

White Papers of the Chinese Government (1991-1999)

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



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Human Rights in China

(November 1991)

Preface

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Preface

It has been a long-cherished ideal of mankind to enjoy human rights in the full sense of the term. Since this great term — human rights — was coined centuries ago, people of all nations have achieved great results in their unremitting struggle for human rights. However, on a global scale, modern society has fallen far short of the lofty goal of securing the full range of human rights for people the world over. And this is why numerous people with lofty ideals are still working determinedly for this cause.

Under long years of oppression by the “three big mountains” — imperialism, feudalism and bureaucrat-capitalism — people in old China did not have any human rights to speak of. Suffering bitterly from this, the Chinese people fought for more than a century, defying death and personal sacrifices and advancing wave upon wave, in an arduous struggle to overthrow the “three big mountains” and gain their human rights. The situation in respect to human rights in China took a basic turn for the better after the founding of the People’s Republic of China. Greatly treasuring this hard-won achievement, the Chinese government and people have spared no effort to safeguard human rights and steadily improve their human rights situation, and have achieved remarkable results. This has won full confirmation and fair appraisal from all people who have a real understanding of Chinese conditions and who are not prejudiced.

The issue of human rights has become one of great significance and common concern in the world community. The series of declarations and conventions adopted by the United Nations have won the support and respect of many countries. The Chinese government has also highly appraised the Universal Declaration of Human Rights, considering it the first international human rights document that has laid the foundation for the practice of human rights in the world arena. However, the evolution of the situation in regard to human rights is circumscribed by the historical, social, economic and cultural conditions of various nations, and involves a process of historical development. Owing to

tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights. From their different situations, they have taken different attitudes towards the relevant UN conventions. Despite its international aspect, the issue of human rights falls by and large within the sovereignty of each country. Therefore, a country's human rights situation should not be judged in total disregard of its history and national conditions, nor can it be evaluated according to a preconceived model or the conditions of another country or region. Such is the practical attitude, the attitude of seeking truth from facts.

From their own historical conditions, the realities of their own country and their long practical experience, the Chinese people have derived their own viewpoints on the human rights issue and formulated relevant laws and policies. It is stipulated in the Constitution of the People's Republic of China that all power in the People's Republic of China belongs to the people. Chinese human rights have three salient characteristics. First, extensiveness. It is not a minority of the people or part of a class or social stratum but the entire Chinese citizenry who constitutes the subject enjoying human rights. The human rights enjoyed by the Chinese citizenry encompass an extensive scope, including not only survival, personal and political rights, but also economic, cultural and social rights. The state pays full attention to safeguarding both individual and collective rights. Second, equality. China has adopted the socialist system after abolishing the system of exploitation and eliminating the exploiting classes. The Chinese citizenry enjoys all civic rights equally irrespective of the money and property status as well as of nationality, race, sex, occupation, family background, religion, level of education and duration of residence. Third, authenticity. The state provides guarantees in terms of system, laws and material means for the realization of human rights. The various civic rights prescribed in the Constitution and other state laws are in accord with what people enjoy in real life. China's human rights legislation and policies are endorsed and supported by the people of all nationalities and social strata and by all the political parties, social organizations and all walks of life.

As a developing country, China has suffered from setbacks while safeguarding and developing human rights. Although much has been achieved in this regard, there is still much room for improvement. It remains a long-term historical task for the Chinese people and government to continue to promote human rights and strive for the noble goal of full implementation of human rights as required by China's socialism.

In order to help the international community understand the human rights situation as it is in China, we present the following brief account of China's basic position on and practice of human rights.

I. The Right to Subsistence — The Foremost Human Right the Chinese People Long Fight for

It is a simple truth that, for any country or nation, the right to subsistence is the most important of all human rights, without which the other rights are out of the question. The Universal Declaration of Human Rights affirms that everyone has the right to life, liberty and the security of person. In old China, aggression by imperialism and oppression by feudalism and bureaucrat-capitalism deprived the people of all guarantee for their lives, and an uncountable number of them perished in war and famine. To solve their human rights problems, the first thing for the Chinese people to do is, for historical reasons, to secure the right to subsistence.

Without national independence, there would be no guarantee for the people's lives. When imperialist aggression became the major threat to their lives, the Chinese people had to win national independence before they could gain the right to subsistence. After the Opium War of 1840, China, hitherto a big feudal kingdom, was gradually turned into a semi-colonial, semi-feudal country. During the 110 years from 1840 to 1949, the British, French, Japanese, US and Russian imperialist powers waged hundreds of wars on varying scales against China, causing immeasurable losses to the lives and property of the Chinese people.

— The imperialists massacred Chinese people in untold numbers during their aggressive wars. In 1900, the troops of the Eight Allied Powers — Germany, Japan, Britain, Russia, France, the United States, Italy and Austria — killed, burned and looted, razing Tangu, a town of 50,000 residents, to utter ruins, reducing Tianjin's population from one million to 100,000, killing countless people when they entered Beijing, where more than 1,700 were slaughtered at Zhuangwangfu alone. During Japan's full-scale invasion of China which began in 1937, more than 21 million people were killed or wounded and 10 million people mutilated to death. In the six weeks beginning from December 13, 1937, the Japanese invaders killed 300,000 people in Nanjing.

— The imperialists sold, maltreated and caused the death of numerous Chinese laborers, plunging countless people in old China into an abyss of misery. According to incomplete statistics, more than 12 million indentured Chinese laborers were sold to various parts of the world from the mid-19th century through the 1920s. Coaxed and abducted, these laborers were thrown into lockups, known as “pigsties,” where they were branded with the names of their would-be destinations. During the 1852-58 period, 40,000 people were put in such “pigsties” in Shantou alone, and more than 8,000 of them were done to death there. Equally horrifying was the death toll of ill-treated laborers in factories and mines run by imperialists across China. During the Japanese occupation, no less than 2 million laborers perished from maltreatment and exhaustion in Northeast China. Once the laborers died, their remains were thrown into mountain gullies or pits dug into bare hillsides. So far more than 80 such massive pits have been found, with over 700,000 skeletons of the victims in them.

— Under the imperialists’ colonial rule, the Chinese people had their fill of humiliation and there was no personal dignity to speak of. The foreign aggressors enjoyed “extraterritoriality” in those days. On December 24, 1946 Peking University student Shen Chong was raped by William Pierson, an American GI, but, to the great indignation of the Chinese people, the criminal, handled unilaterally by the American side, was acquitted and released. Imperialist powers exercised administrative, legislative, judicial, police and financial powers in the “concessions” they had set up in China, turning them into “states within a state” that were thoroughly independent of the Chinese administrative and legal systems. In 1885, foreign aggressors put up a signboard at the entrance of a park in the French concession; in a blatant insult to the Chinese people, it read, “Chinese and dogs not admitted.”

— Forcing more than 1,100 unequal treaties on China, the imperialists plundered Chinese wealth on a large scale. Statistics show that, by way of these unequal treaties, the foreign aggressors made away with more than 100 billion taels of silver as war indemnities and other payments in the past century. Through the Sino-British Treaty of Nanking, the Sino-Japanese Treaty of Shimonoseki, the International Protocol of 1901 and five other such treaties alone, 1,953 million taels of silver in indemnity were extorted, 16 times the 1901 revenue of the Qing government. The Treaty of Shimonoseki alone earned Japan 230 million taels of silver in extortion money, about four and a half times its annual national revenue. The losses resulting from the destruction and looting by the invaders in wars against China were even more incalculable. During

Japan's full-scale war of aggression against China (1937-45), 930 Chinese cities were occupied, causing US\$62 billion in direct losses and US\$500 billion in indirect losses. With their state sovereignty impaired and their social wealth plundered or destroyed, the Chinese people were deprived of the basic conditions for survival.

In face of the crumbling state sovereignty and the calamities wrought upon their lives, for over a century the Chinese people fought the foreign aggressors in an indomitable struggle for national salvation and independence. The Taiping Heavenly Kingdom Movement, the Boxers Movement and the Revolution of 1911 which overthrew the Qing Dynasty broke out during this period. These revolutionary movements dealt heavy blows to imperialist influences in China, but they failed to deliver the nation from semi-colonialism. A fundamental change took place only after the Chinese people, under the leadership of the Chinese Communist Party, overthrew the Kuomintang reactionary rule and founded the People's Republic of China. After its birth in 1921, the Communist Party of China set the clear-cut goal in its political program to "overthrow the oppression by international imperialism and achieve the complete independence of the Chinese nation" and to "overthrow the warlords and unite China into a real democratic republic"; it led the people in an arduous struggle culminating in victory in the national democratic revolution.

The founding of the People's Republic of China eradicated the forces of imperialism, feudalism and bureaucrat-capitalism in the Chinese mainland, put an end to the nation's history of dismemberment, oppression and humiliation at the hands of alien powers for well over a century and to long years of turbulence characterized by incessant war and social disunity, and realized the people's cherished dream of national independence and unification. The Chinese nation, which makes up one-fourth of the world's population, is no longer one that the aggressors could kill and insult at will. The Chinese people have stood up as the masters of their own country; for the first time they have won real human dignity and the respect of the whole world. The Chinese people have won the basic guarantee for their life and security.

National independence has protected the Chinese people from being trodden under the heels of foreign invaders. However, the problem of the people's right to subsistence can be truly solved only when their basic means of livelihood are guaranteed.

To eat their fill and dress warmly were the fundamental demand of the Chinese people who had long suffered cold and hunger. Far from meeting this

demand, successive regimes in old China brought even more disasters to the people. In those days, landlords and rich peasants who accounted for 10 percent of the rural population held 70 percent of the land, while the poor peasants and farm laborers who accounted for 70 percent of the rural population owned only 10 percent of the land. The bureaucrat-comprador bourgeoisie who accounted for only a small fraction of the population monopolized 80 percent of the industrial capital and controlled the economic lifelines of the country. The Chinese people were repeatedly exploited by land rent, taxes, usury and industrial and commercial capital. The exploitation and poverty they suffered were of a degree rarely seen in other parts of the world. According to 1932 statistics, the Chinese peasants were subjected to 1,656 kinds of exorbitant taxes and levies, which took away 60-90 percent of their harvests. The people's miseries were exacerbated and their lives made all the harsher by the reactionary governments who, politically corrupt and impotent, surrendered China's sovereign rights under humiliating terms and served as tools of foreign imperialist rule, and by the separatist regime of warlords who were embroiled in endless wars. It was estimated that 80 percent of the populace in old China suffered to varying degrees of starvation and tens of thousands — hundreds of thousands in some cases — died of it every year. A major natural disaster invariably left the land strewn with corpses of hunger victims. More than 3.7 million lives were lost when floods hit east China in 1931. In 1943, a crop failure in Henan Province took the lives of 3 million people and left 15 million subsisting on grass and bark and struggling on the verge of death. After the victory of the War of Resistance Against Japan, the reactionary Kuomintang government launched a civil war, fed on the flesh and blood of the people and caused total economic collapse. In 1946, 10 million people died of hunger countrywide. In 1947, 100 million, or 22 percent of the national population then, were under the constant threat of hunger.

Ever since the founding of the People's Republic of China in 1949, the Communist Party of China and the Chinese government have always placed the task of helping the people get enough to wear and eat on the top of the agenda. For the first three years of the People's Republic, the Chinese people, led by their government, concentrated their efforts on healing the wounds of war and quickly restored the national economy to the record level in history. On this basis, China lost no time to complete the socialist transformation of agriculture, handicraft industry and capitalist industry and commerce, thus uprooting the system of exploitation, instituting the system of socialism and, for the first

time in history, turning the people into masters of the means of production and beneficiaries of social wealth. This fired the people with soaring enthusiasm for building a new China and a new life, emancipated the social productive forces and set the economy on the track of unprecedented growth. Since 1979, China has switched the focus of its work to economic construction, begun reform and opening to the outside world, and set the goal of building socialism with Chinese characteristics. This has further expanded the social productive forces and enabled the nation to basically solve the problem of feeding and clothing its 1.1 billion people.

Tilling 7 percent of the world's total cultivated land — averaging only 1.3 *mu* (one *mu* equals one-fifteenth of one hectare) per capita as against 12.16 *mu* in the United States and the world's average of 4.52 *mu* — China has nevertheless succeeded in feeding a population that makes up 22 percent of the world's total. Contrary to some Western politicians' prediction that no Chinese government could solve the problem of feeding its people, socialist China has done it by its own efforts. The past 40-odd years have witnessed a marked increase in the average annual per-capita consumption of major consumer goods despite a yearly average population increase of 14 million. A survey shows that the daily caloric intake of food per resident in China was 2,270 in 1952, 2,311 in 1978 and 2,630 in 1990, approaching the world's average.

The life-span of the Chinese people has lengthened and their health improved considerably. According to statistics, the population's average life expectancy increased from 35 years before liberation to 70 years in 1988, higher than the average level in the world's medium-income countries, while the death rate dropped from 33 per thousand before liberation to 6.67 per thousand in 1990, which was one of the lowest death rates in the world. China's 1987 infant mortality of 31 per thousand approached the level of high-income countries. The health of the Chinese people, especially the physical development of youngsters, has greatly improved as compared with the situation in old China. An average 15-year-old boy in 1979 was 1.8 centimeters taller and 2.1 kilograms heavier than his counterparts living during the 1937-41 period; and an average girl of the same age in 1979 was 1.3 centimeters taller and 1 kilogram heavier. Since 1979, the health of the Chinese people has improved further. The label on old China, "sick man of East Asia," has long been consigned to the dustbin of history.

The problem of food and clothing having been basically solved, the people have been guaranteed with the basic right to subsistence. This is a historical

achievement made by the Chinese people and government in seeking and protecting human rights.

However, to protect the people's right to subsistence and improve their living conditions remains an issue of paramount importance in China today. China has gained independence, but it is still a developing country with limited national strength. The preservation of national independence and state sovereignty and the freedom from imperialist subjugation are, therefore, the very fundamental conditions for the survival and development of the Chinese people. Although China has basically solved the problem of food and clothing, its economy is still at a fairly low level, its standard of living falls considerably short of that in developed countries, and the pressure of a huge population and relative per-capita paucity of resources will continue to restrict the socio-economic development and the improvement of the people's lives. The people's right to subsistence will still be threatened in the event of a social turmoil or other disasters. Therefore it is the fundamental wish and demand of the Chinese people and a long-term, urgent task of the Chinese government to maintain national stability, concentrate their effort on developing the productive forces along the line which has proven to be successful, persist in reform and opening to the outside world, strive to rejuvenate the national economy and boost the national strength, and, on the basis of having solved the problem of food and clothing, secure a well-off livelihood for the people throughout the country so that their right to subsistence will no longer be threatened.

II. The Chinese People Have Gained Extensive Political Rights

While struggling for the right to subsistence, the Chinese people have waged a heroic struggle for democratic rights.

The people did not have any democratic rights to speak of in semi-feudal, semi-colonial China. The Revolution of 1911 led by Dr. Sun Yat-sen, the great forerunner of bourgeois-democratic revolution, overthrew the feudal Qing Dynasty and gave rise to the Republic of China. He hoped to establish a Western-style democratic system in China, but the fruits of the revolution were snatched by Yuan Shikai, a feudal warlord. Then parliament became a mere instrument for warlords in power struggle, and there occurred the scandal of the "parliament

of pigs” and bribery in electing a president. His dream unfulfilled, Dr. Sun died in sorrow and indignation, which found expression in his famous admonition: “The revolution has not yet succeeded.” Many Chinese had cherished illusions about the US-supported Chiang Kai-shek government. However, Chiang turned out to be just another warlord under whose fascist rule millions of democracy-seeking people perished in bloody massacres. He adopted a non-resistance policy towards the Japanese invasion while stepping up the civil war, ignoring opposition from the Chinese Communists, patriots and democrats from all walks of life and the broad masses of the people. He launched the all-out civil war after the victory of the War of Resistance Against Japan, again violating the ardent wish for peace, democracy and reconstruction of the Communist Party, the democratic parties and the people throughout China. Driven beyond the limits of forbearance, the people rose up in arms and in the end toppled Chiang’s reactionary rule.

Since the very day of its founding, the Communist Party of China has been holding high the banner of democracy and human rights. It encouraged and assisted Dr. Sun in reorganizing the Kuomintang, effected the cooperation between the Kuomintang and the Communist Party and launched the Northern Expedition against the reactionary rule of the warlords. After Chiang Kai-shek betrayed the democratic revolution, the Party united all patriots and democrats and led the people in a struggle against civil war, hunger, autocracy and persecution. In the liberated areas it established democratic governments, drew up laws which guaranteed the people’s democratic rights and resolutely implemented its own democratic program. The democratic system in the liberated areas attracted numerous patriotic and democratic fighters and became the hope of the entire people. Under the Party’s leadership, the Chinese people overthrew the Kuomintang reactionaries’ dictatorial rule and founded the democratic and free People’s Republic of China.

The Chinese people gained real democratic rights after the founding of New China. In explicit terms the Constitution stipulates that all power in the People’s Republic of China belongs to the people. That the people are masters of their own country is the essence of China’s democratic politics. By stating that the People’s Republic of China is a socialist state of the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants, the Constitution has established the status of the workers, peasants and other working people as masters of the country and thus invested the laboring people who were at the bottom rung of the social ladder in old China with lawful democratic rights. Equality of men and women, as provided by the Constitution,

has enabled women, who account for half of the Chinese population, to gain the same rights as men in politics, economy, culture, society and family life. The stipulation that all nationalities in China are equal has ensured that all the nation's minority nationalities enjoy equal democratic rights with the Han people.

To guarantee that the people are the real masters of the country with the right to run the country's economic and social affairs, China has adopted, in light of its actual conditions, the people's congresses as the state's basic political system. Deputies to the people's congresses at all levels are chosen through democratic elections. The Constitution stipulates that all citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, with the exception of persons deprived of their political rights by law. Taking into consideration its vast territory, large population, inconvenient transportation and relatively low economic and cultural development, China has adopted an election system appropriate to its actual conditions. That is, deputies to people's congresses at the county level or below are elected directly, while those to people's congresses above the county level are elected indirectly. This election system makes it possible for the people to choose deputies whom they know and trust. The election system has been improved in recent years on the basis of past experience. For instance, more candidates are posted than the number of deputies to be elected, instead of an equal number as before. The right to vote has been widely exercised by the Chinese people. According to statistics from the 1990 county- and township-level direct elections, 99.97 percent of the citizens at 18 years of age or above enjoyed the right to vote. Generally speaking, upwards of 90 percent of the voters participate in the elections held in the various provinces, autonomous regions and municipalities. The most striking characteristic of China's electoral system is that elections are not manipulated by money and that deputies are not elected on the basis of boasting and empty promises but according to their actual contributions to the country and society, their attitude in serving the people and their close relations with the people. It is clear from the election results that the elected are broadly representative, that is, representative of people of all social strata and all trades and professions. Of the 2,970 deputies to the Seventh National People's Congress, 684, or 23 percent, are workers and farmers; 697, or 23.4 percent, are intellectuals; 733, or 24.7 percent, are government functionaries; 540, or 18.2 percent, are democratic party members and patriots with no party affiliations; 267, or 9 percent,