 percent over the previous year. Total grain output in 2004 reached 469.5 billion kg, an increase of 9 percent over the previous year.

The people's overall living standard and quality of life were improved considerably, and the consumption pattern of the society continued its shift from one of basic living to one of modern living. In 2004, the per-capita net income for rural residents was 2,936 yuan, an increase of 6.8 percent in real terms and the biggest increase since 1997. The per-capita disposable income of urban residents was 9,422 yuan, an increase of 7.7 percent in real terms. Retail sales of consumer goods totaled 5,400 billion yuan, an increase of 13.3 percent. The Engel coefficient (i.e., the proportion of food expenditure in the total consumption spending) per rural and urban household was 47.2 and 37.7 percent, respectively. The number of private cars kept increasing, reaching 6 million at the year's end, making China a market with the quickest increase in the number of private cars in the world. Over the past four years, China has witnessed an addition of 90 million telephone users annually, and in 2004 some 14.5 million new Internet users were recorded in China. At present, there are more than 650 million telephone users and over 94 million Internet users in China.

The state adopts effective measures to increase input into agriculture and spares no pains to increase farmers' incomes and improve their lives. In February 2004, the Central Committee of the CPC and the State Council jointly promulgated document No. 1, known as "Opinions on Several Policies to Promote Increase of Farmers' Incomes," which explicitly stated that China must adhere to the strategy of comprehensive development of urban and rural areas and the principle of "giving more, taking less, and being flexible," and that it is a basic task to realize, safeguard and develop farmers' material interests and protect their rights and interests. Within a year, the state formulated a series of policies that were well endorsed by the farmers, directly contributing to the increase of their incomes. At the beginning of 2005, the Central Committee of the CPC and the State Council again promulgated, in the form of document No. 1, "Opinions on Several Policies on Further Strengthening Agricultural Work and Enhancing the Comprehensive Agricultural Productive Capability," deciding to further intensify efforts in implementing the policies of cancellation of special agricultural product tax, reduction or exemption of agricultural tax, providing direct subsidies to grain growing farmers, for quality seeds for four grain crops, and for those who buy large or medium-sized agricultural vehicles or equipment (abbreviated as "two reductions and exemptions" and "three subsidies") so as to further guarantee the rights and interests of the farmers. The state greatly increased its input into agriculture, rural construction and other undertakings that would help increase farmers' incomes. In 2004, the central government appropriated funds worth 262.6 billion yuan for these purposes, an increase of 22.5 percent over the previous year. Statistics show that 11.6 billion yuan was used as direct subsidies for grain growing farmers in major grain-producing areas; 2.8 billion yuan was used as

subsidies for quality rice, corn, soybean and wheat seeds; 500 million yuan was allocated as special subsidies to appropriately assist farmers who bought large agricultural vehicles or equipment. Meanwhile, greater efforts were made to reduce or exempt agricultural taxes. In 2004, the amount of agricultural taxes that were reduced or exempted came to 23.3 billion yuan, and 6.8 billion yuan in special agricultural product tax was cancelled. The farmers were relieved of tax burdens, which totaled 30.1 billion yuan. Throughout the country, 150 million farmers no longer pay agricultural tax, the rate of agricultural tax for 540 million farmers was reduced by three percentage points, and the agricultural tax rate was reduced by one percentage point for the rest of the farmers.

The housing conditions and living environment for urban and rural residents have been improved considerably. China actively promotes the development of an urban housing security system, which comprises the system of publicly accumulated housing funds, system of affordable and functional housing, and the system of low-rent housing. By the end of 2004, the low-rent housing system for minimum-income families was established in 35 large and medium-sized cities. By the end of 2003, the per-capita living space in cities and towns reached 23.7 sq m, and it was 27.2 sq m in rural areas. Families and communities began to realize the importance of environmental protection, and the people's living environment was further improved.

The Chinese government continues to take effective measures to help the rural poor shake off poverty. In 2004, the central government earmarked 12.2 billion yuan as funds to aid the poor. By adopting effective measures such as improving production and living conditions in the poor areas, and enhancing the comprehensive quality of poor rural farmers, the government has greatly reduced the number of poor farmers without adequate food and clothing throughout the country. The population of poor farmers in the countryside was 2.9 million fewer than in the previous year. The International Aid-the-Poor Conference convened in Shanghai in May 2004 spoke highly of the achievements China had made in helping the poor, declaring, "The achievements China has made in helping the poor is a good example. It has proved that it is not an unreachable goal for mankind to eliminate poverty. The example of China will reverse the pessimistic sentiment surrounding the argument on poverty elimination."

The Chinese government considers the safety of life of the people above everything else. In recent years, the state has taken a series of measures to enhance production safety and check the occurrence of all sorts of accidents. In 2004, the state promulgated one administrative law, 15 departmental regulations, five industrial standards on production safety and more than 70 regulatory documents to tackle the problem of industrial hazards. Small coal mines and other industrial enterprises which did not meet the requirements for production safety were resolutely shut down. The total number of accidents of the whole year somewhat decreased. The number of accidents and deaths throughout the country were reduced by 16.22 and 0.23 percent, respectively, compared with the previous year. The state made great efforts to guarantee safety in coal mines, including preventing gas explosions. It strengthened the establishment of safety production systems and mechanisms and exerted concentrated efforts to tackle gas-related

accidents in coal mines. As a result, the number of gas-related accidents in coal mines dropped by 15.6 percent, and that of deaths by 7.8 percent.

The state attaches great importance to combating natural disasters and carrying out related relief work, making sure that people hit by natural disasters are able to subsist. In 2004, natural disasters caused great damage throughout China. Serious flooding occurred in some medium and small river basins, coastal areas in Zhejiang Province were devastated by the strongest typhoon since 1956, and in some regions mountain torrents, mud-rock flows and landslides happened frequently. Because the government had improved its early-warning systems, exercised scientific command and effective administration, people in the disaster-stricken areas were evacuated and resettled promptly, and the injured received timely treatment. The Ministry of Civil Affairs and the Ministry of Finance jointly appropriated 4 billion yuan in relief funds, plus 4.89 million yuan in donated funds, and dispatched 31,000 tents to the disaster-stricken areas. The government helped evacuate and resettle 6.11 million disaster victims, and rebuilt more than 1.4 million houses that had been destroyed in the disasters. During the spring and winter of 2004, when crops were not harvested, some 90 million people received relief aid, and their fundamental needs for food, clothing, lodging, water and medical treatment were met.

The state continues to provide special aid to minimum-income urban families whose members either suffer from critical illness or are seriously handicapped and without any financial income. To carry out the "Measures for Assisting and Managing Urban Vagrants and Beggars with No Means of Livelihood," in 2004 a total of 550,000 vagrants and beggars received much-needed assistance from the government. Now there are 909 assistance and management centers across the country and 130 assistance and protection centers for vagrant children. A system of guaranteeing the minimum standard of living for rural residents has been established in 1,206 counties (cities), with 4,960,000 beneficiaries.

China attaches great importance to the health conditions of the people. The national public medical care network has been strengthened further. In 2004, China had 296,000 health care institutions, 3,047,000 hospital and clinic beds, 4,390,000 medical personnel, and 3,586 disease prevention and control centers (including anti-epidemic stations) with 160,000 medical personnel. Moreover, there were 1,279 health care supervision and examination institutions with 26,000 medical personnel, and 42,000 township clinics with 669,000 beds and 881,000 medical personnel. A new rural cooperative medical service system has been tried out in 333 counties (cities) across the country. It covers about 100 million rural residents so far, including 80.4 million farmers.

The state has strengthened its overall supervision over food and drugs. It cracks down heavily on such illegal and criminal acts as the manufacture and sale of counterfeit and inferior foodstuffs and drugs, and poisonous and harmful foodstuffs in order to ensure the safety of consumers. Meanwhile, it has adopted effective measures to prevent, treat and control serious epidemics. It quickly brought under control and eventually eliminated the SARS epidemic that occurred in Guangdong, Beijing and part of Anhui Province. The State Council has issued

the "Notice on Enhancing the Prevention and Treatment of AIDS." A working committee on the prevention and treatment of AIDS was set up, and a national conference on the prevention and treatment of AIDS was held. The state has provided free anti-AIDS medicine to patients among farmers and to other patients in straitened circumstances. In AIDS-prevalent areas, people receive anonymous examinations free of charge, and pregnant women with the HIV virus receive free medical screening to prevent them from spreading the virus to their babies. Orphans of AIDS patients are exempted from paying school fees, and financial support is given to needy AIDS patients. President Hu Jintao has visited AIDS patients in hospitals, showing that the state attaches great importance to the prevention and treatment of AIDS and that it cares about AIDS patients.

To ensure the people's health and safety, and to protect their interests and right to enjoy a wholesome environment, the state revised the "Law on the Prevention and Control of Environmental Pollution by Solid Waste," issued the "Measures on the Licensed Management of Dangerous Waste," "Measures Regarding Administrative Penalties for and Management of Medical Waste" and the "National Plan for the Construction of Installations for the Disposal of Dangerous and Medical Waste." In order to ensure the people's health and protect the environment, the government launched a special campaign to rectify and punish enterprises which illegally discharged pollution. In the campaign, it dealt with 3,365 severe cases of environmental pollution that seriously harmed people's rights and interests, and closed down 6,462 enterprises that seriously polluted the environment. With this effective crackdown, the environmental quality of some areas was improved noticeably.

At present, the general health of the Chinese people is better than that of the average level of middle-income countries, and ranks among the top of the developing countries in this respect. The average life expectancy has increased from 35 years before the birth of New China in 1949 to the present 71.4 years. The mortality rate of women in child-birth has dropped from 1,500 out of 100,000 in 1949 to 51.3 out of 100,000 in 2003, and the infant mortality rate from 200 before the birth of New China to 25.5 in 2003.

II. Civil and Political Rights

In 2004, China adhered to the road of political development with Chinese characteristics. It actively promoted democracy in political affairs and the building of political civilization to guarantee the citizens' civil and political rights.

The National People's Congress (NPC) and the local people's congresses at various levels are the organs through which the people exercise state power. The NPC and its Standing Committee are playing a more and more important role in governing the country according to law and guaranteeing the people's democratic rights. The amendments to the Constitution adopted at the Second Session of the Tenth NPC in 2004 added many new provisions to the Constitution that are closely related to human rights. In 2004, the NPC Standing Committee examined drafts of 33 laws, interpretations of laws and decisions related to legal issues, and adopted 25 of them, providing further legal guarantee for economic and social

development and human rights. Of them, the amended Law of Election of the NPC and Local People's Congresses further improved the election system, standardized the election procedures, and expanded and guaranteed the citizens' right of election. The amendments made to the law on the prevention and treatment of epidemics focused on the prevention of and early warning on epidemics, strengthened control over the spread of epidemics and medical treatment measures, and provided greater guarantee for the rights of citizens, sufferers from infectious diseases, and actual and suspected virus carriers. The recently adopted decision on the improvement of the system of people's jurors increased the transparency of the activities of the judicial departments, strengthened citizens' supervision over such activities and provided a guarantee for the procedural rights of citizens.

The NPC and its Standing Committee have strengthened supervision over the administrative and judicial organs as well as examination of the enforcement of laws, and support and encourage relevant state organs to do their duty and exercise their power according to law so as to safeguard the interests of the general public. In 2004, the NPC Standing Committee examined the enforcement of six laws, including the "Land Management Law," "Law on Compulsory Education" and "Trade Union Law." It examined and deliberated 11 work reports of the State Council, the Supreme People's Court and the Supreme People's Procuratorate about the establishment and improvement of an emergency mechanism concerning public health contingencies and the building of courts and procuratorates at the grass-roots level. Throughout the year, the NPC Standing Committee received more than 40,000 people seeking help from higher authorities for their problems, handled more than 60,000 petitions, and urged relevant departments and local governments to solve some of the problems that had caused great discontent among the masses, thus guaranteeing the citizens' right to appeal to higher authorities, file a charge and report an offence as provided for in the Constitution. During the Third Session of the Tenth NPC, convened in 2005, deputies submitted a total of 991 bills, an increase of 54.6 percent over those submitted during the Second Session of the Tenth NPC, convened in 2004. The bills touched upon the enactment or revision of laws on food safety, compulsory education, social security, land management, etc.

The system of multi-party cooperation and political consultation under the leadership of the Communist Party of China is a basic political system in China. A political party system with Chinese characteristics, it has played an ever greater role in the political life of the state. In 2004, the National Committee of the Chinese People's Political Consultative Conference (CPPCC) performed its functions of participating in the discussion and administration of state affairs, exercised its democratic rights and carried out democratic supervision through its regular work of making proposals, and inspections and investigations into specific issues, and reflecting public opinion.

The CPPCC National Committee organized people to make revisions to the "Regulations on the Work of Making Proposals of the National Committee of the Chinese People's Political Consultative Conference," thus helping make the work of making proposals constitutionalized, standardized and in line with prescribed

procedures. In the past year, the CPPCC National Committee received 4,478 bills submitted by its members and participating organizations. Of these, 4,263 were accepted for further deliberation. These bills covered such topics as the building of democracy and the legal system, increasing the farmers' incomes, safeguarding the legitimate rights and interests of migrant workers, establishment of a multi-layer social security system in the countryside, employment and re-employment, and welfare. It organized 30 inspection groups composed of over 750 CPPCC members.

They went on inspection tours across the country, and submitted 26 reports. The various special committees of the CPPCC National Committee made in-depth investigations into specific issues, resulting in 68 investigative reports plus 1,390 other reports containing important information. The central committees of all the non-Communist parties and the All-China Federation of Industry and Commerce submitted 115 bills and 2,503 reports concerning public opinion and information. These bills and information were promptly dealt with, and feedback was given. The Third Session of the Tenth CPPCC, convened in 2005, received 4,508 bills, of which 4,375, or 97.05 percent, were accepted for further deliberation.

The building of grass-roots democracy in the countryside entered a new phase. In 2004, the State Council issued the "Opinions on Making Village Affairs Public and Improving the Democratic Management System," which helped improve the system of making village affairs public and the system of democratic management at the grass-roots level and promote protection of ordinary villagers' democratic rights. A democratic management system based on the "Regulations on Villagers' Self-government" and "Village Regulations and Agreements" was established all over the country. A democratic decision-making system mainly in the form of villagers' congresses and representative conferences, and a democratic supervision system based on making village affairs public and democratic evaluation were also established, thus considerably raising the level of villagers' self-government within the framework of the law. A campaign was launched to create "exemplary villages of democratic management and rule of law."

At present, about 10 percent of villages across the country have been awarded this honor. The state pays special attention to guaranteeing -- through petitions and visits -- citizens' right to criticize, make suggestions, appeal to higher authorities, file a charge and report an offence. In 2004, the State Council revised the "Regulations on Petitions and Visits." The revised edition increased the government's responsibilities by demanding that its powers and responsibilities should be balanced, and highlighted the principles that all matters concerning petitions and visits should be conducted in an open manner and be convenient for the people, and the citizens' rights and interests must be protected.

In 2004, the state created a joint meeting system to solve the most difficult problems encountered when handling petitions and visits, and cases involving large numbers of people, with focus being put on problems caused by house demolition, relocation in towns and cities, and requisition of land in the countryside, and intensified its supervision on the handling and solution of the problems. Correspondence and visitation departments handled petitions conscientiously, and received visitors in a civilized manner, and the quality of

their work further improved. The state issued the "Suggestions on Further Involvement of Lawyers in Handling Law-Related Petitions and Visits from the People."

Lawyers were organized to provide legal advice to help people solve their problems through legal channels. Citizens' freedom of information, of speech and of the press is protected by law. At present, a three-level news briefing system consisting of the State Council's Information Office, and various departments of the State Council and provincial governments has basically been established. Sixty-two departments of the State Council have established the news briefing system, and appointed 75 spokespersons. Twenty-three provinces (autonomous regions and municipalities directly under the central government) have established the news briefing system, and 20 of them have appointed spokespersons. Last year, 44 departments of the State Council gave some 270 news conferences, and 28 provinces (autonomous regions and municipalities directly under the central government) gave 460 news conferences. These activities greatly increased the transparency of government work, and helped citizens become better informed about administrative affairs. Protection of citizens' rights to information, supervision and participation in public affairs were further promoted. In 2004, the state enacted a series of laws and regulations to further improve China's press system and ensure that citizens can better exercise their right of freedom of the press.

Employees' right to participate in and organize trade unions has been further exercised and developed. In 2004, a national check was conducted of the enforcement of the "Trade Union Law," which promoted the building of trade union organizations. Special efforts were made to establish trade unions in non-public enterprises and have migrant workers join trade unions. The year 2004 also saw a considerable development of grass-roots trade union organizations and trade union members. By the end of September 2004, China had 1.02 million grass-roots trade union organizations, 115,000 more than in the previous year, an increase of 12.6 percent. Non-public enterprises had 459,000 trade unions, 102,000 more than in the previous year. The number of trade union members nationwide was 137 million, 13.544 million more than in the previous year, a growth of 11 percent. Trade unions at non-public enterprises had 55.463 million members, 14.543 million more than in the previous year. Nationwide, 63 percent of employees had joined a trade union, an increase of 6.2 percentage points over the previous year. The employees' conference system was established in 369,000 enterprises and institutions that had trade unions, involving 78.364 million employees, an increase of 2.211 million over the previous year. Enterprises and institutions that practiced the publicizing of internal affairs numbered 316,000, with 70.612 million employees involved, an increase of 4.373 million over the previous year. Boards of directors were established in 57,000 enterprises with grass-roots trade unions, and supervisory committees were established in 42,000 enterprises with grass-roots trade unions. Of these, 24,000 enterprises established boards of directors including ordinary employees, and 18,000 enterprises established supervisory committees with employees as members. The numbers of trade union chairmen and chairwomen who held posts on boards of directors or

supervisory committees was 25,000 and 21,000, respectively, accounting for 44.7 percent and 49.9 percent of the members of each organ.

Citizens enjoy the freedom of religious belief in accordance with law. Religious groups, venues for religious activities, the legitimate rights and interests of religious adherents and their normal religious activities are protected by law. In 2004, the State Council promulgated China's first comprehensive administrative regulation on religious matters -- "Regulations on Religious Affairs." It clearly defines the rights of religious groups and adherents with regards to religious activities, establishment of religious colleges and schools, publishing of religious books and periodicals, management of religious properties and foreign religious exchanges. It also regulates the administrative acts of relevant departments of the government so as to ensure that the legitimate rights and interests of religious believers, religious groups and venues for religious activities are not infringed upon. According to incomplete statistics, China has now more than 100 million religious adherents, more than 100,000 venues for religious activities, and about 300,000 clergy members. Normal religious ceremonies or rituals conducted by ministers and all other normal religious activities -- carried out either in venues for religious activities or homes of religious adherents in accordance with religious tradition -- are taken care of by believers themselves and protected by law. Different religions, of their own accord, have created more than 3,000 national and regional religious organizations. They elect their own leaders in accordance with their own regulations and conduct religious ceremonies independently. They also print and publish religious classics and periodicals, and hold public welfare services. The accumulative print run of the Bible has reached 35 million. Religious organizations run 76 religious colleges where ministers are trained. All religions follow the principle of running their own affairs independently and, on the basis of equality and friendship, they are actively engaged in exchanges and communication with religious organizations in other countries.

III. Judicial Guarantee for Human Rights

In 2004, China strengthened its judicial reform to ensure strict law enforcement and fair administration of justice, and guarantee citizens' legal rights according to law.

China has cracked down on various criminal offences in accordance with law to protect citizens' life and the safety of their property. From January to October 2004, the Chinese public security organs investigated and cracked 2.004 million criminal cases. The people's courts at all levels wound up 644,248 criminal cases of first instance, in which 767,951 criminals were sentenced, effectively protecting the victims' legitimate rights and interests. Adhering to the principle of "enforcing law in the interest of the people," the public security organs strengthened construction of the law enforcement system to ensure that law enforcement is strict, just and humane, improved the system of supervision over law enforcement, and made real efforts to solve some outstanding problems in law enforcement. From September 2003 to October 2004, the public security

organs sorted out all the public security rules and regulations in effect since the founding of the People's Republic of China concerning the rights and duties of citizens, legal persons and other organizations. Among the 1,871 laws and regulations, 558 remained, 1,077 were abolished and 164 amended.

In 2004, the public security organs worked out the "Working Plan for Solving Outstanding Problems in Law Enforcement to Promote the Construction of a Law Enforcement System of Public Security Organs," which listed key problems to be solved in law enforcement over next three years, and launched a special campaign to address breaches of regulations in law enforcement to conscientiously solve the problems of seizing, sealing up, freezing and confiscating properties, giving orders for business suspension and rectification, and revocation of business certificates and licenses in violation of set regulations. Meanwhile, the public security organs strengthened supervision over key links in law enforcement related to the protection of human rights. According to statistics, in 2004, the Chinese public security and judicial organs handled 22,976 administrative reconsideration cases and 3,666 lawsuits, which were respectively 3.6 percent and 5.4 percent more than those of the previous year. The quality of work in the handling of administrative cases and level of administrative law enforcement were further improved. The judicial organs have adopted vigorous measures to prevent and contain extended detention. In 2004, the Chinese procuratorial organs had no extended detention, and urged other law-enforcing organs to correct the extended detention of 7,132 people. The Chinese courts cleared up 873 old and new cases of extended detention involving 2,432 people, settling all the cases save a handful due to technical legal problems. By the end of 2004, the Chinese public security organs had no extended detention.

The procuratorial organs have performed their functions honestly, conscientiously strengthened legal supervision and safeguarded justice in law enforcement. In 2004, the procuratorial organs rejected applications for the arrest of 67,904 people; supervised over the canceling of investigation of 2,699 cases, which they found should not have been put on file for investigation; made decisions not to prosecute 21,225 people; appealed against court judgments of 3,063 criminal cases and 13,218 civil cases; proposed for review of 4,333 cases; put 5,569 criminal appeal cases on file for reinvestigation and changed the original judgments in 786 cases; and filed for investigation cases of power abuse, dereliction of duty, soliciting or accepting bribes and malpractices for personal gain involving 3,010 judicial personnel, thus effectively safeguarding the citizens' rights and ensuring fairness and justice. To strengthen the work of investigation and arrest, and to protect suspects' legitimate rights and interests, the Supreme People's Procuratorate formulated the "Opinions on Interrogating Suspects When Handling and Investigating Cases Involving Arrest." At present, all the provincial procuratorates, 349 at the prefecture and city level and 2,407 at the county level are experimenting with the system of citizen supervisors. They account for 86 percent of the total number of procuratorates throughout the country. Under the supervision of the citizen supervisors, 3,341 cases have been concluded, thus effectively preventing handling of cases in violation of law and guaranteeing the quality of case handling.

Since May 2004, the Supreme People's Procuratorate has carried out a special campaign to severely deal with criminal cases involving government functionaries' infringement upon human rights by misusing their powers, focusing on cases of illegal detention and search, extorting confessions by torture, gathering evidence with violence, abusing people in custody, disrupting elections as well as serious cases of dereliction of duty that cause heavy losses of life and property of the people. In total, 1,595 government functionaries suspected of criminal activities were investigated and prosecuted, thus effectively bringing under control offences of infringement on rights.

The judicial organs have strengthened supervision over trials and the handling of petitions and visits involving legal procedures and lawsuits. Adhering to the principle of "handling each and every appeal," they have addressed the "obstacles to appeal" in a practical way. In 2004, the procuratorates throughout the country handled and concluded 20,306 cases of appeal according to law, the people's courts at all levels handled 4.22 million petitions and visits of complaint, and corrected the judgments in 16,967 cases that were proved to be wrongly judged according to law, which accounted for 0.34 percent of the annual total of court decisions in effect.

The trial system with Chinese characteristics has been further improved. Courts at all levels have further carried out the principle of open trial, striving to realize openness in filing for investigation, court hearing, conclusion of trial, and judgment documents and process of enforcement in the hope to promote justice with openness. Observance of trials by the general public has been facilitated with bulletins before trials and simplified procedures for attending trials. Over 50 million citizens observed trials in 2004.

The lawyer system has been continuously improved. In 2004, the Supreme People's Procuratorate formulated the "Regulations of People's Procuratorates to Ensure the Lawful Practice of Lawyers in Criminal Procedures," and the Ministry of Justice promulgated the "Provisional Regulations on Lawyers' Visits to Criminals in Custody." Relevant authorities in various places also promulgated many regulatory documents to guarantee lawyers' rights in practice, all of which further ensured that lawyers practice in accordance with the law. Statistics show that up to June 2004 there were 114,500 lawyers in practice and 11,691 law firms in China.

The legal aid system has been further improved. The Supreme People's Court adopted the "Decision on Providing Judicial Aid to Litigants with Real Financial Difficulties," improving the system of judicial aid. Payment of lawsuit fees have been reduced, exempted or allowed to be delayed, so that the litigants with real financial difficulties in civil and administrative cases, especially senior citizens, women, minors, disabled people, laid-off workers, migrant workers from rural areas, as well as victims of traffic, medical and industrial accidents, can afford to seek justice from the courts. In 2004, the courts throughout the country provided judicial aid in 263,860 cases, an increase of 15.6 percent from the previous year. The judicial aid totaled 1.09 billion yuan, 3.1 percent more than in the previous year. Lawsuit fees have been reduced or exempted for cases involving child-support payment, spouse-support payment and parent-support

payment, and lawsuits brought by households in rural areas enjoying the "five guarantees" (food, clothing, medical care, housing and burial expenses -- ed.) and by people in urban areas being provided with the minimum living guarantee. The issuance of the "Urgent Notice on Clearing Up Cases Concerning Delayed Payment for Construction Projects and Wages of Migrant Workers," in particular, provided judicial aid to migrant workers from rural areas in cases of labor disputes. As a result, 163,151 cases concerning demands for payment were concluded with high efficiency in filing for investigation, trial and enforcement. In 2004, governments at all levels throughout the country appropriated 217 million yuan in total for legal aid, 43 percent more than in the previous year.

Throughout China, 3,023 legal aid organizations were set up, 249 more than in the previous year; and during the year, 190,187 legal aid cases were handled, 23,754 more than in the previous year, extending aid to 294,138 litigants. People from all walks of life also actively participated in legal aid work. The All-China Women's Federation and local women's federations have officially opened 2,700 legal aid centers for women and agencies for protection of women's rights. The All-China Federation of Trade Unions and local trade unions have established 2,990 legal aid organizations for workers. The China Disabled Persons' Federation and local disabled persons' federations have signed cooperation agreements with over 3,000 law firms for legal aid in cases concerning the protection of disabled people's rights. Over 30 institutions of higher learning, including Peking University, Tsinghua University and Wuhan University, have provided legal aid services to people with difficulties by combining legal aid and clinical legal education.

The legal rights and interests of people in custody are protected by law. In 2004, the Ministry of Public Security and the Supreme People's Procuratorate jointly planned, organized and launched a drive to build "model units for strengthening the enforcement of surveillance and legal supervision, and for guaranteeing smooth criminal proceedings and the legal rights and interests of detainees" in all the detention houses throughout China. Consequently, a large number of model detention houses have emerged with advanced facilities, standard law enforcement and humane management. The system of meeting public procurators has been generally established in detention houses, supervision over food, health care and epidemic prevention for detainees has been strengthened, the detainees' physical health and protection of their property has been accorded with greater attention, and the system of informing detainees of their rights, the system of open procuratorial work and visit system have been improved, thus effectively protecting detainees' legal rights and interests. By the end of 2004, the Chinese procuratorial organs had set up 77 sub-procuratorates in large prisons or areas where prisons and reeducation-through-labor camps are concentrated, and over 3,700 procuratorial offices in medium-sized and small prisons, reeducation-through-labor camps and detention houses. Procurators have been dispatched to over 90 percent of China's prisons, detention houses and reeducation-through-labor camps. The supervision system is being improved step by step.

IV. Economic, Social and Cultural Rights

In 2004, China began to implement the scientific development concept of putting people first, focusing on promoting the all-round, coordinated development of the urban and rural areas, different regions, as well as economy and society, promoting all people's equal participation in development and share of development results, and continuously enhancing the level of people's enjoyment of their economic, social and cultural rights.

The Chinese government attaches great importance to the protection of laborers' rights. The state has adopted many measures to promote employment and e-employment, including re-employment aid, strengthened control of unemployment and regulation over staff cuts by enterprises. In 2004, there were 9.8 million new employees and 5.1 million re-employed laid-off workers in urban areas in China; the registered unemployment rate was 4.2 percent in urban areas, 0.1 percentage point lower than in the previous year. By the end of 2004, the number of workers laid off from state-owned enterprises shrank to 1.53 million, of whom 920, 000 joined re-employment service centers, where they received subsistence allowances, and which paid their social insurance premiums. The labor security and social insurance system have been further strengthened. In 2004, the State Council promulgated and implemented the "Rules of Supervision over Labor Security," thus providing a legal basis in this aspect. The "Provisions on Collective Contracts" and the "Provisions on Minimum Wages" were amended and promulgated. A minimum-wage guarantee system has been established in all areas, and most areas have readjusted the minimum-wage standards in a timely and appropriate way. The "Corporate Annuity Trial Measures" and the "Management of Corporate Annuity Funds Trial Measures" were enacted and promulgated to promote the establishment of a multi-level system of old-age insurance. The management of hospitals and pharmacies designated for medical insurance has been further improved. Guidance has been given to employees of organizations of mixed ownership and non-state-owned enterprises to participate in medical insurance, and the catalogues of medicines covered by basic medical insurance and industrial injury insurance have been amended to better cater to the demands of the insured for reasonable use of medicine.

Considering the constant flow of migrant workers from rural areas, a special policy has been made and implemented for their participation in industrial injury insurance and the payment of compensation for industrial injuries. A comprehensive study has been launched of the situation of employment and social security of migrant workers from rural areas and farmers whose lands have been requisitioned. Energetic efforts have been made to promote the participation of employees of high-risk enterprises in industrial insurance in light of the high risks they are exposed to.

The coverage of social insurance has been continuously expanded, and various insurance funds and social security funds have continued to increase considerably. In 2004, the central treasury put 146.5 billion yuan into social security, 18.1 percent more than in the previous year. The standards of basic pensions for retirees from enterprises and the minimum living guarantee for urban

residents in some areas have been raised. In 2004, basic pensions were duly and fully issued to all retirees from enterprises throughout China, totaling 303.1 billion yuan, with 52 billion yuan of subsidies from the central treasury. By the end of 2004, the numbers of people participating in basic pension insurance, unemployment insurance, medical insurance and industrial injury insurance in urban areas had reached 164 million, 106 million, 124 million and 68.45 million, respectively, 8.47 million, 2.11 million, 15.02 million and 22.70 million more than at the end of the previous year respectively. In the rural areas, 55 million people had participated in social old-age pension system. In 2004, 4.19 million people received unemployment insurance benefits, 0.52 million people received compensation under the industrial injury insurance scheme, about 2.20 million farmers received old-age pensions, and 22.01 million urban residents were issued minimum living allowances by the government.

The state has vigorously developed education, science, culture, health care and sports, striving to guarantee citizens' rights to education, culture and living in an all-round way. In 2004, the central treasury earmarked 98.7 billion yuan and invested 14.7 billion yuan in treasury bonds for these purposes. In the same year, the central treasury appropriated various special-purpose funds, totaling over 10 billion yuan, for compulsory education in rural areas, an increase of more than 70 percent from the 5.8 billion yuan of 2003. The central treasury appropriated 6.8 billion yuan for education, including basic universal nine-year compulsory education and basic elimination of illiteracy among young and middle-aged people ("two basic's" for short), as well as construction of public health care facilities in the western regions, 2.7 billion yuan more than in the previous year. As a result, 2.0558 million illiterate people received rudimentary education, 2,364 boarding schools in western rural areas are being built, ramshackle buildings of 8,130 secondary and elementary schools in central and western China were renovated, and 24 million students from impoverished families within the compulsory education period in central and western rural areas received free textbooks. At present, there are more than 70,000 private schools (educational establishments) at all levels and of various kinds, with over 17 million students, and more than 10,000 training institutes. In 2003, the national treasury appropriated 109.4 billion yuan for compulsory education in rural areas, more than twice the 53.3 billion yuan in 1999 and accounting for 80 percent of the total funds for the purpose in the same year.

In 2004, the enrolment of technical college students and undergraduate students throughout the country was 4.473 million, 0.65 million more than in 2003, and the enrolment of graduate students was 0.326 million, 0.057 million more than in 2003. At present, there are over 20 million students in institutions of higher learning in China, and the gross enrolment ratio for higher education has reached 19 percent. Enrolment in secondary vocational education has reached 5.48 million, and there are now 13.68 million students in such schools. There are 5.957 million undergraduate students and technical college students in institutions of higher vocational education, 1 million more than in the previous year.

Cultural undertakings continued to develop and the people's cultural life continued to improve. By November 2004, the national cultural information

sharing project had 32 provincial sub-centers, nearly 3,000 grass-roots centers and over 50,000 terminal users. By the end of 2004, the country had 2,599 art troupes, 2,858 cultural centers, 2,710 public libraries, 1,509 museums, 282 radio stations, and 314 TV stations with 60 education channels. There were about 115 million cable TV users, and 30 cities with cable digital TV services for 1.22 million users. The overall population coverage rates of radio and TV broadcasting were 94.1 percent and 95.3 percent, respectively. In 2004, 212 feature films and 44 films on science and education, documentaries and animated cartoons were produced. In the same year, 25.77 billion copies of national and provincial newspapers, 2.69 billion copies of periodicals of various kinds and 6.44 billion copies of books were published. A relatively complete public cultural service system had taken initial shape, and the people's basic cultural rights were protected.

The government has adopted measures to improve the farmers' cultural, scientific and technological qualities, enhance their ability to increase their incomes, and improve their production and living conditions. In 2004, the government arranged 1,692 projects under the Spark Program, in which agricultural produce processing projects accounted for 33.1 percent, projects for the development of advantageous resources and characteristic industries in rural areas accounted for 13.89 percent, and high-efficiency cultivation and breeding projects accounted for 24.7 percent. Over 3.10 million were trained in different skills for rural enterprises, 236 rural enterprises received support to set up state-level centers for technological innovations, and over 1,500 state-level intermediary agencies of all kinds were established to provide science and technology services in rural areas. So far, 143,400 Spark Program demonstration projects have been implemented, involving nearly 90 percent of the counties and cities throughout the country. In recent years, the state has invested 10.3 billion yuan to solve the drinking water problem for over 60 million rural people. In 2004, 1.8 billion yuan was arranged in the form of treasury bonds for investment in projects to make drinking water available to people and domestic animals in rural areas, which helped solve the problem of safe drinking water for 9.58 million people in the countryside. The "2005-2006 Emergency Plan for Drinking Water Projects in Rural Areas" was worked out, which was expected to solve the drinking water problem for 21.20 million rural residents. Meanwhile, 2 billion yuan worth of treasury bonds was issued for investment in the construction of marsh gas facilities, which would provide marsh gas for 2.07 million rural households. A project for the construction of pastoral steppes and settlement of nomads in Tibet was carried out continuously, which received accumulatively 180 million yuan by 2004 and, when completed in 2006, it would settle 8,000 nomad families totaling 40,000 people. Some 6.4 billion yuan of work-for-food funds was appropriated to construct 1.85 million mu (15 mu equals to 1 ha) of basic farmland, add and improve 9.70 million mu of irrigated areas, build, renovate and extend 40,000 km of highways, and prevent and control soil erosion in an area of 0.155 million sq km.

The government attaches great importance to the protection of the farmers' legitimate rights and interests. In 2004, the government examined compensation for and settlement of farmers whose collectively-owned lands had been

requisitioned, and paid defaulted compensation for land requisition totaling 14.77 billion yuan. The government sorted out and annulled discriminative regulations and unreasonable restrictions on farmers seeking employment in urban areas, and continued to improve protection of the legitimate rights and interests of migrant workers from rural areas, requiring that their children should enjoy equal rights to compulsory education with local children, forbidding arbitrary collection of fees from them, improving job services for them, providing them with good consultation services, strengthening their training for employment, further solving their problem of defaulted wages, reinforcing the management of labor contracts as well as procuratorial work and law enforcement concerning labor security, handling promptly labor dispute cases, encouraging trade unions to protect their rights and interests according to law, and providing them with industrial injury insurance. In 2004, the "Provisional Measures for the Management of Payment of Wages to Migrant Construction Workers from Rural Areas" was formulated, which provided for an overall clear-up of defaults on payment of project fees as well as wages of migrant workers from rural areas.

By the end of 2004, migrant construction workers from rural areas received wages totaling 33.2 billion yuan defaulted accumulatively over the previous years. The government protects women's legitimate rights and interests according to law. By the end of 2004, 2,603 coordination teams or joint conferences for the protection of women's and children's rights and interests above the county level had been established, 22 provinces had formulated regulations, opinions or measures against domestic violence, and 3,183 courts or jury panels had been set up for the protection of women's rights. Meanwhile, the All-China Women's Federation had conducted a sample survey in six provinces (autonomous regions and municipalities directly under the central government) and 24 counties (cities and prefectures) under their jurisdiction, to learn about the state of women's legal knowledge and needs. It also held its fifth Rights Protection Week, with the theme "Legal System Promotion and Education by Doing Practical Work," combining legal system promotion and education with safeguarding women's rights and interests, which benefited directly over 200,000 counts of people.

Women's equal rights and interests in political, economic and social spheres are being gradually realized along with social development. From the Fourth National People's Congress elected in 1975 to the Tenth National People's Congress elected in 2003, women deputies accounted for over 20 percent of the total number of deputies. The scale of employment, payment and education level of women are roughly on the same level as those for men. The government actively provides women with reproduction health services and has introduced informed choice in contraception and birth control to protect women's rights to reproduction health, information and choice. In 2004, the government launched "World AIDS Day" activities which featured the theme "Show Concern for Women, Say No to AIDS" to provide face-to-face dissemination and education for 34.83 percent of China's female population.

Meanwhile, the government severely punishes such unlawful acts as unnecessary medical tests on the sex of fetuses, artificial abortion because of the sex of a fetus, and drowning or abandoning baby girls. The experimental

campaign of "Caring for Girls" was launched in 11 counties in 11 provinces with excessively high male sex ratios in the newly born population, and it was expanded to 24 counties in 24 provinces the same year. Moreover, the governments of the provinces, autonomous regions and municipalities directly under the central government launched the experimental campaign on their own initiative in 638 places at or above the county level.

As a result, all the areas with excessively high male sex ratios among the newly born population are now covered by the campaign, and the rights and interests of women and girls are truly protected.

V. Equal Rights and Special Protection for Ethnic Minorities

In China, like citizens of the Han ethnic group, citizens of ethnic minorities equally enjoy all the rights accorded to Chinese citizens by the Constitution and laws. But they also enjoy some special rights accorded to ethnic minorities by law.

By electing deputies to the NPC from their own ethnic groups, all ethnic minorities exercise the right to participate in the administration of state affairs. Starting from the First NPC, the proportions of deputies of ethnic minorities among the total number of deputies in every NPC have been higher than the proportions of their populations in the nation's total population in the corresponding periods. The Tenth NPC has 415 ethnic-minority deputies, accounting for 13.91 percent of the total and 5.5 percentage points higher than the proportion of their total population in the nation's total population. Every ethnic group has its NPC deputy or deputies. Ethnic groups each with a population of more than one million have member(s) on the NPC Standing Committee. People of all ethnic groups in ethnic autonomous areas are entitled to vote and stand for election, as provided for in the Constitution and other laws. By electing deputies to the local people's congresses and establishing local organs of self-government, they exercise their democratic rights to manage the internal affairs of their own ethnic groups in their autonomous areas. Among the chairmen or vice-chairmen of the standing committees of the people's congresses of all 155 ethnic autonomous areas in China there are citizens of the ethnic group or groups exercising regional autonomy in the area concerned. The heads of all autonomous regions, autonomous prefectures and autonomous counties are all citizens of the ethnic groups exercising regional autonomy in the areas concerned.

Increased financial input from the state has brought about rapid economic and social development in ethnic-minority areas and continuously improved the living standard of ethnic minority peoples. To accelerate the development of China's western regions and ethnic autonomous areas, the Chinese government launched a grand strategy for the development of western China in 2000, which covers five autonomous regions, 27 autonomous prefectures and 83 of the 120 autonomous counties (banners). In addition, three other autonomous prefectures are allowed to enjoy the preferential policies the state has adopted for the western regions. During the five years since the kick-off of the strategy for the development of the western part of the country, the construction of 60 key

projects has begun, involving a total investment of 850 billion yuan. In 2004, the state started ten major projects to develop western China, with a total investment of 80 billion yuan and covering the fields of transportation, energy, education and public health. According to statistics, in 2004, the GDP of the Inner Mongolia Autonomous Region, Guangxi Zhuang Autonomous Region, Tibet Autonomous Region, Ningxia Hui Autonomous Region and Xinjiang Uighur Autonomous Region was 271.2, 332, 21, 46 and 220 billion yuan, respectively, representing increases of 19.4, 11.8, 12.4, 11, and 11.1 percent respectively over the previous year.

The state continues its efforts to invigorate the border areas and help people in those areas become wealthy. In addition to the areas where pilot projects had been launched, in 2004, the state designated another 37 counties for special support. From 2000 to 2004, a total of 264 million yuan from the central treasury was allocated to invigorate border areas and make their residents better off. Funds from other sources across the country totaled more than 15 billion yuan, and they were used for the construction of more than 20,000 projects.

Education in ethnic-minority areas has advanced with great strides. The ethnic autonomous areas are key targets for the state's plans to basically make nine-year compulsory education universal and basically eliminate illiteracy among the young and middle-aged population. Special educational funds allocated by the state and key educational projects undertaken by the state are steered to the ethnic minority areas. The "Compulsory Education Project for Impoverished Areas" launched by the state is also geared to the ethnic minority areas in the western part of the country. During the period of the Tenth Five-Year Plan (2001-2005), the state has set aside 5 billion yuan for the continuous implementation of the second phase of the "Compulsory Education Project for Impoverished Areas." More than 80 percent of the funds has been or will be used in western China and other areas where ethnic minorities live in compact communities. So far, 4 billion yuan has already been used to repair or rebuild dilapidated buildings of primary and middle schools in the countryside, of which 57 percent has been used in western China and other areas where ethnic minorities live in compact communities. Eighty-three percent of the school-age children in Xinjiang, Tibet, Ningxia and Qinghai get free textbooks. In the agricultural and pastoral areas of Tibet, school-age children not only are exempted from school fees but also are provided with free meals and accommodation. Students in 56 counties in Xinjiang get free textbooks and notebooks, and are exempted from paying school fees. In Yunnan Province, students who are exempted from paying for their textbooks, notebooks and school fees totaled 409,000 in 2004, an increase of 92,000 compared with the previous year. China now has 13 ethnic institutions of higher learning, which enroll mainly students of ethnic-minority origin. In order to train people of ability for Tibet and Xinjiang, these colleges and universities have made special efforts to run preparatory classes for minority peoples, classes for minority peoples, and classes for students from Xinjiang. In 2004, the Dachang Advanced Experimental Middle School in Hebei Province set up classes for students from the western part of China, which enrolled 108 senior high school students of ethnic minority origin from Guangxi, Sichuan, Yunnan, Hubei and Ningxia. These students will study

there until they complete their senior high school program. When enrolling new students, institutions of higher learning and secondary specialized schools usually lower the admission criteria for ethnic-minority applicants, and give preferential treatment to students from ethnic groups with extremely small populations.

The state provides support to organs of self-government of autonomous areas to independently develop cultural undertakings in ethnic languages and with ethnic characteristics, including literature, art, news, publishing, broadcasting, movies and television programs. It organizes and provides support for the collecting, editing, translating and publishing of historical and cultural books of ethnic minorities. It protects scenic spots and historical sites, valuable cultural relics, and other important items of the local cultural heritage, and inherits and carries forward the traditional culture of the ethnic groups. The state has established a national ethnic-minority ancient books publishing planning team to sort out ancient books of ethnic minorities. Now, institutions for the editing of and research in ancient books of ethnic minorities have been established in 25 provinces (autonomous regions and municipalities directly under the central government), 130 autonomous prefectures and leagues across the country. They have collected 120,000 titles of ancient books of ethnic minorities and published over 5,000 of them. By the end of 2004, China had 30 world heritage sites including cultural, natural sites and the mixed. Two of the cultural heritage sites, namely, the Potala Palace in Lhasa and the Old Town of Lijiang, and three of the natural heritage sites, namely, Jiuzhaigou Scenic & Historic Interest Area, Huanglong Scenic & Historic Interest Area and the Three Parallel Rivers scenic spot, are located in ethnic autonomous areas. In addition, the Dongba classical documents of the Naxi ethnic group are included in the World Memory Heritage List. A National Traditional Ethnic Minority Sports Meet is held every four years. The development of the traditional medicine of the ethnic groups is thriving. At present, Tibet produces 293 kinds of Tibetan medicine, with an annual output of over 1,500 tons. Tibetan ready-made medicine has found its way to the national public Medicare market. The total annual output value of Tibetan medicine producers is more than 450 million yuan.

The state attaches great importance to ecological construction and environmental protection in ethnic autonomous areas. All the four key areas and four key projects listed in the "National Ecological Environment Construction Plan" of the Chinese government are in ethnic minority areas. The "Natural Forest Protection Project" and the projects for converting farming land back to forestry and pasture are mostly in ethnic minority areas. Nearly half of the 226 national nature reserves are located in those areas. In addition, the central government has launched the "Project for Comprehensive Improvement of the Environment of the Tarim Basin" in Xinjiang and the "Project for Protection of the Source of the Three Rivers" in the Yushu Tibetan Autonomous Prefecture in Qinghai, and attaches great importance to the ecological improvement of the karst areas in southern China.

VI. The Rights and Interests of the Disabled

China attaches great importance to the development of services for the disabled, and protects all their rights.

The legal and policy guarantees for the rights and interests of disabled people have been enhanced. In 2004, an amendment of the "Law on Protection of the Disabled" was started, aiming to further improve the legal guarantee for the rights and interests of the disabled and for the development of undertakings relating to the disabled. At present, most counties, towns and townships in China have formulated preferential policies for the disabled and regulations on aiding them. In the rural areas, the disabled enjoy reduction of or exemption from taxes and fees. In September 2004, the State Council officially approved a second national sample survey regarding the disabled people, which would gather basic information on their present situations, and provide a detailed, reliable basis for the government to formulate and implement laws, regulations, development plans, policies and measures concerning the disabled, to strengthen and improve services for them, and to help them be better off. The government issued the "Opinions on Further Enhancing the Work of Aiding Impoverished Disabled People, " which provides an overall plan for the aid, social security, employment, education, rehabilitation and rights protection for the impoverished disabled people, and which promotes settlement of their problems in basic production and living. In 2004, China Welfare Fund for the Disabled donated 1 million yuan and cooperated with the China Disabled Persons' Federation in launching the campaign of "aiding the disabled in protection of their rights," providing subsidies for handling cases involving disabled people who needed legal aid. Legal service and aid organizations provided services and aid to the disabled totaling 130,000 person-times, thus safeguarding their legal rights and interests.

The socialized rehabilitation service system has been continuously improved, key rehabilitation projects implemented effectively, and disabled people's self-reliance in daily life, social adaptability and living qualities enhanced. In 2004, over 3.30 million disabled people overcame their disabilities to varying degrees. Of them, 580,000 people suffering from cataracts received operations to recover their sight, among whom over 100,000 impoverished received free operations; nearly 30,000 people suffering from poor sight were provided with visual aids; 24,000 deaf children received training in hearing and speaking; over 80, 000 physically disabled persons and children suffering from cerebral palsy and mental disabilities participated in rehabilitation training; over 2.50 million people suffering from mental diseases underwent medical treatment and rehabilitation training; more than 3,900 persons suffering from malformation caused by leprosy received plastic surgical operations; and over 1 million devices for aiding the disabled were supplied.

The disabled persons' education and employment have been better guaranteed. Education for disabled children has been included in the state compulsory education system, and their enrolment rate been rising continuously. In 2004, 4,112 disabled students were admitted to institutions of higher learning, 543,000 disabled people received vocational education and training, and over 40,000 impoverished disabled students received financial assistance. In urban

areas, 305,000 disabled people were newly employed; in rural areas, 16.241 million disabled people engaged in crop farming, fish breeding and poultry raising, or household handicraft making. The rate of employment for the disabled has exceeded 80 percent.

Social security for the disabled has been better implemented. Large numbers of disabled people have benefited from the minimum living standard program. Classified assistance has been carried out in some areas, where special aid is provided for disabled people with excessive difficulties, such as seriously disabled people or families with more than one disabled members, by raising their minimum living guarantee standard and level. In some urban areas, impoverished disabled people who are self-employed are entitled to subsidies for participating in basic old-age insurance.

At present, 4.469 million disabled people in China are provided with social security of various forms. The aid-the-poor development program for the rural areas continues to provide special aid to the impoverished disabled people, and people from all walks of life in the society have assisted impoverished disabled people in various ways. In 2004, 1.27 million disabled people no longer had the problem of not having enough to eat and wear. To improve the housing conditions of impoverished disabled people, the central treasury appropriated 50 million yuan for subsidies and the local governments at various levels funded 277 million yuan in total to renovate the houses of over 20,000 households, benefiting 27,000 disabled people.

The cultural and sports life of the disabled people has become increasingly rich and varied. In cultural centers, libraries, gymnasiums and stadiums, more and more conveniences and services have been provided for disabled people. TV and radio stations, newspapers and magazines give wide coverage to the lives of disabled people, and launched special programs or opened special columns. A large number of publications for and about disabled people have been published, and many films and TV plays about their life produced. The Sixth Exhibition of Programs for Disabled People of People's Radio Stations, the Fourth National Joint Performance of Schools of Special Education, and the National Exhibition of Fine Arts of Schools of Special Education were held.

The China Disabled People's Arts Troupe made a performance tour in seven countries, including Switzerland and Turkey, displaying their talents and dynamic spirit. The Chinese Fraternity of Disabled Writers has been founded. In the 12th Paralympics in Athens, Chinese disabled athletes won 63 gold, 46 silver and 32 bronze medals, ranking the first in total number of gold and total number of medals. Their perseverance and sportsmanship won praise of people from various countries.

A social environment of equal participation, care and help for disabled people has taken shape. On May 16, 2004, the 14th "National Help-the-Disabled Day," a rich variety of practical, effective activities were launched all over the country. Help-the-disabled activities in the society continued, including "Volunteers for Helping the Disabled," "Red Scarf Movement for Helping the Disabled," "Cultural Circles' Help for the Disabled," "Help for the Disabled from Science and Technology Circles" and "Legal Assistance for the Disabled," solving

many practical difficulties for them. More than 50,000 liaison offices of help-the-disabled volunteers have been established throughout the country. Headway has been made in building a barrier-free environment for the disabled. A large number of sloping passages, paths for the blind, handrails and audio traffic signs and other facilities for the disabled persons' convenience have been either built or renovated on the major roads, in shopping centers, hospitals, hotels, cinemas, theatres, museums, airports, railway stations and public premises in the large and medium-sized cities.

Twelve cities launched the campaign of building a model barrier-free city. Many news programs on TV are with sign language. More and more TV programs and films have subtitles. All these have made it more convenient for disabled people to come out of home to participate in information exchange and social life and enjoy public services. An environment where the disabled people are understood, respected, cared about and helped in the society has gradually taken shape.

VII. International Exchanges and Cooperation in the Field of Human Rights

China has all along been supportive to and actively participated in activities in the field of human rights sponsored by the United Nations. In 2004, Chinese delegation attended the 60th Session of the United Nations Commission on Human Rights, the Substantive Session of the United Nations Economic and Social Council, and the Third Committee Meeting of the 59th Session of the United Nations General Assembly. China sent specialists to attend the 56th Session of the Sub-Commission on the Promotion and Protection of Human Rights. China has been elected a member of the United Nations Committee on the Status of Women from 2005 to 2008, and Chinese specialists have been elected into the 2005-2008 United Nations Committee on the Elimination of Discrimination Against Women and United Nations Committee on Economic, Social and Cultural Rights. In the above organizations and meetings, China has sincerely carried out its duties, actively participated in deliberation and discussion of human right topics, upholding the purpose and principles of the Charter of the United Nations, and making active efforts to promote international cooperation in the field of human rights.

The Chinese government cherishes the important role of international instruments on human rights in promoting and protecting human rights. As a member of 21 international conventions on human rights, including the "International Covenant on Economic, Social and Cultural Rights," it has adopted a series of measures to perform its duties specified in the conventions, and submits on time its reports on implementing the conventions for consideration of the United Nations treaty bodies. With a sincere and responsible attitude, the Chinese government is actively considering approving the "International Covenant on Civil and Political Rights." In 2004, China conscientiously wrote its Fourth and Fifth Combined Report on the "Implementation of Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," giving an account of the implementation of the convention in China, including the

Hong Kong Special Administrative Region and the Macao Special Administrative Region, from 1999 to 2004. It also conscientiously wrote its first reports on the implementation of the "International Covenant on Economic, Social and Cultural Rights" and the "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography."

China has been actively involved in the formulation of legal instruments concerning international human rights. In 2004, the Chinese government sent delegations to participate in drafting legal documents such as the "Legally Binding Normative Instrument for the Protection of All Persons from Enforced Disappearances" and "Convention on the Rights of Persons with Disabilities."

China has actively conducted international cooperation in the field of human rights. Since it signed the "Memorandum of Understanding on Cooperation" with the UN Office of the High Commissioner for Human Rights (UNOHCHR) in 2000, both sides have launched a series of projects of cooperation in human rights. In 2004, a UNOHCHR project assessment team visited China, and assessed its implementation of the "Memorandum of Understanding on Cooperation." China also hosted the visit of the Working Group on Arbitrary Detention of the UN Commission on Human Rights. Together with the UNICEF's office in China, China held a seminar on the questionnaire of the UN Independent Expert on Violence Against Children, gave an honest, detailed answer to it, and submitted it to the United Nations. In December 2004, China submitted to the United Nations its answer to the questionnaire on child pornography on the Internet based on careful study.

China has continued to actively participate in and promote the activities of the second "Asia and Pacific Decade of the Disabled" (2003-2012). In 2004, the United Nations presented Deng Pufang, Chairman of China Disabled Persons' Federation, the "award of outstanding contributions to the 25 years of UN-China cooperation," commending his outstanding contributions to human rights. It represented full recognition of the international community for the persistent efforts China has made in promoting and protecting human rights and enhancing protection of the disabled in the world.

Based on equality and mutual respect, China has actively carried out bilateral dialogues and exchanges on human rights. In 2004, China held dialogues or consultations on human rights with Australia, Canada, the United Kingdom, the European Union, Norway, Germany and the Netherlands. It also conducted exchanges on this topic with Eritrea, Sierra Leone, Zimbabwe and Laos. China hosted the Sixth ASEM Informal Seminar on Human Rights, China-Africa Seminar on Human Rights, China-EU Seminar on the Ratification of the ICCPR, China-Australia Seminar on the Economic Development and the Protection of the Rights of Ethnic Minorities and Aborigines, and the Sixth China-Canada-Norway Human Rights Forum. In May 2004, the Supreme People's Procuratorate, in cooperation with the relevant Australian authorities, held the China-Australia seminar on protection of the human rights of detainees and prisoners, discussing about such issues as the function and role of procuratorial organs in protection of the human rights of detainees and prisoners. These dialogues and exchanges enhanced mutual understanding, reduced differences and expanded consensus

between China and other countries on human rights issues. At the same time, non-governmental organizations also carried out active dialogues and exchanges. Chinese NGOs, such as China Society for Human Rights Studies, conducted wide-ranging exchanges and cooperation on human rights with the Project Assessment Team of UNOHCHR, the Working Group on Arbitrary Detention of the UNCHR, government and parliament delegations from Germany, Ireland, Egypt and Vietnam, as well as non-governmental organizations from various countries, which enhanced mutual understanding.

At the end of 2004, when the most serious tsunami in recorded history happened in the Indian Ocean, the Chinese government and people, out of deep sympathy for the suffering of the people of the afflicted countries, provided earnest help to the full extent of their capabilities for their disaster relief and rehabilitation, gaining wide appreciation at home and from abroad for their spirit of internationalism and humanism. The Chinese government offered emergency aid to the afflicted countries immediately after the disaster. By March 1, 2005, the Chinese government had offered 686 million yuan worth of aid, and the non-governmental donations amounted to 576 million yuan, in which over 50 percent of governmental aid in kind and cash had been delivered to the afflicted countries. The Chinese government also sent two international aid teams, four medical teams, a DNA analysis team and an investigation and consolation delegation. The three specialized post-disaster assessment and rehabilitation investigation teams sent to the stricken areas, having fully communicated with the governments of the countries, formulated focused plans for participation in rehabilitation. The Chinese government was also actively involved in international and regional cooperation in the early-warning mechanism for severe natural disasters, making its contributions to the better living and development of the world population.

Realization of full human rights is a common pursuit of all countries in the world. It is also an important target of China's all-round construction of a well-off, harmonious socialist society. Together with the international community, China will, as always, make persistent efforts in promoting continuous progress of human rights in China and healthy development of international human rights.

The Human Rights Record of the United States in 2004

Beijing: Information Office of the State Council of the People's Republic of China

In 2004 the atrocity of US troops abusing Iraqi POWs exposed the dark side of human rights performance of the United States. The scandal shocked the humanity and was condemned by the international community. It is quite ironic that on Feb. 28 of this year, the State Department of the United States once again posed as the "the world human rights police" and released its Country Reports on Human Rights Practices for 2004. As in previous years, the reports pointed fingers at human rights situation in more than 190 countries and regions (including China) but kept silent on the US misdeeds in this field. Therefore, the world people have to probe the human rights record behind the Statue of Liberty in the United States.

I. On Life, Liberty and Security of Person

American society is characterized by rampant violent crimes, severe violations of people's rights by law enforcement departments and lack of guarantee for people's rights to life, liberty and security.

Violent crimes pose a serious threat to people's lives. According to a report released by the Department of Justice of the United States on Nov. 29, 2004, in 2003 residents aged 12 and above in the United States experienced about 24 million victimizations, and there occurred 1,381,259 murders, robberies and other violent crimes, averaging 475 cases per 100,000 people. Among them there were 16,503 homicides, up 1.7 percent over 2002, or nearly six cases in every 100,000 residents, and one of every 44 Americans aged above 12 was victimized.

The Associated Press reported on June 24, 2004 that the numbers of violent crimes in many US cities were on the rise. In 2003 Chicago alone recorded 598 homicides, 80 percent of which involved the use of guns. The Washington D.C. reported 41,738 murders, robberies and other violent crimes in 2003, averaging 6,406.4 cases per 100,000 residents. In 2004 the District recorded 198 killings, or a homicide rate of 35 per 100,000 residents. Detroit, which has less than 1 million residents, recorded 18,724 criminal cases in 2003, including 366 murders and 814 rapes, which amounted to a homicide rate of 41 per 100,000 residents.

In 2003 the homicide rate in Baltimore was 43 per 100,000 residents. The Baltimore Sun reported on Dec. 17, 2004 that the city reported 271 killings from January to early December in 2004.

It was reported that on Sept. 8, 2004 that by Sept. 4, 2004 there had been 368 homicides in the city, up 4.2 percent year-on-year. The USA Today reported on July 16, 2004 that in an average week in the US workplace one employee is killed and at least 25 are seriously injured in violent assaults by current or former co-workers. The Cincinnati Post reported on Nov. 12, 2004 that homicides average 17 a week and there are nearly 5,500 violent assaults a day at US job sites.

The United States has the biggest number of gun owners and gun violence has affected lots of innocent lives. According to a survey released by the University of Chicago in 2001, 41.7 percent of men and 28.5 percent of women in the United States report having a gun in their homes, and 29.2 percent of men and 10.2 percent of women personally own a gun. The Los Angeles Times reported on Jul. 19, 2004 that since 2000 the number of firearm holders rose 28 percent in California.

About 31,000 Americans are killed and 75,000 wounded by firearms each year, which means more than 80 people are shot dead each day. In 2002 there were 30,242 firearm killings in the United States; 54 percent of all suicides and 67 percent of all homicides were related to the use of firearms. The Associated Press reported that 808 people were shot dead in the first half of 2004 in Detroit.

Police violence and infringement of human rights by law enforcement agencies also constitute a serious problem. At present, 5,000 law enforcement agencies in the United States use TASER - a kind of electric shock gun, which sends out 50,000 volts of impulse voltage after hitting the target. Since 1999, more than 80 people died from TASER shootings, 60 percent of which occurred between November 2003 and November 2004.

A survey found that in the 17 years from 1985 to 2002, Los Angeles recorded more than 100 times increase in police shooting at automobile drivers, killing at least 25 and injuring more than 30 of them. Of these cases, 90 percent were due to misjudgment. (The Los Angeles Times, Feb. 29, 2004.)

On Jul. 21, 2004 Chinese citizen Zhao Yan was handcuffed and severely beaten while she was in the United States on a normal business trip. She suffered injuries in many parts of her body and serious mental harm.

The New York Times reported on Apr. 19, 2004 a comprehensive study of 328 criminal cases over the last 15 years in which the convicted person was exonerated suggests that there are thousands of innocent people in prison today. The study identified 199 murder exonerations, 73 of them in capital cases. In more than half of the cases, the defendants had been in prison for more than 10 years.

The United States characterizes itself as "a paradise for free people," but the ratio of its citizens deprived of freedom has remained among the highest in the world. Statistics released by the Federal Bureau of Investigation last November showed that the nation made an estimated 13.6 million arrests in 2003. The national arrest rate was 4,695.1 arrests per 100,000 people, 0.2 percent up than that of the previous year (USA Today, Nov. 8, 2004).

According to statistics from the Department of Justice, the number of inmates in the United States jumped from 320,000 in 1980 to 2 million in 2000, a hike by six times. From 1995 to 2003, the number of inmates grew at an annual rate of 3.5 percent in the country, where one out of every 142 people is behind bars. The number of convicted offenders may total more than 6 million if parolees and probationers are also counted. The Chicago Tribune reported on Nov. 8 last year that the federal and state prison population amounted to 1.47 million last year, 2.1 percent more than in 2003. The number of criminals rose by over 5

percent in 11 states, with the growth in North Dakota up by 11.4 percent and in Minnesota by 10.3 percent.

Most prisons in the United States are overcrowded, but still cannot meet the demand. The country has spent an average of 7 billion US dollars a year building new jails and prisons in the past 10 years. California has seen only one college but 21 new prisons built since 1984.

Jails have become one of the huge and most lucrative industries, with a combined staff of more than 530,000 and being the second largest employer in the United States only after the General Motors. Private prisons are more and more common. The country now has over 100 private prisons in 27 states and 18 private prison companies. The value of goods and services created by inmates surged from 400 million US dollars in 1980 to 1.1 billion US dollars in 1994. Abuse of prisoners and violence occur frequently in US jails and prisons, which are under disorderly management. The Los Angeles Times reported on Aug. 15 last year that over 40 state prison systems were once under some form of court order, for brutality, crowding, poor food and lack of medical care.

The News Week of the United States also reported last May that in Pennsylvania, Arizona and some other states, inmates are routinely stripped in front of others before being moved to a new prison or a new unit within their prison. Male inmates are often made to wear women's pink underwear as a form of humiliation. New inmates are frequently beaten and cursed at and sometimes made to crawl.

At a jail in New York City, some guards bump prisoners against the walls, pinch their arms and wrists, and force them to receive insulting checks nakedly. Some male inmates are sometimes compelled to stand in the nude before a group of women guards. Some female inmates go in shackles to hospital for treatment and nursing after they get ill or pregnant, some give births without a midwife, and some are locked to sickbeds with fetters after Caesarean operation.

Over 80,000 women prisoners in the United States are mothers, and the overall number of the minor children of the American women prisoners is estimated at some 200,000. The country had more than 3,000 pregnant women in jails from 2000 to 2003 and 3,000 babies were born to the prisoners during this period (see Mexico's Milenio on Feb. 21, 2004). It is estimated that at least more than 40,000 prisoners are locked up in the so-called "super jails", where the prisoner is confined to a very tiny cell, cannot see other people throughout the year, and has only one hour out for exercise every day.

Sexual harassment and encroachment are common in jails in the United States. The New York Times reported last October that at least 13 percent of inmates in the country are sexually assaulted in prison (Ex-Inmate's Suit Offers View into Sexual Slavery in Prisons, The New York Times, Oct. 12, 2004). In jails of seven central and western US states, 21 percent of the inmates suffer sexual abuse at least once after being put in prison. The ratio is higher among women inmates, with nearly one fourth of them sexually assaulted by jail guards.

II. On Political Rights and Freedom

The United States claims to be "a paragon of democracy," but American democracy is manipulated by the rich and malpractices are common.

Elections in the United States are in fact a contest of money. The presidential and Congressional elections last year cost nearly 4 billion US dollars, some 1 billion US dollars or one third more than that spent in the 2000 elections. The 2004 presidential election has been listed as the most expensive campaign in the country's history (see <http://www.opensecrets.org/overview>), with the cost jumping to 1.7 billion US dollars from 1 billion US dollars in 2000. To win the election, the Democratic Party and Republican Party had to try their utmost to raise funds.

The Washington Post reported on Dec. 3 last year that the Democratic Party collected 389.8 million US dollars in electoral funds and the Republican Party raised 385.3 million US dollars, both hitting a record high (see Fundraising Records Broken by Both Major Political Parties, Washington Post on Dec. 3, 2004).

Data released by the Federal Election Commission (FEC) on Dec. 14, 2004 show the average spending for Senate races was 2,518,750 US dollars in 2004, with the highest reaching 31,488,821 US dollars; and the average spending for House races was 511,043 US dollars (see <http://www.opensecrets.org/overview>), with the highest reaching 9,043,293 US dollars (see <http://www.opensecrets.org/overview/topraces.asp?cycle=2004>).

The Republican Party, the Democratic Party and their periphery organizations spent a total of 1.2 billion US dollars on TV commercials, making this presidential election the most expensive in history. The TV commercials were broadcast 750,000 times, twice of the airings in the general election in 2000. In the Oct. 1 - 13 period in 2004, the Republican Party spent 14.5 million US dollars on advertising, and the Democratic Party's advertising spending amounted to 24 million US dollars in the first 20 days of October 2004.

In the elections, political parties and interest groups not only donated money for their favorite candidates, but also directly spent funds on maximizing their influence upon the elections. In Maryland, some corporate bosses donated as much as 130,000 US dollars. In return, the candidates after being elected would serve the interests of big political donators. The Baltimore Sun called this "Buying Power" (see "Buying Power", The Baltimore Sun, April 5, 2004). Due to the fact that local judges in 38 states need to be elected, quite a number of candidates began campaign advertising and looking for big donators. Some interest groups also got themselves involved in the judge election campaign. The US election system has quite a few flaws. The newly adopted Help America Vote Act of 2004 requires voters to offer a series of documents such as a stable residence or identification in registering, which in reality disenfranchises thousands of homeless people.

The United States is the only country in the world that rules out ex-inmates' right to vote, which disenfranchises 5 million ex-inmates and 13 percent male black people (see Milenio, Mexico, Oct. 22 2004).

The 2004 US presidential election reported many problems, including counting errors, machine malfunctions, registration confusion, legal uncertainty, and lack of respect for voters. According to a report carried by the USA Today on Dec. 28, 2004, due to counting errors, a review of election results in 10 counties nationwide by the Scripps Howard News Service found more than 12,000 ballots that weren't counted in the presidential race, almost one in every 10 ballots cast in those counties. Due to machine malfunctions, 92,000 ballots failed to record a vote for president in Ohio alone. Registration confusion made four fifths of the states go into the election without computerized statewide voter databases (see "Election Day Leftovers", USA Today, Dec. 28, 2004). The Democratic Party brought 35 lawsuits against the Republican Party in at least 17 states, charging the latter with threatening and blocking voters from registering or voting, especially minority ethnic groups. In Florida, the cases of black people being removed from voter registration list or their votes being denied were 10 times higher than people of other races. The British Broadcasting Corporation (BBC) reported on Sept. 22, 2004 that during the period of election, someone often distributed handbills to black voters to bilk and intimidate them by saying that anyone who defaulted electricity bills, apartment bills or parking fines would be arrested outside the polling booths. Some others pretended to be plainclothes outside polling booths and demanded voters show their identifications. However, black people who were able to present photo identification were less than one fifth of white people, therefore, many of them were rejected.

In the meantime, fabrications of disputable pictures and statements were put in the agenda of political maneuvers. Campaign advertisement and political debates were full of distorted facts, false information and lies. According to statistics of the Annenberg Public Policy Centre of University of Pennsylvania, campaign advertisement for the 2004 US presidential election had a large proportion of false information that was enough to mislead voters, far beyond 50 percent in 1996. In the Republican camp, at least 75 percent contained untrue information and personal attacks. The website of the centre (<http://www.FactCheck.org>) listed at least 100 items of such information.

The US freedom of the press is filled with hypocrisy. Power and intimidation hang over the halo of press freedom. The New York Times published a commentary on March 30, 2004, saying that the US government's reliance on slandering had reached an unprecedented level in contemporary American political history, and the government prepared to abuse power at any moment to threaten potential critics.

A collected works, *Zensor USA*, revealed that whenever the faults of government dignitaries or big companies were touched, the strong American press censorship system would snap at the journalists who insisted on investigation and made them the last sacrificial lamb. (See *Das Schweigen der Journalisten*, Handelsblatt, Germany, March 17, 2004).

The Federal Bureau of Investigation (FBI) kept watch on a leader of freedom of speech movement in University of California at Berkeley for a decade long. Although no record showed he violated federal laws, the FBI hired someone

to keep monitoring his daily activities and collect his personal information without permission from the court. (See SingTao Daily, Oct. 11, 2004).

On July 16, 2004 the US State Department made a regulation, in violation of the norms of most other countries that foreign reporters should leave the country while waiting for the valid period of their visas to be extended. The annual report of Native American Journalists Association criticized the US administration for the move, which severely infringes upon press freedom. (see AP story, Antigua, Guatemala Oct. 24, 2004).

Someone with the American Society of Newspaper Editors said that the US administration's measures reflected its repulsion of foreign news media. (See Milenio, Mexico, June 20, 2004). In Iraq, the United States on the one hand alleged that it had brought democracy to the Iraqi people; on the other hand it suppressed public opinion. On March 28, 2004 US troops closed down a Shiite newspaper in Baghdad, which triggered a protest demonstration by thousands of Iraqi people.

On Sept. 27, the Association of American University Presses, Association of American Publishers and other organizations jointly lodged a complaint to the district court of Manhattan, New York, charging the Office of Foreign Assets Control under the Department of the Treasury with deliberately preventing literary works of Iranian, Cuban and Sudanese writers from entering the United States and turning the economic sanctions against the three countries into a "censorship system" to stop free dissemination of information and ideology. (See Xinhua story, Sept. 30, 2004).

In another case, eight reporters, including Jim Taricani of the TV station in Providence, Rhode Island with the National Broadcasting Company (NBC), Judith Miller of The New York Times, and Matthew Cooper of Time magazine, were declared guilty for they declined to disclose the confidential sources of news. The New York Times pointed out on Nov. 10, 2004 that through these cases, it was found out that press freedom suffered rampant infringement.

In addition, in recent years, over a dozen foreign journalists have been detained in airports in the United States, including the one in Los Angeles. In March 2003, a Danish press-photographer was expelled out of the country after a DNA test. A Swiss journalist was rejected from entry of an airport in Washington D.C. The airport staffs by force took pictures and finger prints of the journalist. Meanwhile, he was not permitted to contact the Swiss embassy in the United States. In May, two groups of French journalists, altogether six members, were rejected of entry the US territory. They simply came to the United States to cover an exposition. Two Dutch journalists fell into trouble when they were covering a film award ceremony. In October and December, one British reporter and one Austrian journalist were held up at US airports respectively. In early May, 2004, a British female journalist, who was sent by The Guardian to Los Angeles to cover some events, was detained at the Los Angeles airport and faced interrogation and body search, and then was handcuffed and taken to the detention house in the downtown. There, she was detained for 26 hours before sent back to Britain.

III. On Economic, Social and Cultural Rights

The United States refuses to ratify the International Covenant on Economic, Social and Cultural rights and took negative attitude to the economic, social and cultural rights of the laborers. Poverty, hunger and homelessness have haunted the world richest country.

The population of people living in poverty has been on a steady rise. According to a report by The Sun on July, 6, 2004, from 1970 to 2000 (adjusted for inflation), the bottom 90 percent's average income stagnated while the top 10 percent experienced an average yearly income increase of nearly 90 percent. Upper-middle-and-upper-class families that constitute the top 10 percent of the income distribution are prospering while many among the remaining 90 percent struggle to maintain their standard of living. Worsening income disparities have formed two Americas. (Two Americas, The Baltimore Sun, July 6, 2004). According to a report of the Wall Street Journal on June 15, 2004, a study on the fall of 2003 by Arthur Kennickell of the Board of Governor of the Federal Reserve System showed that the nation's wealthiest 1 percent owned 53 percent of all the stocks held by families or individuals, and 64 percent of the bonds. They control more than a third of the nation's wealth. (US Led Resurgence Last Year Among Millionaires World-Wide, The Wall Street Journal, June 15, 2004). In Washington D.C., the top 20 percent of the city's households have 31 times the average income of the 20 percent at the bottom. (D.C. Gap in Wealth Growing, The Washington Post, July 22, 2004).

Since November 2003, the average income of most American families has been on the decline. The earning of many medium and low-income families could not keep up with the price rises. They could barely handle the situation. According to the statistics released by the US Census Bureau in 2004, the number of Americans in poverty has been climbing for three years. It rose by 1.3 million year-on-year in 2003 to 35.9 million. The poverty rate in 2003 hit 12.5 percent, or one in eight people, the highest since 1998. (Census: Poverty Rose By Million, USA Today, August 27, 2004, More Americans Were Uninsured and Poor in 2003, Census Finds, The New York Times, August 27, 2004).

The homeless population continues to rise nationwide. On Dec. 15, 2004, an annual survey report released at the US Conference of Mayors showed that the number of people seeking emergency food aid increased by 14 percent year-on-year while the number of people seeking emergency shelter aid increased by 6 percent. (<http://www.usmayors.org>). It is estimated that the homeless population reached 3.5 million in the United States. But the US Federal budget has stopped providing fund to build new affordable housing, which forced many local governments to cut the public housing projects. The city of San Diego has a homeless population of 8,000, but the government could only provide 3,000 temporary beds. Those without lodging tickets are regarded illegal to live on the streets. They would be summoned or detained. In January 2004, an investigator with the US Commission on Human Right denounced the US for large-scale infringement on human rights on housing issue.

The health insurance crisis has become prominent. A report of the Washington Post on Sept. 28, 2004 said health insurance costs posted their fourth

straight year of double-digit increases in 2004. Over the past four years, health insurance costs have leaped 59 percent - about five times faster than both wage growth and inflation. Around 14.3 million Americans put one fourth of their income on the health expenses. (Higher Costs, Less Care, The Washington Post, September 28, 2004). Currently, family health insurance plan costs more than 10,000 US dollars each year. Many families could not afford it. Fewer workers have coverage - 61 percent in 2004, compared with 65 percent in 2001. (Health Plan Costs Jump 11%, The Washington Post, September 10, 2004) Compared with 2003, the number of people without health insurance increased 1.4 million to 45 million, or 15.6 percent of the country's population. (Census: Poverty Rose by Million, USA Today, August 27, 2004). In Texas, about one fourth of the workers don't have health insurance. (Spain Uprising Newspaper, May 11, 2004). In California, around 6 million Californians don't have health insurance and the welfare system with the annual cost of 60 billion US dollars are about to collapse. (The Los Angeles Times, May 6, 2004). Meanwhile, medical accidents occurred one after another, becoming the third killer following heart disease and cancer. According to a report of Boston Globe on July 27, 2004, one out of every 25 in-patients become the victim of medical accident. From 2000 to 2002, 195,000 people died of medical accidents each year. The actual figure might be twice of that.

IV. On Racial Discrimination

Racial discrimination has been deeply rooted in the United States, permeating into every aspects of society.

The colored people are generally poor, with living condition much worse than the white. According to a report of The Guardian of Britain on Oct. 9, 2004, the average net assets of a white family is 88,000 US dollars in 2002, 11 times of a family of Latin American ancestry, or nearly 15 times of a family of African ancestry. Nearly one third of the African ancestry families and 26 percent of the Latin American ancestry families have negative net assets. 74 percent of the white families have their own houses, while only 47 percent of families of the African and Latin American ancestry have their own houses. The market value of houses bought by black families is only 65 percent of those of white people. Black people's encounter of mortgage loans refusal for house purchase or furniture is twice that of white people. Some black families don't even think of buying their own houses. The death rate of illness, accident and murder among the black people is twice that of the white.

The rate of being victim of murders for the black people is five times that of the white. The rate of being affected by AIDS for the black people is ten times that of the whites while the rate of being diagnosed by diabetes for the black people is twice that of the whites. (The State Of Black America 2004, Issued by National Urban League on March 24, 2004, <http://www.nuL.org/pdf/sobaexec.pdf>).

Statistics show that the number of black people living in poverty is three times that of the white. The average life expectancy of the black is six years shorter than the white.

People of minority ethnic groups are biased against in employment and occupation. The Equal Employment Opportunity Commission of the United States received 29,000 complaints in 2003 of racial bias in the workplace (Racism in the 21st Century, published in USA Today May 5, 2004 issue).

Statistics provided by the United States Department of Labor also suggest that by November 2004, the unemployment rate for black and white people is 10.8 percent and 4.7 percent respectively (<http://bls.gov/news.release/pdf/empst.pdf>). In New York City, one of every two black men between 16 and 64 was not working by 2003 (see Nearly Half of Black Men Found Jobless, published by The New York Times on Feb. 28 2004). Black people not only have fewer job opportunities, but also earn less than white people. Even with the same job, a black man only earns 70 percent of that for a white man. Regions such as California, where immigrants make up a larger proportion of the local population, are almost like traps of death. Mexican Laborers who have come to work in the United States have a mortality rate as high as 80 percent.

Teenagers from at least 38 countries work like slaves (EFE San Francisco, Sept. 26, 2004). Out of 45 million people who are unable to afford Medicare in the United States, 7 million are African-Americans, accounting for about one fifth of the total African-Americans in the States. The proportion is 77 percent higher than that for the white people (available at http://www.johnkerry.com/communities/african-americans/gw_record.html).

The Declaration of Independence said all men are created equal, so the gap between black and white people is simply an insult to the founding essence of the United States (see US News and World Report on March 29, 2004).

Apartheid runs rampant at schools of the United States. On May 17, 1954, Chief justice Earl Warren of the Supreme Court announced the court's decision over a case known as Brown v. Board of Education that the doctrine of "separate but equal" had no place in US public schools. Fifty years later, white children and black children in the United States still lead largely separate lives. One in eight southern black students attends a school that is 99 percent black. About a third attends schools that are at least 90 percent minority. In the Northeast, by contrast, more than half of blacks attend such schools (Schools and Lives Are Still Separate, The Washington Post, May 17, 2004).

Racism recurs on campus of American universities. Fascist slogans and posters promoting superiority of white people, along with threats by weapon or words were found on college campuses including University of California at Berkeley. Protests were sparked off when Santa Rosa Junior College in California published anti-Semitism opinions in a column article in its campus newspaper and the chat room of its website were dominated by white-superior surfers. At Dartmouth College, white girl students auctioned off black slaves in fund-raising activities. At the University of Southern Mississippi, hordes of white students assaulted four black students, chanting racist slogans after a football match was over. At Olivet College of Michigan State, where there are only 55 black students,

51 of the black students quitted school after racial cases of violence or harassment (see The China Press, a Chinese language newspaper published in New York, on April 17, 2004).

Racial prejudice has made social conflicts to become acute, causing a rise in hate crimes. Racial prejudice, most often directed at black people, was behind more than half of the nation's 7,489 reported hate crime incidents in 2003, the FBI said on Nov.22 2004. Race bias was behind 3,844 of the total cases in 2003, FBI claimed after having made statistics of hate crimes handled by 16 percent of the law-enforcement organizations in the States.

Reports of hate crimes motivated by anti-black bias totaled 2,548 in 2003, accounting for 51.4 percent of the total, more than double the total hate crimes against all other racial groups. There were 3,150 black victims in these reports, according to the annual FBI figures (AP, Washington, Jan. 26, 2004). And with regard to the attribute of race, among the 6,934 reported offenders, 62.3 percent were white (<http://www.fbi.gov/pressrel/presssrel04/pressel/12204.htm>).

In a related development, because of the "lingering atmosphere of fear" stemming from the Sept. 11 attacks and fallout from the Iraq War, there were 1,019 anti-Muslim incidents in the United States in 2003, representing a 69 percent increase. There were 221 incidents in 2003 of anti-Muslim bias in California, tripled a year ago (Los Angeles Times, May 3).

Racial prejudice is ubiquitous in judicial fields. The proportion for persons of colored races being sentenced or being imprisoned is notably higher than whites. In accordance with a report published in November 2004 by the US Department of Justice, colored races accounted for over 70 percent of inmates in the United States. And 29 percent of black people have the experience of being in jail for once. Black people make up 12.3 percent of the population in the United States, but by the end of 2003, out of 1.4 million prisoners who are serving jail terms above one year at the federal or state prisons, 44 percent were blacks, or on average, 3,231 in every 100,000 African-Americans were criminals. Latino-American inmates make up 19 percent of the total prisoners, or 1,778 in every 100,000 Latino-Americans are inmates. Inmates of other color races account for 21 percent (<http://www.ojp.usdoj.gov/bjs/abstract/P03.htm>). At the end of 2003, 12.8 percent of black men aged 25 to 29 were in prison (Chicago Tribune, Nov. 8, 2004), compared 1.6 percent of white men in the same group (A Growing Need for Reform, The Baltimore Sun, June 20, 2004). Blacks receive, on average, a longer felony sentence than whites. A black person's average jail sentence is six months longer than a white's for the same crime. Blacks who are arrested are 3 times more likely to be imprisoned than whites who are arrested. White felons are more likely to get probation than blacks. (See the State Black America 2004, issued by National Urban League on March 24, 2004, <http://www.nul.org/pdf/sobaexec.pdf>).

After the Sept. 11 incident, the United States openly restricts the rights of citizens under the cloak of homeland security, and uses diverse means including wire tapping of phone conversations and secret investigations, checks on all secret files, and monitoring transfers of fund and cash flows to supervise activities of its

citizens, in which, people of ethnic minority groups, foreigners and immigrants become main victims.

Statistics show that after the Sept. 11 attacks, 32 million were investigated out of racial prejudice concern throughout the United States. Among the people being investigated out of racial prejudice concern, African-Americans made up 47 percent, followed by people of Latino and Asian origins. White Americans only account for 3 percent. On June 23, 2004, authorities with the Los Angeles Police Department and the US Federal Bureau of Investigation authorities investigated the televised beating of a black suspect by white police in Los Angeles that has resurrected the explosive spectra of the 1991 Rodney King assault. Eight police officers have been removed from regular duties following the incident on June 23 in which three of them were seen tackling the suspected black car thief, one beating him repeatedly with a metal flashlight (AFP, Los Angeles, June 24, 2004).

In the meantime, the anti-immigrant trend has become increasingly serious in the States. The US Department of Homeland Security announced in November 2004 that 157,281 immigrants were repatriated in one year, up 8 percent from a year ago, a record high. The number of foreigners arrested without any documents also went up by 112 percent (Argentina La Nacion, Nov. 21, 2004).

Another report says starting from last year, many American cities such as San Francisco, Baltimore, Philadelphia, Miami, Saint Paul, Denver, Kansas and Portland, dozens of immigrants from Mexico or other countries are arrested each day and are forced to wear fetters like suspects. The practice of treating illegal immigrants like criminals has become a national trend. The limit in the definition of terrorists and illegal immigrants has become very blurry.

V. On The Rights of Women and Children

The situation of American women and children was disturbing. The rates of women and children physically or sexually victimized were high. According to FBI Crime Statistics, in 2003 the United States witnessed 93,233 cases of raping. Virtually 63.2 in every 100,000 women fell victims. The statistics also showed that every two minutes one woman was sexually assaulted and every six minutes one woman was raped.

The number of women abused and treated at First Aid Centers exceeded one million every year. More than 1,500 women in the United States were killed every year by their husbands, lovers or roommates (The Milenio, Mexico, Sept. 26, 2004). Nearly 78 percent of American women were physically victimized at least once in their lifetime. And 79 percent of the women were sexually abused at least once. A survey released in November 2004 by the US National Institute of Justice showed by the time they concluded four years of college education, 88 percent of the women had experiences of physical or sexual victimization and 64 percent of them experienced both. In the past decade, charges handled by the US Equal Employment Opportunity Commission against sexual harassment on women surged 22 percent (The Sun, Jul. 16, 2004).

Sex crimes in the US military were on the rise. According to the Washington Post (Jun. 3, 2004), from 1999 to 2002 the number of lawsuits against sexual

crimes in the US army that were formally filed grew from 658 to 783, up 19 percent. And the number of rape cases went up from 356 to 445, up 25 percent. The number of such cases rose equally 5 percent between 2002 and 2003. The British Guardian reported on Oct. 25, 2004 that by the end of September 2004 the Miles Foundation had dealt with 242 cases filed between September 2002 and August 2003 about US woman soldiers being raped or sexually harassed in Iraq, Kuwait, Bahrain or Afghanistan. In addition, there were 431 cases of US women soldiers being sexually harassed at other military bases.

Women's labor and social rights were violated. According to The Sun newspaper (Jul. 16, 2004), the charges handled by the Equal Employment Opportunity Commission on sexual discrimination against women grew 12 percent in the past decade. In 2004 two cases drew wide attention. They were a bias class lawsuit involving 1.6 million women employees at Wal-Mart and another case involving 340 women staffers of Morgan Stanley (New York Times, Jul. 13, 2004).

Men and women on the same job were not paid the same. Statistics released by the US Labor Department in Jan. 2004 showed a woman who worked full time had the median earning of 81.1 percent of that for a man. The Chicago Tribune said on Aug. 27, 2004 that the rate of women in poverty went up fast, to 12.4 percent of the entire female population.

The health care for American women was at a low level. The US Family Medical Leave Act guarantees 12 weeks of unpaid leave for childbirth to about half of all mothers and nothing for the rest. A study of 168 countries conducted by the Harvard School of Public Health indicated that US workers have fewer rights to time off for family matters than workers in most other countries, and rank near the bottom in pregnancy and sick leave. "The United States trails enormously far behind the rest of the world when it comes to legislation to protect the health and welfare of working families," said Jody Heymann, a Harvard associate professor who led the study. (AP Boston, Jun. 17, 2004)

Child poverty was a serious problem. The Chicago Tribune reported on Aug. 27, 2004 that the number of children in poverty climbed from 12.1 million in 2002 to 12.9 million in 2003, a year-on-year increase of 0.9 percent. About 20 million children lived in "low-income working families" -- with barely enough money to cover basic needs (AP Washington, Oct. 12, 2004). In California, one in every six children did not have medical insurance. The Los Angeles Times said on May 6, 2004 that in the metropolitan area the number of homeless children found wondering on the streets at nights numbered 8,000, which had stretched the 2,500-bed government-run emergency shelter system well beyond capacity. Poverty deprived many children the opportunity to obtain higher education. In the 146 renowned institutions of higher learning, only 3 percent of the students came from the low-income class, while 74 percent of them were from the high-income class.

Children were victims of sex crimes. Every year about 400,000 children in the US were forced to engage in prostitution or other sexual dealings on the streets. Home-deserting or homeless children were the most likely to fall victims of sexual abuse. Reports on children sexually exploited, which were received by

the National Centre for Missing & Exploited Children, soared from 4,573 cases in 1998 to 81,987 cases in 2003 (The USA Today, Feb. 27,2004).

In recent years scandals about clergymen molesting children kept breaking out. According to a study commissioned by the American Catholic Bishops, in 2004 a total of 756 catholic priests and lay employees were charged with child sexual harassment. It is believed that from 1950 to 2002 more than 10,600 boys and girls were sexually abused by nearly 4,400 clergymen (AFP, Feb. 17, 2005). Moreover, every year over 4.5 million kids in the United States were molested in kindergartens and schools, which amounted to one in every ten (AP, Jul. 14, 2004).

Violent crimes occurred frequently. Studies show nearly 20 percent of US juveniles lived in families that possessed guns. In Washington D.C. 24 people younger than 18 were killed in 2004, twice as many as in 2003 (The Washington Post, Jan. 1, 2005). In Baltimore, 29 juveniles were killed from Jan. 1 to Sept. 27 in 2004. In 2003 35 were killed (The Washington Post, Sept. 28, 2004).

A report released by the US Justice Department on November 29, 2004 said about 9 percent of school kids aged 9 to 12 admitted being threatened with injury or having suffered an injury from a weapon while at school in 2003.

More and more schoolers were reluctant to go to school because of security concerns. Child abuses and neglects were widely reported in the United States. The Sun newspaper reported on May 18, 2004 that in 2002, a total of 900,000 children in the United States were abused, of whom nearly 1,400 died.

Every year, 1.98 out of every 100,000 American children was killed by their parents or guardians. In Maryland, the rate was as high as 2.4 per 100,000. (Md. Child Abuse Deaths Exceed National Average, The Sun, May 18, 2004). The Houston Chronicle newspaper reported on Oct. 2, 2004 that in Texas, each staff of local government departments responsible for protecting children's rights handled 50 child abuse cases every month.

Two thirds of juvenile detention facilities in the United States lock up mentally ill youth; every day, about 2,000 youth were incarcerated simply because community mental health services were unavailable. In 33 states, juvenile detention centers held youth with mental illness without any specific charges against them (<http://demonstrats.reform.house.gov/Documents/200408171941-41051.pdf>).

The USA Today reported on July 8, 2004 that between Jan. 1 and June 30 of 2003, 15,000 youth detained in US youth detention centers were awaiting mental health services, while children at the age of 10 or younger were locked up in 117 youth detention centers. The detention centers totally ignored human rights and personal safety with excessive use of drugs and force, and failed to take care of inmates with mental problems in a proper way. They even locked up prisoners in cages. There were reports about scandals involving correctional authorities in California, where two juvenile inmates hanged themselves after they were badly beaten by jail police (San Jose Mercury News and Singtao Daily, March 18, 2004).

VI. On the Infringement of Human Rights of Foreign Nationals

In 2004, US army service people were reported to have abused and insulted Iraqi POWs, which stunned the whole world. The US forces were blamed for their fierce and dirty treatments for these Iraqi POWs. They made the POWs naked by force, masking their heads with underwear (even women's underwear), locking up their necks with a belt, towing them over the ground, letting military dogs bite them, beating them with a whip, shocking them with electric batons, needling them sometimes, and putting chemical fluids containing phosphorus on their wounds. They even forced some of these POWs to play "human-body pyramid" while staying naked, in the presence of US soldiers who were standing on the roof and mocking at them. They sometimes sodomized these POWs with lamp pipes and brooms. Some Iraqi civilians were also fiercely abused.

The newspaper Pyramid pointed out that the true face of Americans was exposed through this incident. A spokesman of the International Committee of the Red Cross (ICRC) said, sarcastically, that the US has made the whole world see what the hell a democratic, law-ruled nation is.

According to US media like the Newsweek and the Washington Post, as early as several years ago, in US forces' prisons in Afghanistan, interrogators used various kinds of torture tools for acquiring confession, causing many deaths.

British newspaper The Observer reported on March 14, 2004 that according to a report by the ICRC, US soldiers had formed a kind of mode for arresting people even before the Iraq war. "Torture is part of the process."

Over 100 former Iraqi high-ranking government and military officials were put under special custody by the US military. They stayed 23 hours a day in dark, small and tightly closed concrete-made wards, where they were allowed to leave the wards twice a day, with 20 minutes available for taking a bath or going to the toilet.

On Nov. 26, Iraqi Lieutenant General Abid Hamid Mahmud al-Tikriti was put in a sleeping bag by force and died after he was physically tortured during an interrogation.

According to a latest report by AP, on Feb. 18, 2005, in November 2003, CIA people hanged dead one of the so-called "ghost" prisoner in the Abu Ghraib Prison by fierce means, with his two hands cuffed behind his back. When he was released with shackles and lowered, blood gushed from his mouth "as if a faucet had been turned on."

Among the 94 abuse cases confirmed and published by the Office of the US Inspector General for the Field Army, 39 people were killed, 20 of these cases were confirmed as murder. There were also severe child abuses conducted by the US forces.

At least 107 children were imprisoned in seven prisons including the Abu Ghraib Prison run by the US forces in Afghanistan. They were not allowed to get in contact with their families. Their term in prison was undetermined. It was not clear when they were going to be brought court hearing. Some of these children had been abused. One low-ranking US officer who had served in the Abu Ghraib Prison testified that US soldiers abused some of these children in custody, and they had even assaulted young girls sexually.

What's more fierce is that US soldiers used military dogs to frighten these juvenile prisoners to see whose dog could scare them to lose control on excretion. US forces had violated the Vienna Convention on Diplomatic Relations, by detaining two Palestinian diplomats to Iraq in a prison ward of the Abu Ghraib Prison, together with 90 other men. They spent one year in the prison, suffering from very poor living conditions.

The ICRC believed that abuse of detained Iraqis in the notorious Abu Ghraib Prison was not a single case. It was a systematic behavior. According to some White House documents that were made public on June 22, 2004, the Department of Defense approved to use harsh means to interrogate prisoners in Guantanamo, Cuba.

The US Secretary of Defense said in the public that the Geneva Convention does not mean that all the detainees, especially those who were so-called "non-fighting personnel", should be treated as a POW. A draft memorandum of the Department of Defense also claimed that US laws and international conventions, including the Geneva Convention, which strictly ban the use of torture, do not apply to US President as the General Commander of the US Army. A memorandum of the US Department of Justice makes it even more clearly that the United States could use international laws to measure other countries on the issue of the treatment of POWs, while it is not necessary for Washington to abide by these laws. The interrogators were trained to find ways to torture prisoners, physically, while they should exceed the Geneva Convention, technically.

Media found that the US soldiers' behaviors in humiliating Iraqi prisoners as showed photos were typically what they were trained for. US Brigadier General Yanis Karpinski told the press that her boss once said to her that "prisoners are dogs." If they were made to think that they were a bit better than dogs, they could get out of control.

Meanwhile, the US government has tried for the third successive year to extend the term of a resolution of the UN Security Council that soldiers could be exempted of lawsuit by the International Criminal Court, even if they break the relevant rules. In view of prisoner abuses in Iraq, this has been strongly criticized by the UN General Secretary (Reuters' story on June 17, 2004).

Former US President Jimmy Carter also criticized that the US policies formulated by the high-ranking officials are a kind of retrogression, which has damaged the principles of democracy and rule of law and lacked respect for fundamental human rights.

To avoid international scrutiny, the United States keeps under wraps half of its 20-odd detention centers worldwide which are holding terrorist suspects. And at least seven US-controlled clandestine prisons, one of which dubbed "inferno," in Afghanistan, have not been kept within the bounds of law. (Prensa Latina, Aug. 16, 2004)

In a report by the Human Rights First on 24 US secret interrogation centers, these secret facilities are believed to "make inappropriate detention and abuse not only likely but virtually inevitable." (British newspaper the Times, Sept. 11, 2004)

Moreover, an executive jet is being used by the American intelligence agencies to fly terrorist suspects to other countries, in a bid to use torture and

evade American laws. The plane is leased by the US Defense Department and the CIA from a private company in Massachusetts. Being accused of making so-called "torture flights," the jet has conducted more than 300 flights and has flown to 49 destinations outside the United States, including the Guantanamo Bay prison camp in Cuba. The suspects are frequently bound, gagged and sedated before being put on board the plane (British newspaper the Times, Nov. 14, 2004). The United States has secretly shifted thousands of captives worldwide in the past three years, most of who were not indicted officially.

The United States is the No. 1 military power in the world, and its military spending has kept shooting up. Its fiscal 2005 defense budget hit a historical high of 422 billion US dollars, an increase of 21 billion dollars over fiscal 2004. As the biggest arms dealer in the world, the United States has made a fortune out of war. Its transactions of conventional weapons exceeded 14.5 billion dollars in 2003, up 900 million dollars year-on-year and accounting for 56.7 percent of the total sales worldwide. The Iraq War has been "a helping straw" to the US economic development.

The United States frequently commits wanton slaughters during external invasions and military attacks. Spain's Uprising newspaper on May, 12, 2004 published a list of human rights infringement incidents committed by the US troops, quoting two bloodthirsty sayings of two American generals, "The only good Indians I ever saw were dead" by General Philip Sheridan and "we should bomb Vietnam back to the stone age" by air force general Curtis LeMay. We can still smell a similar bloodiness in the Iraq War waged by the United States.

Statistics from the health department of the interim Iraqi government show 3,487 people, including 328 women and children, have been killed and another 13,720 injured in 15 of Iraq's 18 provinces between April 15 and Sept. 19 in 2004.

A survey on Iraqi civilian deaths, based on the natural death rate before the war, estimates that the US-led invasion might have led to 100,000 more deaths in the country, with most victims being women and children.

Jointly designed and conducted by researchers at Johns Hopkins University, Columbia University and the Al-Mustansiriya University in Baghdad, the survey also finds that the majority of the additional, unnatural deaths since the invasion were caused by violence, while air strikes from the coalition forces were the main factor to blame for the violence-caused deaths. (Associated Press, Oct. 28, 2004)

On Jan. 3, 2004, four US soldiers stationed in Iraq pushed two Iraqi civilians into the Tigris River, making one of them drowned.

On May 19, 2004, an American helicopter fired on a wedding party in a remote Iraqi village close to the Syrian border, killing 45 people, including 15 children and 10 women. On Nov. 20, 2004, seven people were killed in Ramadi in the Anbar province when US troops opened fire on a civilian bus.

According to a Staff Sergeant in the US Marines, his platoon killed 30 civilians in six weeks. And he has witnessed the blasphemy and gradual rotting of many corpses, and a lot of wounded civilians were deserted without any medical treatment. (British newspaper The Independent, May 23, 2004)

In addition, the US troops often plunder Iraqi households when tracking down anti-US militants since the invasion. The American forces have so far

committed at least thousands of robberies and 90 percent of the Iraqis that have been rummaged are innocent.

The United States has been hindering the work of the United Nation's human rights mechanism. And it either took no notice of or used delaying tactics on the requests of relevant UN agencies to visit its Guantanamo Bay prison camp in Cuba.

Some justice-upholding developing countries introduced draft resolutions on America's democracy and human rights situation to the 59th UN General Assembly, to show their strong concern over the US human rights infringement, prisoner abuse, media control, and loopholes in its election system.

It is the common goal and obligation for all countries in the world to promote and safeguard human rights. No country in the world can claim itself as perfect and has no room for improvement in the human rights area. And no country should exclude itself from the international human rights development process, or view itself as the incarnation of human rights which can reign over other countries and give orders to the others. Even the United States shall be no exception.

Despite tons of problems in its own human rights, the United States continues to stick to its belligerent stance, wantonly trample on the sovereignty of other countries, and constantly stage tragedies of human rights infringement in the world.

Instead of indulging itself in publishing the "human rights country report" to censure other countries unreasonably, the United States should reflect on its erroneous behavior on human rights and take its own human rights problems seriously. The double standards of the United States on human rights and its practice of hegemonism and power politics under the pretext of promoting human rights will inevitably be met by opposition from all just members of the international community.