

Melamine-Tainted Milk Powder Scandal

- **Infant kidney stone outbreak.** On September 10, 2008, Xinhua News Agency revealed that Sanlu brand baby milk powder was under investigation in connection with the admission of 14 infants suffering from kidney stones in a Gansu hospital.¹ In the following month, it emerged that at least three infants had died and more than 50,000 had become ill after drinking milk formula containing melamine.² Traces of the substance—usually used in the production of plastics and fertilizers—were detected in milk from 22 different dairy producers who added it to already diluted milk in order to boost protein levels in testing.³
- **Toxic dairy products spread.** Traces of melamine were subsequently discovered in numerous products, affecting international brands such as Cadbury, Heinz, and White Rabbit Candy. Many countries, including the 27-nation European Union, banned Chinese milk imports. In early December, the World Health Organization issued safety warnings, reporting that melamine should not be present in baby formula.⁴ Confidence in Chinese food exports was further shaken with several reports, in the months following September, of contaminated eggs found by Hong Kong food safety authorities.⁵
- **Official cover up.** The Sanlu Group may have been aware of melamine contamination as early as 2005.⁶ Local government officials were warned about the problem in August 2008 by a New Zealand company with a major stake in Sanlu, but failed to initiate product recalls or issue warnings until after the Olympic Games. Earlier, in June 2008, consumers sent e-mails to the General Administration of Quality Supervision, Inspection and Quarantine demanding an investigation into Sanlu baby formula, but the official watchdog group took no action.⁷



- **Scandal buried during the Olympics.** In advocating societal “harmony” in the lead-up to the Olympics, the Central Propaganda Department forbade domestic media from reporting any negative stories on food safety issues in China.⁸ For that reason Fu Jianfeng, editor of the *Southern Weekend* magazine, delayed publishing a report prepared in July investigating the link between Sanlu milk powder and children hospitalized with kidney stones in Hubei Province.⁹

- **Lawsuits by parents of sickened infants.** More than a hundred concerned lawyers formed a volunteer group to offer legal advice to parents of the affected children, but by mid-October, a quarter of them had removed themselves due to pressure from local officials.¹⁰ Chinese courts have yet to hear a case, despite numerous attempts to file suits.¹¹ The latest attempt occurred on December 8, 2008, when three lawyers, Li Xiongbin, Lan Zhixue, and Dr. Xu Zhiyong went to the Hebei High Court to file a class action civil suit against Sanlu on behalf of 63 victims. The court did not accept the case.¹² Some parents are now attempting to use courts in the United States by suing a subsidiary of a Chinese milk powder manufacturer based in Maryland.¹³

People wait for refund on milk powder products at Sanlu headquarters in Shijiazhuang, Hebei Province, September 16, 2008. Photo credit: David Gray/REUTERS

- **Men and former Sanlu chairwoman tried.** On December 26, 2008, six men went on trial in four courts in Hebei Province for making and selling tainted milk. They are: Zhang Yujun and Zhang Yan-shang in Quzhou County; and Zhang Heshe, Zhang Taizhen, Yang Jingmin, and Gu Guoping in Wuji County. Tian Wenhua, former board chairwoman and general manager of Sanlu Group, is scheduled to go on trial on December 31, 2008, in the Shijiazhuang Intermediate People's Court, Hebei.¹⁴
- **Dairy companies to compensate victims.** A Xinhua News Agency report on December 27, 2008, stated that 22 dairy producers will make one-time cash payments to families of infants killed or sickened by melamine-tainted milk powder, and will establish a fund to pay for ongoing medical bills of babies affected.¹⁵
- **Sanlu declared bankruptcy; dairy famers lose livelihood.** On December 24, 2008, Sanlu Group, the dairy producer at the center of the tainted milk scandal, confirmed that it had filed for bankruptcy.¹⁶ Many small-scale dairy farmers who supplied major companies now face bankruptcy. Since the scandal broke, they have been resigned to pouring daily milk yields into drainage ditches because they could not sell them.¹⁷
- **New draft food safety law.** On October 23, 2008, the Standing Committee of the National People's Congress began reviewing a new draft food safety law banning all chemicals and materials except authorized additives in food production. The law would also ban exemptions from quality inspections, previously available to producers of globally-competitive products.¹⁸
- **Estimate of sick infants soars.** On December 1, 2008, the Ministry of Health released new figures revealing that as many as six babies died and nearly 300,000 were sickened as a result of tainted dairy products. The new toll eclipses the previous figures from mid-September, marking a six-fold increase for infants suffering from urinary problems.¹⁹

Beijing Lawyers Call for Direct Bar Elections

- **Lawyers appeal for direct elections.** On August 26, 2008, a group of 35 lawyers released a letter appealing for the democratic election of officials to the government-controlled Beijing Lawyers Association. Some lawyers and rights advocates complain that bar associations act in the government's interests and not on behalf of their members.²⁰ This group claimed that the Beijing Lawyers Association's current operating procedures, which had never been voted upon by members, were invalid, and that according to laws governing social organizations, the Association should elect its own directors. The letter asked other members to sign an online petition in support.²¹
- **Official response.** On September 5, 2008, the Beijing Lawyers Association responded with an open letter calling the petition the "false talk" of a small number of lawyers and accusing supporters of using text messages, the Internet, and other media to "publish inflammatory speech" and "start rumors and poison people's minds."²² According to a press account, all thirty-five lawyers who had signed the petition were summoned by the Beijing Municipal Bureau of Justice and warned that their actions were illegal and to tread carefully.²³
- **Forced resignations.** On October 30, 2008, under pressure from authorities, the Beijing Yitong Law Firm asked prominent rights defense lawyers **Cheng Hai** (程海) and **Li Subin** (李苏斌) to resign. Both had signed the online appeal. In early September, **Tang Jitian** (唐吉田), another signatory, was asked by his superiors to leave the Beijing Haodong Law Firm. As of early December, the petition had garnered around 90 signatures.²⁴

Financial Crisis Hits Chinese Workers

- **Crisis forces factory closings.** After years of double-digit growth, economists are forecasting that China's economic growth could slow to 5.5 percent in the last quarter of 2008, the worst growth in more than a decade.²⁵ As demand for Chinese exports plummeted due to the global financial crisis, factories in Guangdong Province made major cutbacks and closings to reduce losses. Even the cement-making industry, a barometer for China's booming construction industry, is slumping. As a result, Chinese workers found themselves out of jobs and short months of unpaid wages.²⁶
- **Workers demonstrate.** Throughout the month of October, thousands of workers rallied outside closed toy and electronics factories and in the streets to demand unpaid wages, some of which went back as far as six months.²⁷



- **Government relief.** On October 19, 2008, after workers staged a large-scale demonstration outside government offices in Zhangmutou Township, Guangdong Province, local officials agreed to use taxpayer funds to settle 24 million yuan in unpaid wages.²⁸ In the following days, officials in Dongguan as well as at the Guangdong provincial level proposed taking similar steps for workers who were owed back pay.²⁹
- **Worker protests continue.** These limited measures failed to quell further demonstrations, as workers gathered by the hundreds at

various locations in Guangdong Province into late October. During one protest on October 26, 2008, involving over 500 workers, security guards injured four demonstrators.³⁰ On October 28, 2008, hundreds of workers in Shenzhen marched from their closed watch factory to government headquarters after city officials reneged on promises to give workers a “satisfactory reply” on lost back wages.³¹ Meanwhile, in the city of Chongqing alone, approximately three million migrant workers had returned from manufacturing jobs in coastal cities after being laid off or suffering severe wage cuts.³²

- **Government stimulus package.** On November 9, 2008, China announced plans to invest about US \$586 billion over two years into infrastructure projects and other measures to try and boost its faltering economy. The plan also includes tax cuts and loosening of credit, in an effort to spur domestic spending.³³ While some analysts thought the stimulus package would help battle the global economic crisis, others criticized its emphasis on infrastructure to the detriment of social programs. Only one percent of the funds will be directed to social services.³⁴

Land Reform

- **Land rights returned to farmers.** On October 19, 2008, the Central Committee of the Communist Party of China issued the *Decision on Major Issues Concerning the Advancement of Rural Reform and Development*. The *Decision*, which falls short of full land privatization, allows farmers to transfer their land-use rights by subcontracting, leasing, swapping, or using them to form a joint-stock company, and also enables them to extend their leases beyond the previously allotted 30 years.³⁵ Observers have praised the reform for opening up new opportunities for approximately 700 million rural Chinese, but also pointed out that it risks leading to millions of landless farmers congregating in cities for work.³⁶

Thousands of job seekers flock to a job fair in Chongqing Municipality on October 18, 2008. Photo credit: Shitou/REUTERS

- **Pressure from below.** The land reform measure came as disputes over land seizures continue to be the leading cause behind the tens of thousands of protests that occur nationwide each year.³⁷ In January 2008, peasants in Heilongjiang Province reclaimed land taken by local officials to sell to private companies. Since then, a growing movement to informally lease or reclaim confiscated land has emerged in other parts of the country. Peasants have arranged agreements largely over the Internet, aided at a national level by dissident activists, academics, and journalists.³⁸ Yu Jianrong, an expert at the Chinese Academy of Social Sciences, told *Southern Metropolis Weekly* that there was not much new in the measure; rather, it expressed the Central Committee's "confirmation and development of an already-existing system of land transfers."³⁹

Religious Repression

- **Ramadan observance banned in XUAR.** After an outbreak of attacks in Xinjiang Uyghur Autonomous Region (XUAR) before and during the Olympic Games, Chinese authorities cracked down on religious expression during the Muslim holy month of Ramadan. Local government offices prohibited officials, Party members, teachers, and students from observing Ramadan and stopped citizens from planning large-scale prayer groups. Authorities also stopped Muslim restaurants from closing during daylight hours in observance of Ramadan. Officials in Xayar (in Chinese, Shaya [沙雅]) County, XUAR, declared that they would take all effective measures to have men shave their beards and women remove their veils.⁴⁰
- **Crackdown on house churches.** In mid-October, after receiving a verbal directive from both provincial and central governments, authorities in Yichun, Heilongjiang Province, banned all house churches.⁴¹ Meanwhile, on October 16, 2008, Pastor **Zhang Mingxuan** (张明宣), a well-known house church leader, was detained in Kunming, Yunnan Province. The same day, authorities beat his sons in a raid on the family's home in Beijing. Zhang's elder son was beaten so severely that he risks losing sight in his right eye. Authorities detained Zhang's wife three days later.⁴² On November 28, 2008, the Ministry of Civil Affairs abolished the Chinese House Church Alliance, an affiliation of house churches led by Zhang. A week later Zhang attempted to file an administrative complaint challenging this move, but the court refused to accept the case.⁴³

Post-Olympics Round Up

- **Regulations for foreign journalists made permanent.** On October 17, 2008, the day on which temporary media regulations for foreign journalists put in place for the Olympic Games were set to expire, the State Council made the measures permanent. The regulations allow foreign journalists to interview local sources and travel within China without prior government approval. These freedoms, however, do not extend to Chinese journalists, and travel to sensitive areas such as Tibet remains restricted.⁴⁴
- **Air pollution controls.** A month after the closing of the Games, Beijing's air pollution index had returned to dangerous levels. However, the improvement in air quality during the Games succeeded in sparking a public debate over whether regulations curbing the number of cars on the road should be extended. On October 11, 2008—after polls showed that 80 percent of Beijing residents were in support of environmental measures—Beijing began a six-month trial that would take one third of government vehicles off the road and bar one fifth of official and private cars from driving on weekdays.⁴⁵ An evaluation by Greenpeace praised Beijing for introducing energy-saving technologies to new Olympic venues and existing facilities, and expanding public transportation.⁴⁶

- **Security legacy.** The Games have set a precedent for heightened supervision and suppression in the name of public safety. Olympic security measures remained in place for the duration of the Paralympics.⁴⁷ City officials announced that similar security measures will be adopted in future large-scale events, such as recruiting volunteers to help “maintain peace.” Security checks in the Beijing subway would remain in place permanently.⁴⁸ An NGO in Hubei Province revealed that local authorities had taken up “Olympics-style” measures to ensure that no protests would disrupt an upcoming international martial arts festival. Local petitioners say that authorities have searched their homes and put them under 24-hour surveillance.⁴⁹ In October, similar techniques were used to prevent petitioners from traveling to Chengdu ahead of the Western China International Economy and Trade Fair.⁵⁰ On October 24, 2008, Beijing-based petitioner **Yang Qiuyu** (杨秋雨) was detained for applying to protest at the Asia-Europe Summit Conference.⁵¹
- **Crackdown on activists continues.** Though temporary restrictions placed on some activists during the Olympics were lifted after the Games, restrictions on others continued. Rights defender **Zeng Jinyan** (曾金燕) returned to Beijing after she was sent to Dalian for 16 days, but has remained under unofficial house arrest and in fear of constant police surveillance.⁵² Her husband, 2008 Sakharov prize-winner **Hu Jia** (胡佳), was transferred from a Tianjin to a Beijing prison.⁵³ AIDS campaigner **Wan Yanhai** (万延海) is back at work after activities of the Aizhixing Institute were shut down during the Olympics. However, he notes that subtle new pressures, such as a tax probe on the organization, are being applied. He believes the Chinese government has developed an even deeper understanding of dissident activities during the crackdown.⁵⁴ Meanwhile, many petitioners who traveled to Beijing during the Olympics remained locked up in detention centers and mental hospitals through the Paralympics in September 2008.⁵⁵

Mass Protests and Riots

- **Jiangxi Province.** On October 24, 2008, large-scale riots over logging in Tonggu County left 16 people injured and at least one dead. Residents of Daduan Village argued that the Zhejiang logging company Liu Hai had taken their land without compensation. When villagers tried to blockade remaining forests, Liu Hai responded by hiring more than 60 thugs to attack the villagers. According to eyewitnesses, 500–600 armed police officers were dispatched to suppress the violence. Rioters turned on them, overturning a number of police cars and setting a Liu Hai office on fire. Xinhua denied reports that two villagers were beaten to death during the struggle.⁵⁶
- **Beijing.** On October 20, 2008, several mass demonstrations coincided in Beijing, resulting in a gathering of up to 10,000 petitioners. The demonstration included more than 1,000 victims of the failed state-owned Yilin Zaolin Plantation (亿霖造林) seeking compensation from the government, plus representatives of tenants from across China visiting the Ministry of Construction. More than 500 police were dispatched to seal off the area. Scuffles broke out when police forcibly removed a number of protestors and took them to the Majia Lou Housing Center for petitioners (马家楼收容中心).⁵⁷
- **Guangdong Province.** On October 14, 2008, over 4,000 Guangning villagers staged a march to prevent construction equipment from reaching a planned factory site on farmland that they said was seized and for which they had been inadequately compensated. Over 1,000 police responded with beatings and tear gas, injuring more than 100 villagers, mostly elderly farmers.⁵⁸ The next day villagers reported being terrorized by hired thugs who vandalized property in search of “ringleaders.” By that time most of the young men had fled, leaving only women, children, and the elderly in the villages.⁵⁹
- **Zhejiang Province.** On October 8, 2008, over 1,000 workers brought traffic on a major road in Shaox-

ing to a standstill, as they staged a protest against the Singapore-owned China Printing & Dyeing Holding Limited for unpaid wages. Several hundred police officers were present at the demonstration, but there were no clashes, and the protest was dissolved by midday. An anonymous local government employee said that the county government had already borrowed money to cover the unpaid wages, but workers remained unconvinced that they would be paid.⁶⁰

- **Gansu Province.** On November 17 and 18, 2008, thousands of people rioted in Longnan, setting fire to police cars and burning down two government buildings. Witnesses say that crowds grew to 10,000. Locals were upset about a plan to move the administrative headquarters to another city, which could lower real estate values and take jobs away. More than 100 demonstrators were questioned and more than thirty were detained.⁶¹



- **Taxi drivers on strike across China.** In November and December, taxi drivers were on strike in various parts of China over fuel prices, high cab rental fees, traffic violation fees, and competition from illegal unlicensed taxis. Strikes first took place on November 3 and 4, 2008, in Chongqing, where 9,000 drivers went on strike and around 20 vehicles were smashed in the protests.⁶²

On November 10, in Yongdeng County, Gansu Province, a majority of the county's 240 taxi drivers protested outside the transport bureau office, ending the protest only after officials agreed to form a plan to deal with the county's 700 illegal taxis.⁶³

On the same day, protests against illegal taxis and rental fees started in Sanya, Hainan Province, lasting for five days. Twenty-one people were detained during the strike and five officials resigned afterward.⁶⁴

On November 20, in Guangdong Province, taxi drivers in Shantou protested over officials' tacit acceptance of illegal taxis, which were cutting into their profits.⁶⁵ On November 28, drivers went on strike for three days in Chaozhou after the government showed no sign of fulfilling promises made in response to earlier demonstrations that called for suspending issuance of new taxi licenses.⁶⁶

In Suizhou, Hubei Province, 400–500 drivers gathered outside a train station to protest against new rental fees on November 25.⁶⁷

On December 1, despite efforts by local officials to lower rental fees, an estimated 70 percent of Guangzhou taxi drivers went on strike.⁶⁸

Charter 08: Domestic Call for Reform

To commemorate the 60th anniversary of the *Universal Declaration of Human Rights*, a diverse group of 303 Chinese writers, intellectuals, lawyers, journalists, retired Party officials, workers, peasants, and businessmen planned to issue an open document on December 10—"Charter 08"—calling for legal reforms, democracy and protection of human rights in China.⁶⁹ However the Charter organizers decided to release it early on December 9, 2008, after two of the Charter signers—**Liu Xiaobo** (刘晓波) and **Zhang Zhuhua** (张祖桦)—were detained on December 8. Zhang was released after interrogation. As of

late December, Liu remained in detention on suspicion of “inciting subversion of state power.” Several efforts have been launched to build international support for Charter 08’s call for reform and freedom of expression, and for Liu Xiaobo’s immediate and unconditional release, including a December 23 public letter to President Hu Jintao signed by a group of China scholars, writers, human rights advocates such as HRIC, and Nobel laureates. The list of prominent signatories to the letter includes Salman Rushdie, Umberto Eco, Seamus Heaney, and Wole Soyinka.⁷⁰

Charter 08 sets forth 19 specific recommendations, including: constitutional reform; separation of administrative, legislative and judicial powers; freedom of association, expression, and religion; and citizen education that encompasses universal values and civil rights. The recommendations address current reform debates, and promote many rights already recognized in Chinese law and that constitute part of China’s international human rights obligations, including the *International Covenant on Civil and Political Rights* (ICCPR), signed by the Chinese government 10 years ago, still pending ratification.

The Chinese authorities responded to the Charter 08 initiative by harassing signers,⁷¹ sending an unsettling message that a crackdown for 2009 may be already underway.⁷² However, as of December 29, the number of signatures totaled 6,834, including supporters from overseas. Despite the harassment and domestic climate of fear, individuals inside China who signed Charter 08 comprised 79 percent of the total.⁷³

SELECT COMMENTS POSTED ONLINE BY CHARTER 08 SIGNERS⁷⁴

只有坚持并落实08宪章的理念，才有作为做一个人的基本尊严。我愿意签名，并承担与此相关的一切后果。

Basic human dignity can only be achieved by persisting and implementing the ideas set out in Charter 08. I am willing to sign on, and bear all the consequences.

您好！我是一名留学生。非常支持这个签名活动。但是说实话，我心里还是挺害怕的，不过无论如何，我决定签名了。希望我们都能够有机会看到真正的变革到来的那一天。

Hello! I am a student studying abroad. I really support this gathering of signatures. But to be honest, I am still very scared. However, no matter what happens, I have decided to sign. I hope we will have the opportunity to see the day when reform truly arrives.

08宪章道出了大家的心声，不敢说的话终于全说出来了！为了当下以及后世国人的幸福，顶！

Charter 08 expresses the aspirations of all people. The words that no one dares to say have finally been spoken! For the happiness of people today and of future generations of our countrymen, I strongly support Charter 08!

我是警察，很想签下我渺小的名字。但，因为我的家人和我的怯懦，请原谅！

I am a police officer. I really wanted to sign my small and insignificant name. But please forgive me for my and my family’s cowardice!

我也害怕，我时时恐惧，可是为了下一代的幸福，为了下一代不再受专制的苦，为了我临死前不受良心的折磨，我郑重签名连署拥护08宪章！

I, too, am afraid. I constantly feel a sense of dread. But for the happiness of the next generation, so that they will not have to know the suffering of autocracy, and so that I can face my own conscience before I die, I earnestly sign my name to endorse Charter 08!

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