

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	211
Land:	Kina
Kilde:	Freedom House
Titel:	"Freedom in the World 2007"
Udgivet:	1. juni 2007
Optaget på baggrundsmaterialet:	4. februar 2008



Freedom in the World - China (2007)

Population:
1,311,400,000

Capital:
Beijing

Political Rights Score: 7
Civil Liberties Score: 6
Status: Not Free

Overview

In response to China's pressing socioeconomic problems, the leadership team of President Hu Jintao and Prime Minister Wen Jiabao in 2006 continued to promote policies aimed at building a "harmonious society," balancing economic growth with the provision of public goods such as social welfare and environmental protection. However, concerns over social stability also led to a strengthening of restrictions on the country's media and the detention of human rights activists, civil rights lawyers, and others the authorities viewed as posing a challenge to the regime.

The Chinese Communist Party (CCP) took power in mainland China in 1949 after defeating the nationalist Kuomintang forces in the Chinese Civil War. Aiming to strengthen his own position and hasten China's socialist transformation, Communist leader Mao Zedong oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958–61) and the Cultural Revolution (1966–76), which resulted in millions of deaths and politicized nearly every aspect of daily life. Following Mao's death in 1976, Deng Xiaoping emerged as China's paramount leader. Over the next two decades, Deng maintained the CCP's absolute rule in the political sphere while guiding China's transition from a largely agrarian economy to a rapidly urbanizing, export-driven market economy.

The CCP signaled its intent to maintain political stability at all costs with the 1989 massacre of prodemocracy protesters who had gathered in Beijing's Tiananmen Square. Following the crackdown, the party tapped Jiang Zemin to replace the relatively moderate Zhao Ziyang as general secretary of the party. Jiang was named state president in 1993 and became widely recognized as China's top leader following Deng's death in 1997.

Jiang continued the Dengist policies of rapid economic growth, recognizing that regime legitimacy now rested largely on the CCP's ability to boost living standards. However, concerned that devolution of power to the provinces and market liberalization had gone too far, creating local protectionism, corruption, and growing inequalities, the party began to reassert control in the 1990s. The recentralization of the tax system as well as the reorganization of China's vast bureaucracy improved Beijing's macroeconomic steering capacity.

At the CCP's sixteenth party congress in November 2002, Hu Jintao was named to replace Jiang as party general secretary. He was widely recognized as China's supreme leader after Jiang stood down as head of the military in September 2004. Wen Jiabao replaced Zhu Rongji as prime minister in March 2003, taking over the day-to-day management of the economy.

Pressing socioeconomic problems have emerged in the course of China's modernization, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. The problems are seen by the CCP as the sources of a recent rise in social unrest and as a threat to its ruling status. In response, Hu and Wen have promoted policies aimed at building a "harmonious society." The Eleventh Five-Year Program (2006–10), issued in March 2006, signaled a shift in China's economic development model from the pursuit of gross domestic product (GDP) growth to a balancing of growth with the provision of public goods such as health care, pensions, unemployment benefits, and education as well as environmental protection.

Under the new program, one of the government's top priorities is to establish a "new socialist countryside," boosting central government spending on rural areas and abolishing the centuries-old agricultural tax on farmers in an effort to stem the widening income gap. In addition, new regulations call for the protection of internal-migrant workers' rights, including timely wage payments, education for migrants' children, and access to social-welfare services.

The Hu-Wen leadership team has also made fighting corruption a key priority. The latest anticorruption campaign featured the downfall of a number of high-ranking officials, most notably Politburo member and mayor of Shanghai Chen Liangyu, who was removed from his post in September 2006 and is under investigation for his role in the misappropriation of monies from the Shanghai social security pension fund.

As part of the effort to improve governance, the government in October 2005 had issued a White Paper on "building political democracy in China." The document outlined plans to build a so-called participatory democracy that combined authoritarian CCP leadership with an expansion of popular participation in the political process and administration of the state through the rule of law, while rejecting political reforms that would challenge the CCP's monopoly on power.

Preoccupation with political stability, however, also prompted the Chinese government to further restrict political rights and repress critics of the regime in 2006, with a number of high-profile detentions and arrests of dissidents, journalists, and lawyers. Restrictions on communication were tightened that year, new rules aimed at limiting media coverage of judicial proceedings were issued in September, and a draft emergency management law is under review that if enacted would prevent Chinese and foreign journalists from reporting on "emergencies" without government approval. Regulations authorizing China's official news agency, Xinhua, to censor and regulate the content of foreign news agencies' reports were widely criticized by the international community. The utility of village elections for reducing local corruption continues to be compromised by alleged violence initiated by local party leaders, including attacks on foreign journalists attempting to cover news stories. Violence broke out in Shunde, Guangdong province, in November 2006, after corrupt local officials who refused to relinquish their power even after being defeated in a village election hired thugs to attack the newly elected officials and their supporters.

China continues to be active on the international stage, improving relations with countries that can help satisfy its growing need for energy and natural resources. Trade agreements were signed during Russian President Vladimir Putin's visit to China in March 2006, as well as on Hu's trips to Saudi Arabia and several African

nations in April. Hu also visited the United States in April, and U.S. officials urged China to act as a “responsible stakeholder” in world affairs; as a permanent, veto-wielding member of the UN Security Council and a major regional and global economic power, China could play a pivotal role in the resolution of such U.S. priorities as the Iranian and North Korean nuclear disputes. There was a slight warming in Sino-Japanese relations, with Shinzo Abe in October 2006 paying the first visit to China by a Japanese prime minister in five years.

Political Rights and Civil Liberties

China is not an electoral democracy. Although economic activity is increasingly independent of state control, Chinese citizens cannot democratically change top leaders or publicly express opposition to government policy. As stipulated in the Chinese constitution, the CCP possesses a monopoly on political power. Party members hold almost all top national and local governmental, internal security, and military posts. A 3,000-member National People’s Congress (NPC) is, in principle, the Chinese parliament, empowered to elect the president for a five-year term and confirm the president’s nominee for prime minister. Its members are elected to five-year terms by provincial legislatures. While it has shown signs of independence, no longer automatically approving legislation put before it, in practice the NPC remains subordinate to the CCP Politburo and its nine-person standing committee. Opposition groups, such as the China Democracy Party, are actively suppressed. The only competitive elections are at the village level and for urban residency councils. Citizens can also vote for local people’s congress representatives at the county level and below. However, these elections are largely dominated by the CCP.

The Chinese state closely monitors political activity and uses opaque national security regulations to justify detainment of those who are politically active without party approval. Groups considered to pose a threat to the regime are suppressed and persecuted.

Corruption remains a severe problem in China. In 2006, 40,041 government employees were investigated for corruption and dereliction of duty, with a total of 825 officials above the county level sentenced by the courts, of which nine were at provincial or ministerial level. 9, 582 investigations into commercial bribery involving government employees were initiated. Beijing vice mayor Liu Zhihua, Anhui vice governor He Minxu, and Shanghai mayor Chen Liangyu were all dismissed from office in 2006. The crackdown has had limited impact at the local level, however, where personal connections among party, government, and business leaders perpetuates the problem. China was ranked 70 out of 163 countries surveyed in Transparency International’s 2006 Corruption Perceptions Index.

Under the constitution, Chinese citizens enjoy freedoms of speech, press, assembly, association, and demonstration. Although freedom of expression continues to expand in the private realm, freedom of speech on topics deemed politically sensitive by the CCP remains severely limited. The tightly controlled media are barred from criticizing senior leaders or their policies. Journalists who do not adhere to party dictates on news content are harassed, fired, or jailed. In 2006, Singapore *Straits Times* reporter Ching Cheong, *New York Times* researcher Zhao Yan, and *Bijie Daily* reporter Li Yuanlong were imprisoned. In addition, a number of 2005 regulations—requiring publishers to refrain from reprinting books of questionable political correctness and allowing the confiscation of banned books;

restricting popular access to foreign films and television programs; and encouraging the media to engage in self-censorship—were put into effect in 2006. A draft Emergency Management Law issued in July 2006 contained provisions for imposing heavy fines on Chinese and foreign journalists who report on natural disasters, accidents, health hazards, and social disturbances without government approval. New regulations in September 2006 gave Xinhua, China's official news agency, the authority to censor and regulate the content produced by foreign news agencies serving mainland subscribers, and the power to revoke agencies' licenses to operate, drawing widespread criticism from press freedom advocates and foreign governments.

The government continues to crack down on the internet and monitor personal communications. China regularly blocks websites it deems politically threatening and detains those responsible for posting objectionable content; cyber-dissident Zan Aizong was arrested in August 2006. Foreign internet companies continue to cooperate with the Chinese government on censorship enforcement. In 2005, the U.S.-based firm Yahoo! provided information leading to the conviction of Hunan journalist Shi Tao, who was accused of leaking state secrets. Following the closure of over a quarter of China's 573,755 websites in July 2005, after their operators failed to register at the Ministry of Information Industry, 7 more popular websites were shut down in July 2006, including "Century China" and the online chat forum of "Life Week" magazine. The government continues to strengthen regulations aimed at enhancing control over the internet and restricting internet news sites, web logs, and cellular telephone text-messaging, which is also subject to monitoring by the government. International radio and television broadcasts, including Voice of America and the British Broadcasting Corporation (BBC), are still jammed.

Though constitutionally recognized, religious freedom is accorded little respect in China. All religious groups are required to register with the government, and while officially sanctioned groups are tolerated, members of unauthorized religious groups, such as Falun Gong, are harassed, detained, and imprisoned. Some 50 members of an "underground" Christian church in the Zhejiang province were arrested in July 2006, and their church building was demolished. In areas like the Xinjiang Autonomous Region, home to the predominantly Muslim Uighur ethnic group, the government has used the pretext of counterterrorism to crack down on Islamic organizations, labeling them religious extremists. Restrictions on Muslims' religious activity, teaching, and places of worship in Xinjiang are "implemented forcefully," according to the U.S. State Department's 2005 Country Report on Human Rights Practices.

Academic freedom is restricted on sensitive political issues. Universities and research institutions must support official CCP ideology, and many scholars practice self-censorship in the interest of personal safety. Academics risk losing their positions if they publicly criticize the party or state policy.

Freedom of assembly is severely restricted in China. Nongovernmental organizations are required to register with the government and follow strict regulatory guidelines, with the constitution specifically prohibiting activities that undermine "party leadership" or go against the "interests of the state."

Chinese workers are not allowed to form independent labor unions. The only union permitted is the government-controlled All China Federation of Trade Unions.

Independent labor leaders are harassed, detained, and jailed for their efforts. Collective bargaining is legal in all industries but seldom occurs in practice. Despite the fact that workers lack the legal right to strike, there has been a growing wave of strikes over layoffs, dangerous working conditions, unpaid wages, and benefits. The reaction of local officials varies, with most offering partial concessions to workers while detaining strike leaders.

Although labor laws exist, they are poorly enforced. Employers frequently ignore minimum wage requirements and fail to implement required health and safety measures. Highly publicized mining accidents, which claimed 5,286 lives in the first 11 months of 2006, prompted the government to publicize its concerns with improving worker safety.

The party controls the judiciary. The CCP directs verdicts and sentences, particularly in politically sensitive cases. Despite advances in criminal procedure reforms, trials—which are often mere sentencing hearings—are frequently closed; in practice, few criminal defendants have access to counsel. Although regulations issued in July 2006 were aimed at addressing the problem, the authorities continue to use torture to coerce confessions that are frequently admitted as evidence. Police conduct searches without warrants and at times monitor telephone conversations and other personal communications to use as evidence against suspected dissidents. Many political prisoners and ordinary criminal defendants are deprived of trials altogether, detained instead by bureaucratic fiat in “re-education through labor” camps. Endemic corruption further exacerbates the lack of due process in the judicial system. Judicial conditions are worst in capital punishment cases; 65 crimes carry the death penalty, and perpetrators are often executed immediately on conviction or failure of appeal. In October 2006, new legislation was announced requiring all death penalties handed down by lower courts be reviewed by the Supreme People’s Court.

Though in most cases security forces are under direct civilian control, misuse of authority remains frequent, and human rights violations are widespread. Cases of extrajudicial and politically motivated murder, torture, beating, and arbitrary arrest continue to be reported. In August 2006, human rights activist Chen Guangcheng was jailed for four years and his conviction upheld in a rare retrial in December 2006; AIDS activist Hu Jia was detained in September and has been held under house arrest since November; and anticorruption crusader Guo Feixiong was arrested in October. Lawyers who are overly vocal in defending the rights of their clients are frequently harassed or detained. Civil rights lawyer Gao Zhisheng was arrested in October 2006, although in December 2006, he received a lighter sentence than was expected: three years with a five-year suspension.

The Ministry of Public Security reported that the number of “mass incidents” fell by a fifth in the first 10 months of 2006 to 17,900; however, “mass incidents” are more narrowly defined than “public order disturbances,” of which 87,000 were reported in 2005, up from 74,000 in 2004. One of the major sources of discontent in both rural and urban areas is the confiscation of land without adequate compensation, often involving collusion between local government and developers eager to profit from China’s rapid urbanization. The authorities continue to frequently employ excessive force to quell such disturbances. Numerous people were injured and a teenage girl was killed in clashes between villagers and police in Panlong, Guangdong Province, in January 2006.

Although antidiscrimination laws exist, religious groups, minorities, the disabled, and people with HIV/AIDS face severe discrimination in mainstream society. Concerns over social stability, and the need to control China's "floating population" of some 140 million internal-migrant workers, have prompted the government to experiment with reform of the household registration, or *hukou*, system, to allow for greater mobility. However, restrictions remain on changing one's employer or residence, and with quotas on the number of temporary residence permits issued in urban areas, many migrants remain outside the system, unable to gain full access to social services like health care and education, and subject to exploitation.

China's population control policy remains in place. Couples may have no more than one child, although there are a number of exceptions, and the policy is less stringently enforced in rural areas. The Population and Family Planning Law requires couples who have unapproved children to pay extra fees, and gives preferential treatment to couples who abide by birth limits. Compulsory abortion or sterilization by local officials enforcing family-planning regulations still occurs, but is illegal and far less common than in the past.

Serious human rights violations against women and girls continue. The one-child policy and cultural preference for boys over girls, including sex-selective abortion, has led to a shortage of females, creating a market for human trafficking. A Chinese survey conducted by the All-China Women's Federation found that violence against women remains a significant problem, with 30 percent of families reporting incidents of domestic abuse in 2004.