

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	264
Land:	Kina
Kilde:	Human Rights Watch
Titel:	World Report 2011 – Country Summary. China
Udgivet:	24. januar 2011
Optaget på baggrundsmaterialet:	28. januar 2011



January 2011

country summary

China

Imprisoned dissident Liu Xiaobo's selection as the 2010 Nobel Peace Prize winner in October was a defining moment for China's human rights movement. It also focused global attention on the extent of human rights violations in China, and on its unreformed, authoritarian political system as it emerges as a world power.

The Chinese government tried to censor news about the prize domestically, immediately placing Liu's wife Liu Xia under house arrest and clamping down on rights activists and Liu's supporters. It then attempted to portray the prize as part of a conspiracy by Western countries, insisting that Chinese citizens do not value civil and political freedoms.

That argument was significantly challenged by a public letter that circulated the next week: written by retired Chinese Communist Party (CPC) elders, it called for political reforms to defend the right to free expression and a free press as guaranteed by the constitution. The letter cited the domestic censorship of comments that Premier Wen Jiabao made in New York in October, in which he acknowledged that "the people's wishes for, and needs for, democracy and freedom are irresistible." In an unprecedented move, several newspapers printed Wen's comments the next day, openly challenging censorship orders.

The Nobel Prize and the letter highlighted the growing importance of debate within mainstream society, the party, and the government about the role of "universal values." These ideas were also advocated by Charter 08, the landmark document that called for a gradual overhaul of China's political system. Liu's participation in drafting the charter prompted his December 2008 arrest and his 11-year prison sentence one year later.

Freedom of Expression

The government continued to restrict the rights and freedoms of journalists, bloggers and an estimated 384 million internet users, in violation of domestic legal guarantees of freedom of press and expression. The government requires state media and internet search firms to censor references to issues ranging from the June 1989 Tiananmen massacres to details of the 2010 Nobel Peace Prize.

On January 12, 2010, the US search engine company Google announced it would seek an agreement with China's government to end the firm's self-censorship of Chinese internet users' search results, which it undertook partly because of government requirements. The government refused. On March 22, 2010, Google stopped censoring searches on its <http://www.google.cn> site and began redirecting them to its uncensored Hong Kong-based site.

On April 22, 2010, the government approved an amendment to the revised draft Law on Guarding State Secrets. The revised law requires internet and telecom firms to "cooperate with public security organs, state security agencies [and] prosecutors" on suspected cases of state secrets transmission.

At least 24 Chinese journalists are jailed on ambiguous charges ranging from "inciting subversion" to "revealing state secrets." They include Gheyret Niyaz, a Uighur journalist and website editor, sentenced to 15 years in June for "endangering state security" related to a foreign media interview he gave after the July 2009 protests in Xinjiang. That same week a Xinjiang court convicted three Uighur bloggers on the same charge. Dilshat Perhat, webmaster of Diyarim; the webmaster of Salkinm who goes by the name Nureli; and Nijat Azat, webmaster of Shabnam, received sentences of five, three, and ten years respectively.

Journalists who overstepped censorship guidelines continued to face official reprisals. Zhang Hong, a deputy editor with the *Economic Observer* newspaper, was fired after co-writing a March 1, 2010, editorial carried in 13 Chinese newspapers advocating the abolition of China's discriminatory *hukou* (household registration) system. *China Economic Times* editor Bao Yuehang was fired in May 2010 in apparent retaliation for a March 17, 2010, story that exposed vaccine quality shortfalls in Shanxi province linked to four children dying and at least 74 others falling ill.

Chinese journalists also continued to face physical violence for reporting on "sensitive" topics. On April 20, 2010, 10 unidentified assailants attacked *Beijing News* reporter Yang Je while he photographed the site of a forced eviction. Police at the scene briefly detained the assailants before releasing them, characterizing their actions as a "misunderstanding." On September 8, 2010, security guards beat three reporters from Jilin and Changchun television stations attempting to cover a fire at the City College of Jilin Architecture and Civil Engineering.

Foreign correspondents in China continue to face reporting restrictions despite the government's October 2008 decision to eliminate requirements for official permission to

travel the country and interview Chinese citizens. Those restrictions include a prohibition on foreign correspondents visiting Tibet freely.

Legal Reforms

Legal awareness among citizens continues to grow and legal reforms progress slowly, although the government's overt hostility towards genuine judicial independence undercuts legislative improvements. It also defeats efforts to progressively curtail the Chinese Communist Party's authority over all judicial institutions and mechanisms.

Two potentially significant reforms progressed on paper but not in practice. In May the Supreme People's Court, the Supreme People's Procuratorate (the state prosecution), and the ministries of public security, state security, and justice issued two directives regarding excluding evidence obtained through torture. This includes confessions of defendants and testimonies of prosecution witnesses, which underpin most criminal convictions in China.

However, these new regulations were not followed in the case of Fan Qihang, who in a video made public by his lawyer, described daily torture for six months and failed attempts to retract his forced confession during trial. The Supreme People's Court refused to investigate the torture allegations and upheld the original death sentence.

In August the government announced a draft amendment to China's criminal law that would eliminate the death penalty for 13 "economy-related non-violent offences." But in September a senior member of the legislature's Legal Affairs Committee announced the government would not pursue this initiative. China leads the world in executions: five to eight thousand take place every year.

Human Rights Defenders

Most human rights advocates, defenders, and organizations endure varying degrees of surveillance, harassment, or suppression by police and state security agencies. Several leading figures have been jailed in the past three years, and several NGOs shuttered or constrained. Yet the domestic "rights defense movement"—an informal movement connecting lawyers, activists, dissidents, journalists, ordinary citizens, and peasant and workers' advocates—continues to expand as demands grow for the state to respect its own laws.

Despite pervasive state censorship, rights advocates helped generate public and media debate on issues including illegal detention centers for petitioners travelling to the capital to lodge grievances (known as "black jails"), abnormal deaths in custody, widespread torture

to extract confessions, use of psychiatric facilities to detain dissenters, socioeconomic discrimination against ethnic minorities in Xinjiang, and endemic abuses linked to forced demolitions and eviction.

Activists nonetheless paid a heavy price for these advances. In addition to routine harassment, they endure aggressive police surveillance, illegal home confinement, interception of communications, warnings and threats, repeated summons for "discussions" with security officers, and short-term detention.

Human rights lawyer Gao Zhisheng has been missing for two years. He reemerged in Beijing in early April 2010 after a year of official obfuscation about his status, telling journalists and supporters that security agents had repeatedly tortured and kept him captive. He disappeared again a few days later. In October police rejected his brother's effort to register him as a missing person.

The blind legal activist Chen Guangcheng was freed from prison in September, only to be confined with his entire family in his home village and denied medical treatment for ailments he developed in prison. Unidentified men working at the behest of local police officials threatened and roughed up journalists and activists who tried visiting him.

On November 10 Zhao Lianhai, the father of a child who developed kidney stones due to the contaminated milk scandal, was sentenced to two-and-a-half years' imprisonment on charges of "causing a serious disturbance" for his role in organizing a victims association to file a class action lawsuit.

Migrant and Labor Rights

The All-China Federation of Trade Unions (ACFTU) remains the sole legal representative of workers in China; independent labor unions are banned. Labor activism—mainly by migrant workers—in several foreign-invested factories in southern Guangdong province in the summer of 2010 challenged that prohibition, resulting in improved pay and benefits for strikers at production facilities for Japan's Honda and Denso Corporation. In August the ACFTU announced reforms aimed at developing a more democratic selection process for union leaders. Yet its insistence that reforms "not deviate from the leadership of the Communist Party" indicates that restrictions on independent union activity will remain.

The government has yet to deliver on longstanding promises to abolish the *hukou* system. Access to public benefits such as education and healthcare are linked to place of birth;

China's 230 million migrant workers are denied access to these services when they move elsewhere in the country.

In June 2010 the State Council, China's cabinet, announced a proposal to replace the *hukou* system with a residential permit system, which would extend public welfare benefits to migrants in China's cities. However, the proposal lacks a timetable and financial provisions for the *hukou* system's elimination.

Sexual Orientation and Gender Identity

The government decriminalized homosexuality in 1997 and removed it from the official list of mental disorders in 2001 but does not allow same-sex marriage. In March 2010 former vice-minister of health Wang Longde told state media the government needed to end discrimination against gay men in order to more effectively combat the country's HIV/AIDS epidemic.

Despite such indications of progress, entrenched social and official discrimination against lesbian, gay, bisexual, and transgender people in China limits them from realizing fundamental rights of expression and association. Beijing police forced cancellation of the first Mr. Gay China pageant in January 2010 without explanation. In September 2010 Beijing police detained hundreds of gay men rounded up in a Haidian district park in an apparent effort to harass and intimidate homosexuals. The men were reportedly released only after providing identification and submitting to blood tests.

Women's Rights

Entrenched gender-based discrimination and violence continue to afflict Chinese women. Inequality is particularly serious in rural areas, where gender-based discrimination, unequal access to services and employment, trafficking into forced prostitution, and violence are more common than in cities. In June 2001 the nongovernmental Anti-Domestic Violence Network of China Law Society (ADV N) called for revisions to domestic violence provisions of the Marriage Law. The ADV N criticized the current Marriage Law for requiring victims of domestic violence to provide what the organization considers to be impossibly high standards of proof of long-term physical abuse.

Police typically subject suspected female sex workers to public "shaming" parades in violation of their rights of privacy and due process. Public criticism of the practice peaked after a widely publicized June 2010 incident in which police forced two suspected sex workers to walk bound and barefoot through the streets of Dongguan. On July 27, 2010, state

media announced an official ban on the practice, although it remains uncertain whether it will be enforced.

Health

The Chinese government moved in 2010 to protect the rights of people with HIV/AIDS. On April 27, 2010, it lifted its 20-year-old entry ban on HIV-positive foreign visitors. And on August 30, 2010, an Anhui provincial court accepted China's first-ever job discrimination lawsuit on the grounds of HIV-positive status. In November the provincial court ruled against the defendant.

However, HIV/AIDS activists and nongovernmental advocacy organizations continued to face government harassment. In May 2010 Wan Yanhai, China's leading HIV/AIDS activist, fled to the United States, citing official harassment of his NGO, the Aizhixing Institute. On August 16, 2010, police in Henan province detained Tian Xi, a veteran HIV/AIDS rights activist pursuing state compensation for victims of the province's blood contamination scandal, on charges of "intentionally damaging property" after a minor altercation at a hospital. Tian faces up to three years in prison.

Government officials and security forces continue to incarcerate suspected users of illicit drugs without trial or judicial oversight in drug detention centers for up to six years under China's June 2008 Anti-Drug Law. Detainees in drug detention centers suffer widespread human rights abuses, including arbitrary detention, forced labor, physical violence, and denial of medical services, including evidence-based drug dependency treatment and treatment for HIV/AIDS.

China's rapid economic growth has led to widespread industrial pollution. The government is failing to address the public health repercussions resulting from severe environmental degradation. Lead has poisoned tens of thousands of Chinese children, many of whom suffer permanent physical and mental disabilities as a result. Despite Chinese and international law that purport to protect people from polluted and hazardous environments, Human Rights Watch research to be published next year shows that local governments across China have prioritized concealing the problem, turning children away from hospitals, refusing to test them for lead, and withholding or falsifying test results.

Freedom of Religion

Despite a constitutional guarantee of freedom of religion, China's government restricts spiritual expression to officially registered churches, mosques, monasteries, and temples. Religious personnel appointments require government approval. Religious publications and

seminary applications are subject to official review. The government subjects employees, membership financial records, and activities of religious institutions to periodic audits. It deems all unregistered religious organizations illegal, including Protestant "house churches," whose members risk fines and criminal prosecution. Certain groups, including the Falun Gong, are seen as "evil cults," and their followers are subject to official harassment and intimidation.

Police and government officials raided a training session on law and theology organized by a Christian house church in Henan's Fangcheng County on March 11, 2010, and temporarily detained three attendees. On May 9, 2010, Guangzhou police broke up an outdoor house church service in a local park and later temporarily detained the church's leader for questioning. On October 10, 2010, Beijing International Airport immigration officials blocked five Protestant house church leaders from boarding planes en route to an international evangelical conference in South Africa.

Tibet

The Tibet Autonomous Region (TAR) and the neighboring Tibetan autonomous areas of Qinghai, Sichuan, Gansu, and Yunnan province, remained tense. The Chinese government gave no indication it would accommodate the aspirations of Tibetan people for greater autonomy, even within the narrow confines of the country's autonomy law on ethnic minorities' areas. There were no mass arrests in 2010 of the kind that followed the spring 2008 protests, but the government maintains a heavy security presence across the Tibetan plateau and continues to sharply curtail outside access to most Tibetan areas.

Tibetans suspected of being critical of political, religious, cultural, or economic state policies are targets for persecution. In June the 15-year sentence given to Karma Sandrup, a prominent art dealer and environmental philanthropist, on unfounded charges of "grave robbing" signaled a departure from the government's previous willingness to embrace economically successful Tibetan elites who abstained from political pursuits. Multiple due process violations marred the trial, including evidence the suspect and witnesses had been tortured.

In July 2010 the government rejected the findings of a comprehensive Human Rights Watch report, which established that China had broken international law in its handling of the 2008 protests. The report, based on eyewitness testimonies, detailed abuses committed by security forces during and after protests, including use of disproportionate force in breaking up protests, firing on unarmed protesters, conducting large-scale arbitrary arrests, brutalizing detainees, and torturing suspects in custody. The government accused Human

Rights Watch of "fabricating material aimed at boosting the morale of anti-China forces, misleading the general public and vilifying the Chinese government," but failed to respond to any of the report's substantive allegations.

Xinjiang

The Urumqi riots of July 2009—the most lethal episode of ethnic unrest in recent Chinese history—continued to cast a shadow over developments in the Xinjiang Uighur Autonomous Region. The government has not accounted for hundreds of persons detained after the riots, nor investigated serious allegations of torture and ill-treatment of detainees that have surfaced in testimonies of refugees and relatives living outside China. The few publicized trials of suspected rioters were marred by restrictions on legal representation, overt politicization of the judiciary, failure to publish public notification of the trials, and failure to hold genuinely open trials as mandated by law.

Pervasive ethnic discrimination against Uighurs and other ethnic minorities persisted, along with sharp curbs on religious and cultural expression and politically-motivated arrests under the guise of counterterrorism and anti-separatism efforts.

In April Beijing installed a new leader for the autonomous region, Zhang Chunxian, to preside over an ambitious economic overhaul. In May the first national Work Conference on Xinjiang unveiled numerous measures that are likely to rapidly transform the region into an economic hub but also risk further marginalizing ethnic minorities and accelerating migration of ethnic Han Chinese into the region.

By the end of 2011, 80 percent of traditional neighborhoods in the ancient Uighur city of Kashgar will have been razed. Many Uighur inhabitants have been forcibly evicted and relocated to make way for a new city likely to be dominated by the Han population.

Key International Actors

China's government became more brazen in thwarting international norms and opinion. In late December 2009 it successfully pressured Cambodia to forcibly return 20 Uighur asylum seekers, despite its record of torturing Uighurs and vocal opposition from the US and others. A few months later, when the US suspended a shipment of trucks to punish Cambodia for violating the 1951 Refugee Convention, China provided a comparable shipment within a few weeks.

The Chinese government also continued to obstruct international efforts to defend human rights by taking steps to derail growing international momentum for a commission of inquiry into war crimes and crimes against humanity in Burma. China's United Nations delegation also opposed the release of a UN report documenting use of Chinese ammunition in Darfur in violation of an arms embargo. The Chinese government has still not issued invitations to the UN high commissioner for human rights or a half-dozen other special rapporteurs who requested visits in the wake of the Tibet and Xinjiang protests.

Although more than a dozen countries continue to pursue human rights dialogues with the Chinese government, few of these opaque discussions produced meaningful outcomes in 2010. While most of these governments offered strong support for the Nobel Committee's choice of Liu Xiaobo as winner of the peace prize, many failed to seize other opportunities, such as conducting high-profile visits to China or meeting senior Chinese officials to raise human rights concerns.