



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	184
Land:	Kina
Kilde:	Amnesty International
Titel:	"Landerapport for 2004"
Optaget på baggrundsmaterialet:	22. november 2005

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Amnesty International

China

Covering events from January - December 2004

There was progress towards reform in some areas, but this failed to have a significant impact on serious and widespread human rights violations perpetrated across the country. Tens of thousands of people continued to be detained or imprisoned in violation of their fundamental human rights and were at high risk of torture or ill-treatment. Thousands of people were sentenced to death or executed, many after unfair trials. Public protests increased against forcible evictions and land requisition without adequate compensation. China continued to use the global "war on terrorism" to justify its crackdown on the Uighur community in Xinjiang. Freedom of expression and religion continued to be severely restricted in Tibet and other Tibetan areas of China.

Background

The new administration, which had taken office in March 2003, consolidated its authority, particularly following the resignation of former president Jiang Zemin as chair of the Central Military Commission in September. Some legal reforms were introduced, including new regulations aimed at preventing torture in police custody and an amendment to the Constitution in March stating that "the state respects and protects human rights." However, the failure to introduce necessary institutional reforms severely compromised the enforcement of these measures in practice.

The authorities took a more proactive approach towards dealing with China's HIV/AIDS epidemic, including a new law in August aimed at strengthening AIDS prevention and stopping discrimination against those living with AIDS or other infectious diseases. However, grassroots activists campaigning for better treatment continued to be arbitrarily detained.

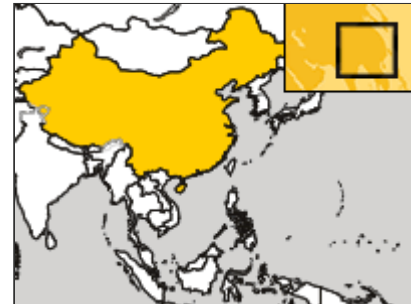
Political crackdowns continued on specific groups, including the Falun Gong spiritual movement, unofficial Christian groups, and so-called "separatists" and "religious extremists" in Xinjiang and Tibet.

The authorities continued to engage in "human rights dialogue" with other countries, but suspended their dialogue with the USA after the latter proposed a resolution on China at the UN Commission on Human Rights in March. China lobbied the European Union (EU) to lift its arms embargo, imposed after China's crackdown on the pro-democracy movement in June 1989, and won support from some EU states. However, the embargo remained in place at the end of the year.

China postponed the visit of the UN Special Rapporteur on torture, scheduled for June, but the UN Working Group on Arbitrary Detention (WGAD) visited China in September. International human rights non-governmental organizations (NGOs) continued to be denied access to the country to conduct independent research.

Human rights defenders

The authorities continued to use provisions of the Criminal Law relating to "subversion", "state secrets" and other vaguely defined national security offences to prosecute peaceful activists and advocates of reform. Lawyers, journalists, HIV/AIDS activists and housing rights advocates were among those harassed, detained or imprisoned for documenting human rights abuses, campaigning for reform, or attempting to obtain redress for victims of violations.



China

PEOPLE'S REPUBLIC OF CHINA

Head of state: Hu Jintao

Head of government: Wen Jiabao

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Further information

[Executed "according to law"? – The death penalty in China](#)
(AI Index: ASA 17/003/2004)

[Uighurs fleeing persecution as China wages its "war on terror"](#)
(AI Index: ASA 17/021/2004)

[People's Republic of China: Human rights defenders at risk](#)
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- Ding Zilin, who set up the “Tiananmen Mothers” group to campaign for justice following the killing of her son in Beijing on 4 June 1989, was detained by the police in March to prevent her from highlighting her concerns. She was also placed under a form of house arrest a few days before the 15th anniversary of the crackdown to prevent her from filing a legal complaint on behalf of 126 others who also lost relatives in 1989.
- Li Dan, an AIDS activist, was detained by police in Henan province in August in an apparent attempt to prevent him from protesting against the government’s handling of the AIDS epidemic. He was released one day later but then beaten up by two unknown assailants. Li Dan had founded a school for AIDS orphans in the province where up to one million people are believed to have become HIV-positive after selling their blood plasma to unsanitary, state-sanctioned blood collection stations. The school had been closed down by the local authorities in July.

Violations in the context of economic reform

The rights of freedom of expression and association of workers’ representatives continued to be severely curtailed and independent trade unions remained illegal. In the context of economic restructuring, large numbers of people were reportedly denied adequate reparations for forcible eviction, land requisition and job layoffs. Public and largely peaceful protests against such practices increased, leading to numerous detentions and other abuses.

Beijing was often the focus for such protests due in part to house demolitions during the city’s preparations for the Olympics in 2008. People also travelled to Beijing from other parts of the country to petition the central authorities after failing to obtain redress at the local level. Tens of thousands of petitioners were reportedly detained by Beijing police during security operations in advance of official meetings in March and September.

- Ye Guozhu was detained on suspicion of “disturbing social order” in August after applying for permission to hold a mass protest against forced evictions in Beijing. He was sentenced to four years in prison in December. Ye Guozhu and his family had been forcibly evicted from their home in Beijing last year to make way for construction reportedly related to the 2008 Olympics.

Violence against women

Numerous articles about domestic violence appeared in the national media, reflecting widespread concern that such abuses were not being effectively addressed.

Serious violations against women and girls continued to be reported as a result of the enforcement of the family planning policy, including forced abortions and sterilizations. In July the authorities publicly reinforced a ban on the selective abortion of female fetuses in an attempt to reverse a growing gap in the boy-girl birth ratio.

Women in detention, including large numbers of Falun Gong practitioners, remained at risk of torture, including rape and sexual abuse.

New regulations were introduced in January preventing the police from issuing on-the-spot fines to prostitutes. However, “Custody and Education” continued to be used to detain alleged prostitutes and their clients without charge or trial.

- Mao Hengfeng was sent to a labour camp for 18 months’ “Re-education through Labour” in April for persistently petitioning the authorities over a forced abortion 15 years earlier when she became pregnant in violation of China’s family planning policy. She was reportedly tied up, suspended from the ceiling and severely beaten in the labour camp. She had been detained several times in the past in psychiatric units where she had been forced to undergo shock therapy.

Political activists and Internet users

Political activists, including supporters of banned political groups, or those calling for political change or greater democracy continued to be arbitrarily detained and in some cases sentenced and imprisoned. By the end of the year, AI had records of more than 50 people who had been detained or imprisoned after accessing or circulating politically sensitive information on the Internet.

- Kong Youping , a leading member of the Chinese Democratic Party and former union activist in Liaoning province, was sentenced to 15 years’ imprisonment in September for “subversion”. He had been detained in late 2003 after posting articles on the Internet attacking official corruption and urging a reassessment of the 1989 pro-democracy movement.

Repression of spiritual and religious groups

The Falun Gong spiritual movement remained a key target of repression, which reportedly included many arbitrary detentions. Most of those detained were assigned to periods of “Re-education through Labour” without charge or trial, during which they were at high risk of torture or ill-treatment, particularly if they refused to renounce their beliefs. Others were held in prisons and psychiatric hospitals. According to overseas Falun Gong sources, more than 1,000 people detained in connection with the Falun Gong had died since the organization was banned in 1999, mostly as a result of torture or ill-treatment.

Other so-called “heretical organizations” and unofficial religious groups were also targeted. Reports increased of arrests and detentions of unregistered Catholics and members of unofficial Protestant “house churches”. Those attempting to document such violations and send reports overseas were also at risk of arrest.

- Zhang Shengqi, Xu Yonghai and Liu Fenggang, three independent Protestant activists, were sentenced to one, two and three years in prison respectively by the Hangzhou Intermediate People’s Court for “leaking state secrets” in August. The charges related to passing information abroad about crackdowns on Protestants and the closure of unofficial churches in the area.

Death penalty

The death penalty continued to be used extensively and arbitrarily, at times as a result of political interference. People were executed for non-violent crimes such as tax fraud and embezzlement as well as drug offences and violent crimes. The authorities continued to keep national statistics on death sentences and executions secret. Based on public reports available, AI estimated that at least 3,400 people had been executed and at least 6,000 sentenced to death by the end of the year, although the true figures were believed to be much higher. In March, a senior member of the National People’s Congress announced that China executes around 10,000 people per year.

A lack of basic safeguards protecting the rights of defendants meant that large numbers of people continued to be sentenced to death and executed after unfair trials. In October, the authorities announced an intention to reinstate Supreme Court review of death penalty cases and to introduce other legal reforms aimed at safeguarding the rights of criminal suspects and defendants. It remained unclear, however, when these measures would be introduced.

- Ma Weihua, a woman facing the death penalty on drugs charges, was reportedly forced to undergo an abortion in police custody in February, apparently so that she could be put to death “legally” as Chinese law prevents the execution of pregnant women. She had been detained in January in possession of 1.6kg of heroin. Her trial, which began in July, was suspended after her lawyer provided details of the forced abortion. She was eventually sentenced to life imprisonment in November.

Torture, arbitrary detention and unfair trials

Torture and ill-treatment continued to be reported in a wide variety of state institutions despite the introduction of several new regulations aimed at curbing the practice. Common methods included kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Political interference in the rule of law, restricted access to the outside world for detainees, and a failure to establish effective mechanisms for complaint and investigation continued to be key factors allowing the practice to flourish.

The authorities officially announced an intention to reform “Re-education through Labour”, a system of administrative detention used to detain hundreds of thousands of people for up to four years without charge or trial. However, the exact nature and scope of reform remained unclear.

People accused of political or criminal offences continued to be denied due process. Detainees’ access to lawyers and family members continued to be severely restricted and trials fell far short of international fair trial standards. Those charged with offences related to “state secrets” or “terrorism” had their legal rights restricted and were tried *in camera*.

- In October, Falun Gong organizations abroad publicized video footage of Wang Xia, a woman who had recently been released from prison in Hohhot, Inner Mongolia where she had served two years of a seven-year sentence for distributing materials promoting Falun Gong. She appeared emaciated and her body bore several scars. She had reportedly been tied to a bed, hung up, beaten, injected with unknown substances and shocked with electric batons after going on hunger strikes to protest against her detention.

North Korean asylum-seekers

Hundreds, possibly thousands, of North Korean asylum-seekers in north-east China were arrested and forcibly returned during the year. China continued to deny North Koreans access to any refugee determination procedures despite evidence that many had a genuine claim to asylum and in breach of the UN Refugee Convention to which China is a state party.

Those assisting North Korean asylum-seekers, including members of foreign aid and religious organizations, ethnic Korean Chinese nationals, and journalists attempting to raise awareness of their plight, were detained for interrogation, and some were charged and sentenced to prison terms.

- Noguchi Takashi, a Japanese NGO activist helping North Koreans in China flee to a third country, was deported in August after being detained in the Guangxi Zhuang Autonomous Region. He had been charged with human trafficking and sentenced to eight months' imprisonment and a 20,000 yuan fine (US\$2,400).

Xinjiang Uighur Autonomous Region (XUAR)

The authorities continued to use the "global war on terror" to justify harsh repression in Xinjiang, resulting in serious human rights violations against the ethnic Uighur community. The authorities continued to make little distinction between acts of violence and acts of passive resistance. Repression resulted in the closure of unofficial mosques, arrests of imams, restrictions on the use of the Uighur language and the banning of certain Uighur books and journals.

Arrests of so-called "separatists, terrorists and religious extremists" continued and thousands of political prisoners, including prisoners of conscience, remained in prison. Many of those charged with "separatist" or "terrorist" offences were reportedly sentenced to death and executed. Uighur activists attempting to pass information abroad about the extent of the crackdown were at risk of arbitrary detention and imprisonment.

China continued to use "counter-terrorism" as a means to strengthen its political and economic ties with neighbouring states. Uighurs who had fled to Central Asia, Pakistan, Nepal and other states, including asylum-seekers and refugees, remained at serious risk of forcible return to China. China continued to put pressure on the USA to return

22 Uighurs held in the US detention camp in Guantánamo Bay, Cuba. In June, the US authorities stated that the Uighurs would not be returned to China due to fears that they would be tortured or executed.

- Abdulghani Memetimin, a 40-year-old teacher and journalist, continued to serve a nine-year prison sentence in Kashgar after being convicted of "leaking state secrets" in June 2003. He had been charged in connection with sending information to a Uighur-run NGO based in Germany about human rights violations against Uighurs in the XUAR and making translations of official speeches.

Tibet Autonomous Region and other ethnic Tibetan areas

Freedom of religion, expression and association continued to be severely restricted and arbitrary arrests and unfair trials continued. Over 100 Tibetan prisoners of conscience, mainly Buddhist monks and nuns, remained in prison. Contacts between the Chinese authorities and representatives of the Tibetan government in exile continued, with some signs that progress was being made. However, this failed to result in any significant policy changes leading to improved protection for the basic human rights of Tibetans.

- Topden and Dzokar, two monks from Chogri Monastery, Drakgo (Luhuo) County, Sichuan province, together with Lobsang Tsering, a layman, were all reportedly sentenced to three years in prison in August for putting up posters advocating Tibetan independence. They had been detained in July together with numerous others who were released several days later. Some said they were beaten in detention.

Hong Kong Special Administrative Region

There were no attempts to reintroduce legislation under Article 23 of the Basic Law prohibiting acts of treason, sedition, secession or subversion – a proposal which had sparked public protests in 2003. However, a mainland ruling in April restricting Hong Kong's freedom to push ahead with political reform heightened concerns about an erosion of human rights in Hong Kong.

Fears about restrictions on freedom of expression were fuelled by the resignation of three radio talk show hosts in May after they allegedly received threats for calling for greater democracy in Hong Kong. The administrative detention of a Hong Kong Democratic Party candidate in China in advance of Hong Kong

elections in September was also viewed by many as politically motivated. In November an appeal court reversed convictions for “public obstruction” against 16 Falun Gong practitioners who were detained after holding a demonstration in March 2002. Other convictions for obstructing and assaulting police were upheld.

Death sentences continued to be imposed on Hong Kong residents in other parts of China and there was still no formal rendition agreement between Hong Kong and China.

In June, the Hong Kong Court of Final Appeal ruled that the regional authorities must assess individual asylum-seekers’ claims that they had fled torture before issuing a deportation order. However, asylum-seekers and other groups, including migrant workers, victims of domestic violence, and lesbians and gay men, remained vulnerable to discrimination. A positive move in this direction came with the issuing of a public consultation document on proposed legislation against racial discrimination in September.

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