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People's Republic of China

Head of state: Xi Jinping

Head of government: Li Keqiang

The authorities continued to severely restrict the right to freedom of expression. Activists and human rights defenders risked harassment and arbitrary detention. Torture and other ill-treatment remained widespread and access to justice was elusive for many. Ethnic minorities including Tibetans, Uighurs and Mongolians faced discrimination and increased security crackdown. Record numbers of workers went on strike demanding better pay and conditions.

In November 2013, the Central Committee of the Chinese Communist Party in its Third Plenum issued a blueprint for deepening economic and social reforms, paving the way for modifications to family planning policies and China's household registration system. The abolition of the Re-education Through Labour system was also announced in 2013. The Fourth Plenum in October 2014 focused on the rule of law.

Background

Throughout 2014, President Xi Jinping continued to pursue a high-profile anti-corruption campaign, targeting both low- and high-ranking officials. In July, state media announced that Zhou Yongkang, a former Minister of Public Security and Communist Party Politburo Standing Committee member, had been under investigation for alleged corruption since late 2013. He was the most senior official targeted in the campaign, in which, thus far according to official sources, more than 100,000 officials had been investigated and

punished.

The UN Committees on Economic, Social and Cultural Rights and on the Elimination of Discrimination against Women, reviewed China's implementation of the ICESCR and CEDAW¹ in May and October respectively. In December 2013 the UN Human Rights Council adopted the outcome document of China's second Universal Periodic Review.

Arbitrary detention

The National People's Congress officially abolished China's notorious Re-education Through Labour system in December 2013. Following its abolition, the authorities made extensive use of other forms of arbitrary detention, including Legal Education Centres, various forms of administrative detention, "black jails", and illegal house arrest. In addition, police frequently used vague charges of "picking quarrels and provoking trouble" and "disturbing order in a public place" to arbitrarily detain activists for up to 37 days. Members of the Chinese Communist Party suspected of corruption were held under the secretive system of shuanggui (or "double-designation") without access to legal assistance or their families.

Torture and other ill-treatment

Torture and other ill-treatment remained widespread. In March, four lawyers who were investigating a Legal Education Centre in Jiansanjiang, Heilongjiang Province, were arbitrarily detained and tortured. One of them, Tang Jitian, said that he was strapped to an iron chair, slapped in the face, kicked, and hit so hard over the head with a plastic bottle filled with water that he passed out. He said he was later hooded and handcuffed behind his back and suspended by his wrists, while police continued to beat him.²

In a rare case, an appeal court in Harbin, Heilongjiang Province, in August upheld the convictions of four people charged with torture. They and three others had been found guilty by the court of first instance of torturing several criminal suspects in March 2013, and were sentenced to between one and two and a half years in prison. Only three of the seven were police officers; the

other four were “special informants” – ordinary citizens allegedly “helping” the police to investigate crimes. One of their victims died in custody after being tortured with electric shocks and beaten with a shoe.

Trade in torture instruments and misuse of law enforcement equipment

China consolidated its position as a major manufacturer and exporter of a growing range of law enforcement equipment, including items with no legitimate policing function such as electric shock stun batons and weighted leg cuffs. In addition, equipment that could be used legitimately in law enforcement but was easy to abuse, such as tear gas or riot control vehicles, has been exported from China without adequate controls even when there was a substantial risk of serious human rights violations by the receiving law enforcement agencies.³

Death penalty

In May, the Supreme People’s Court in a landmark ruling overturned the death sentence of Li Yan, a victim of domestic violence, and ordered a retrial. This was still pending at the end of the year. The Ziyang City Intermediate People’s Court had sentenced Li Yan to death in 2011 for the murder of her husband, ignoring evidence of sustained abuse.

In a rare case of acquittal, the High Court in Fujian Province in August overturned the death sentence of food stall owner Nian Bin for allegedly poisoning neighbours with rat poison. Nian Bin had originally been sentenced to death in 2008, despite his claim that he had confessed under torture.⁴ The High Court cited insufficient evidence but did not address the allegations of torture.

Similarly, in the case of Hugjiltu, a man from Inner Mongolia who was executed for rape and murder in 1996, in December the Inner Mongolia People’s Court declared his innocence and rescinded its original verdict. His family was awarded over 2 million yuan in compensation.

Human rights defenders

Human rights defenders continued to risk harassment, arbitrary detention, imprisonment, and torture and other ill-treatment for their legitimate human rights work. Cao Shunli died from organ failure in a hospital in March after being denied adequate medical care in detention for an existing condition.⁵ She had been detained at a Beijing airport in September 2013 when on her way to a human rights training in Switzerland.

The crackdown on rights activism intensified during the year. Individuals associated with a loose network of activists called the New Citizens' Movement were sentenced to between two and six and a half years' imprisonment. The movement campaigned for equal education rights for children of migrant workers, abolition of the household registration system, greater government transparency and against corruption.⁶ More than 60 activists were arbitrarily detained or put under illegal house arrest in the run-up to the 25th anniversary in June of the violent crackdown in 1989 of pro-democracy protests in and around Tiananmen Square in Beijing. Several remained in detention awaiting trial, including prominent human rights lawyer Pu Zhiqiang.⁷ In late September and early October, approximately 100 activists across China were detained for their support of pro-democracy protests in Hong Kong. Thirty-one remained in detention at the end of the year.⁸

Freedom of expression

The Chinese leadership increased its efforts to systematically restrict freedom of information. In late 2013, the Communist Party set up a group to “coordinate internet security”. However, a group member reportedly described the task as engaging in a battle “against ideological penetration” from “foreign hostile forces”.

In June, the All China Lawyers Association released draft regulations that would prohibit lawyers from discussing ongoing cases or writing open letters, or from criticizing the legal system, government policies and the Communist Party. Also in June, the State Administration of Press, Publication, Radio, Film and Television banned journalists from reporting on issues or areas outside

their current field of reporting and from posting critical articles that had not been approved by their work unit.

The authorities continued to use criminal law to suppress freedom of expression, including by detaining and imprisoning activists whose internet postings were viewed more than 5,000 times or re-posted more than 500 times.

Criminal charges were brought against journalists. Gao Yu, a prominent journalist, was taken away in April and later detained on suspicion of “illegally disseminating state secrets internationally”. Xiang Nanfu, a contributor to Boxun, one of the largest independent Chinese language news sources, was detained in May. Both were shown on national TV “confessing” to their alleged crimes even before their trials began.

Ilham Tohti, a Uighur scholar and founder of the website Uighur Online, was sentenced to life imprisonment in September after being convicted of “separatism”. Articles from the website were the main evidence cited by the authorities. Ilham Tohti was denied access to legal counsel for five months after being detained, and was tortured and denied food in pre-trial detention.⁹

Freedom of religion

People practising religions banned by the state, or without state permission, risked harassment, arbitrary detention, imprisonment, and torture and other ill-treatment. In the Xinjiang Uighur Autonomous Region (XUAR), the authorities stepped up already onerous restrictions on Islam with the stated aim of fighting “violent terrorism and religious extremism”. Numerous counties posted notices on their websites stating that students should not be permitted to observe Ramadan, and many teachers gave food and sweets to children to ensure that they did not observe the fast. Prohibitions on government employees and Communist Party cadres adhering to a religion were reinforced and several Uighur cadres were punished for downloading religious materials from the internet or “worshipping openly”. Outward signs of adherence to Islam such as beards or veils were often banned.

In Zhejiang province, a large-scale campaign against churches was carried out under the pretext of rectifying structures with building code violations. The

authorities demolished churches and removed crosses and crucifixes. In May, a building of the Xiaying Holy Love Church in Ningbo was reportedly demolished because it was “eye-catching”. People practising banned religions, such as those worshipping Christianity in “house churches” or Falun Gong practitioners, continued to face persecution.

Reproductive rights

The changes to China’s family planning policies enabled married couples to apply to have two children if either parent is an only child. The Standing Committee of China’s National People’s Congress formalized the changes in December 2013, and provinces began to implement them in 2014. Many restrictions on reproductive rights remained in place.

Migrant workers’ rights

Changes to the household registration system known as hukou made it easier for rural residents to move to small or mid-size cities. Access to benefits and services, including education, health care and pensions, continued to be linked to hukou status, which remained a basis for discrimination. The hukou system forced many internal migrants to leave their children behind in the countryside.

Xinjiang Uighur Autonomous Region (XUAR)

Authorities ascribed numerous violent incidents which occurred in the XUAR or other regions to Uighur individuals, and used these to justify a heavy-handed response. In May, a “strike hard” campaign was launched to target “violent terrorism and religious extremism”, raising concerns that accused individuals would not receive fair trials. Top officials prioritized speed in making arrests and convening trials, while calling for greater “co-operation” between prosecuting authorities and courts. By 26 May, XUAR officials had announced the detention of over 200 suspected members of “terrorist and extremist groups” and the breaking up of 23 “terror rings”. On 29 May, at one of the several “sentencing rallies” since the launch of the campaign, 55

people, all believed to be Uighurs, were sentenced for crimes including terrorism in front of nearly 7,000 spectators in a stadium.¹⁰

On 28 July, state media reported that 37 civilians were killed when a “knife-wielding mob” stormed government offices in Yarkand County (in Chinese: Shache) and that security forces had shot dead 59 attackers. Uighur groups disputed this account, putting the death toll much higher and saying rather that police opened fire on hundreds of people who were protesting against the severe restrictions placed on Muslims during Ramadan. Uighurs faced widespread discrimination in employment, education, housing and curtailed religious freedom, as well as political marginalization.

Tibet Autonomous Region and Tibetan populated areas in other provinces

Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedoms of religious belief, expression, association and assembly. Several Tibetan monastic leaders, writers, protesters and activists were detained.

In August, Tibetan demonstrators were reportedly shot by police and security forces in Kardze (in Chinese: Ganzi), Sichuan Province, where a crowd had gathered to protest against the detention of a village leader. At least four demonstrators died from their wounds and one protester committed suicide in detention.

Seven people set themselves on fire in Tibetan populated areas in 2014 in protest against repressive policies by the authorities; at least two died as a result. The number of known self-immolations since March 2011 rose to 131. The authorities targeted some relatives and friends of those who self-immolated for allegedly “inciting” or “abetting” such acts.

In some counties, family members of self-immolators, or those who have attended the Dalai Lama’s teachings, were sympathetic towards the “Dalai Clique” or had “connections overseas”, were barred from senior positions or from standing as candidates in village elections.

Hong Kong Special Administrative Region

Freedom of assembly

Large-scale protests took place in Hong Kong in 2014. On 1 July, organizers estimated that more than 500,000 people took part in a pro-democracy march, followed by a sit-in in the business district. More than 500 protesters were arrested the following night.¹¹ Some reported they were not allowed access to lawyers and were not provided with food and water for several hours before being released without charge. In late September, thousands of students staged a week-long class boycott that culminated in a sit-in in front of the Civic Square, near the headquarters of the Hong Kong government. Later that night some of the protesters entered the fenced-off portion of the Civic Square. Police responded with pepper spray and contained 70 of the protesters in the Square, 20 of whom were arrested the following day.¹²

This led to calls for the start of a civil disobedience campaign – “Occupy Central” – to occupy streets in central Hong Kong. On 28 September, the police used tear gas and pepper spray in an attempt to disperse thousands of peaceful protesters who had gathered in streets near the administrative headquarters. On 3 October, counter-demonstrators attacked protesters, including sexually assaulting, harassing and intimidating women and girls, while the police failed to intervene for several hours.¹³ Journalists covering the protests complained that police prevented them from doing their job. On 15 October, six police officers were filmed beating up a protester in a dark corner in the Admiralty protest zone.¹⁴ During the clearance of the Mongkok protest zone¹⁵ and outside the government complex in Admiralty, in late November police used arbitrary force against protesters, journalists and bystanders. The largely peaceful protests ended in mid-December and, according to Hong Kong Police Commissioner Andy Tsang, 955 people were arrested in relation to the Occupy protests and more arrests would be made later.

Freedom of expression

Fears for the right to freedom of the press were raised when Kevin Lau Chun-to, the former chief editor of Ming Pao newspaper, was removed from his post in January. Under Lau, Ming Pao had reported on alleged human rights

violations and wrongdoings of high-ranking officials in Hong Kong and China.

In October, over 20 journalists from Television Broadcasts Limited, a local television station, issued an open letter criticizing perceived self-censorship by the broadcaster in its reporting of the police beating of “Occupy Central” protester Ken Tsang Kin-Chiu.

Migrant domestic workers

Thousands of the approximately 300,000 migrant domestic workers in Hong Kong, nearly all women, were trafficked for exploitation and forced labour, and heavily indebted with illegal and excessive agency fees. The “Two-Week Rule”, which stipulates that after an employment contract ends migrant domestic workers must find new employment or leave Hong Kong within two weeks, and the requirement that migrant domestic workers must live with their employers, increased their risk of suffering human and labour rights abuses. Employers often subjected them to physical or verbal abuse; restricted their freedom of movement; prohibited them from practising their faith; paid them less than the statutory Minimum Allowable Wage; denied them adequate rest periods; and arbitrarily terminated their contracts, often in collusion with employment agencies. The Hong Kong authorities failed to properly monitor employment agencies and punish those who violated the law.

In December, the District Court began a high-profile trial involving three female Indonesian migrant domestic workers: Erwiana Sulistyaningsih, Nurhasanah and Tutik Lestari Ningsih. Their former employer, Law Wan-tung, faced 21 charges including causing grievous bodily harm with intent, assault, criminal intimidation and failure to pay wages.¹⁶

Macau Special Administrative Region

Pro-democracy academics reported being targeted for their political participation and criticism of the government. Bill Chou Kwok-ping, an academic at the University of Macau and vice-president of Macau's largest pro-democracy group, said he was suspended for "imposing political beliefs" on his students; after an inquiry, the university did not renew his contract. Another academic, Eric Sautede, a lecturer at the University of St. Joseph,

lost his post in July; the university rector told a local Portuguese language newspaper it was due to Eric Sautede's political commentary.

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