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FREEDOM HOUSE

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Freedom in the World - China (2008)

Capital: Beijing

Population:
1,318,000,000

Political Rights Score: 7

Civil Liberties Score: 6

Status: Not Free

Overview

The Chinese Communist Party continued to implement “democracy with Chinese characteristics” in 2007, appointing the first nonparty government ministers since the 1970s, passing significant legislation after public consultation, and allowing the most open debate on economic and political reform since 1989. However, the government’s overriding concern with stability, especially in the run-up to the party’s 17th National Congress in October, led to continued restrictions on the media and repression of those seen as challenging the regime.

The Chinese Communist Party (CCP) took power in mainland China in 1949. Aiming to hasten the country’s socialist transformation, CCP leader Mao Zedong oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958–61) and the Cultural Revolution (1966–76), that resulted in millions of deaths. Following Mao’s death in 1976, Deng Xiaoping emerged as China’s paramount leader. Over the next two decades, he maintained the CCP’s absolute rule in the political sphere while initiating limited market-based reforms to stimulate the economy.

The CCP signaled its resolve to maintain political stability with the deadly 1989 assault on prodemocracy protesters in Beijing’s Tiananmen Square. Following the crackdown, Jiang Zemin replaced Zhao Ziyang as general secretary of the party. Jiang was named state president in 1993 and became China’s top leader following Deng’s death in 1997. Jiang continued Deng’s policy of rapid economic growth, recognizing that regime legitimacy now rested largely on the CCP’s ability to boost living standards.

Hu Jintao succeeded Jiang as party general secretary in 2002, state president in 2003, and head of the military in 2004. Hu faced pressing socioeconomic problems that had 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 CCP viewed these developments as the source of rising social unrest and a threat to its ruling status.

In response, Hu and Prime Minister Wen Jiabao promoted policies aimed at building

a “harmonious society.” The 11th Five-Year Program (2006–10) signaled a shift in China’s declared economic development model from the pursuit of gross domestic product (GDP) growth to a balancing of growth with social welfare and environmental protection, although implementation of these goals has been halting. The drive to bridge the income gap and reduce social tensions included programs aimed at establishing a “new socialist countryside,” boosting spending on rural areas, and issuing regulations to protect the rights of internal-migrant workers.

Fighting corruption remained a priority. Shanghai mayor Chen Liangyu and other high-ranking officials were arrested in 2006, and the former head of the State Food and Drug Administration (SFDA), Zhen Xiaoyu, was executed in July 2007 after being convicted of bribery. Also in 2007, new regulations compelling local governments to disclose information of public interest and the establishment of the National Corruption Prevention Agency were partially aimed at curbing malfeasance by local officials. Meanwhile, the utility of village elections in reducing corruption continued to be compromised due to violence allegedly condoned by local authorities, who also apparently authorized attacks on journalists attempting to report wrongdoing. In January 2007, reporter Lan Chenzhang was beaten to death while investigating illegal coal mines in Shanxi Province.

As part of the larger effort to improve governance, the CCP continued to implement “democracy with Chinese characteristics,” a concept outlined in a 2005 government white paper. It called for establishing a consultative style of rule that combined CCP leadership with an expanded role for experts and public opinion in the decision-making process and for greater reliance on law in policy implementation, while rejecting political reforms that would challenge the party’s monopoly on power. In 2007, nonparty ministers were appointed to the government for the first time since the 1970s, and draft legislation—including the Property Rights Law, the Labor Contract Law, and the Emergency Response Law—was changed to reflect input from society.

Although it permitted the most open debate on China’s political and economic reforms since 1989, the CCP in 2007 remained preoccupied with stability, especially in the run-up to the 17th party congress in October. This overriding concern prompted continued restrictions on political rights and the media, and the repression of critics of the regime.

China began to feel a backlash against its more assertive foreign policy in 2007 and faced international criticism for concluding economic deals in Africa without addressing serious human rights concerns, particularly in Sudan. Relations with the United States were strained by China’s surprise testing of an antisatellite missile in January and a series of scandals involving the safety of Chinese-made consumer products.

Political Rights and Civil Liberties

China is not an electoral democracy. Although the state has permitted the growth of private sector economic activity, Chinese citizens cannot democratically change their leaders at any level of government. As stipulated in the Chinese constitution, the CCP possesses a monopoly on political power. Party members hold almost all top national and local posts in government, the military, and the internal security services. A 3,000-member National People's Congress (NPC) is, in principle, China's parliament. While it has shown signs of independence, sometimes questioning proposed legislation before approving it, the NPC remains subordinate to the party. The only competitive elections are for village committees and urban residency councils, both of which are technically "grassroots" rather than government organs. Citizens can also vote for local people's congress representatives at the county level and below.

The state closely monitors political activity and uses an opaque State Secrets Law to justify the detention of those who engage in political activity without party approval. Opposition groups, such as the China Democracy Party, are suppressed.

Corruption remains a severe problem. In the first five months of 2007, over 15,000 officials were under investigation, including more than 1,000 above the county level. The number of commercial bribery cases was up 8.2 percent in the first seven months as compared to the same period in 2006, reaching 4,406; some 94 percent of those cases involved public servants. The new regulations compelling local governments to disclose information of public interest, such as budgets and financial plans, and the establishment of the National Corruption Prevention Agency, which transferred oversight from the local to the central government, were aimed in part at combating endemic corruption at the local level, where personal connections among party, government, and business leaders perpetuates the problem. China was ranked 72 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.

Under the constitution, Chinese citizens are guaranteed freedom of speech and freedom of the press. Although freedom of speech continues to expand in practice, as indicated by the public debate on both economic and political reform in 2007, expression on topics deemed sensitive by the CCP remains severely limited. In December 2007, prominent AIDS activist Hu Jia was arrested. The tightly controlled media are barred from criticizing senior leaders. Journalists who do not adhere to party dictates are harassed, fired, or jailed. Singapore *Straits Times* reporter Ching Cheong and *Bijie Daily* reporter Li Yuanlong remained imprisoned in 2007. Writer Lu Gengsong was detained in October 2007.

A number of restrictive regulations issued since 2005 remain in place, requiring publishers not to reprint politically sensitive books, restricting popular access to foreign films and television programs, and encouraging media self-censorship. While the Emergency Response Law passed in August 2007 did not include provisions from the original draft that would have resulted in heavy fines for media outlets, the legislation still allowed media licenses to be revoked for the reporting

of "false information." Amid criticism of 2006 regulations authorizing China's official news agency, Xinhua, to censor foreign news agencies' reports, the government in January 2007 issued new rules allowing foreign journalists unfettered access to cover preparations for the 2008 Olympic Games. Nevertheless, local officials continued to block foreign reporters. An *Economist* journalist was briefly detained in Henan in January, and a British Broadcasting Corporation (BBC) team was expelled from Hunan in March. Some international radio and television broadcasts remain jammed.

The government routinely cracks down on the internet and monitors personal communications, including cellular telephone text-messaging. The authorities block websites they deem politically threatening and detain those responsible for posting content; cyberdissident Zhang Jianhong was jailed for six years in March 2007, and Chen Shuqing was jailed for four years in August. Foreign internet companies cooperate with the Chinese government on censorship enforcement. Although government plans to make it obligatory for bloggers to register under their real names were abandoned, major internet companies including Yahoo! and Microsoft signed onto a "self-discipline code" in August 2007 that leaves the door open for censorship. Between April and September, access to over 18,400 websites was blocked. The popular site MaoFlag.net was shut down temporarily, and the online publication *China Development Brief* was closed.

Though constitutionally recognized, religious freedom is narrowly circumscribed. All religious groups are required to register with the government. While officially sanctioned groups are tolerated, members of unauthorized religious groups are harassed and imprisoned. The crackdown on "underground" Christian churches and other groups like Falun Gong continued in 2007. Thirty "house church" leaders were detained in May, and four Americans meeting with the group were expelled from China. In June, two house church leaders were sentenced to a year of "reeducation through labor." In the Xinjiang Autonomous Region, the government has used the pretext of counterterrorism to crack down on members of 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 2006 human rights report, published in 2007.

Academic freedom has expanded but remains restricted with respect to sensitive political issues. Many scholars practice self-censorship in the interest of personal safety and risk losing their positions if they publicly criticize the party.

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 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 and jailed. Collective bargaining is nominally legal but actually prohibited. Although workers lack the legal right to strike, there has been a rise in labor unrest; from 1995 to 2006, the number of labor disputes rose by 13.5 percent. Concerns over social unrest prompted the government to solicit opinions from over 190,000 people before passing the Labor Contract Law in 2007. Employers frequently flaunt such regulations, however, and fail to implement required health and safety measures. Chinese officials claimed that the number of workplace accidents fell by 10 percent from 2006 to 2007, though the accidents that did occur killed 101,480 people.

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, and few criminal defendants have access to counsel in practice. Regulations issued in July 2006 failed to stop authorities from using torture to coerce confessions, which are frequently admitted as evidence. Police conduct searches without warrants and monitor personal communications to collect evidence against suspected dissidents. Many defendants are deprived of trials altogether, detained instead by bureaucratic fiat in “reeducation through labor” camps. Endemic corruption exacerbates the lack of due process in the judicial system. According to officials, who did not disclose exact figures, executions reached a “10-year low” in 2007 after the Supreme People’s Court (SPC) began reviewing all death sentences handed out by lower courts in January. Some 65 crimes carry the death penalty, but in September, the SPC called on all courts to limit capital punishment and commute death sentences for crimes such as corruption and family-related murder cases.

Though in most cases security forces are under direct civilian control, they work closely with the party leadership at each level of government, which contributes to frequent misuse of authority. Cases of extrajudicial and politically motivated murder, torture, and arbitrary arrest continue to be reported. Ahead of the 17th party congress, authorities harassed and detained those viewed as potential threats to the regime, including activists Hu Jia, Yao Lifa, and Lu Banglie. Lawyers who are overly vocal in defending the rights of their clients are frequently harassed or detained; civil rights lawyer Li Jianqiang’s license was not renewed in August 2007, Gao Zhisheng was detained in September, and Li Heping was abducted and beaten in October.

The Ministry of Public Security reported that the number of “mass incidents” fell by a fifth in the first nine 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. One of the major sources of discontent is the confiscation of land without adequate compensation, often involving collusion between local government and rapacious developers. Local authorities continue to employ excessive force to quell the disturbances. In August 2007, one person was

reportedly killed when villagers clashed with police over a land dispute in Heilongjiang.

In response to such incidents, in August 2007 the central government announced a review of all land sales concluded between January 2005 and December 2007 and recentralization of urban land-sales management through a new "land superintendency." A landmark Property Rights Law, which gives equal protection to state and private property, was passed in March 2007. An October amendment to property management regulations also increased protection for private owners.

Despite antidiscrimination legislation, minorities, the disabled, and people with HIV/AIDS face severe bias in mainstream society. A new law passed in September 2007 will give employees the right to sue for illegal discrimination. Concerns over 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 greater mobility. However, restrictions remain on changing one's employer or residence, and with quotas limiting the number of temporary residence permits issued in urban areas, many migrants remain outside the system, unable to gain full access to social services.

China's population-control policy remains in place. Couples may have no more than one child, though the policy is less stringently enforced in rural areas. Legislation requires couples who have unapproved children to pay extra fees and gives preferential treatment to couples who do not. Compulsory abortion or sterilization by local officials citing family-planning rules still occurs but is illegal and far less common than in the past. In May 2007, disputes over family-planning policies led to major riots across two counties in Guangxi.

Serious human rights violations against women and girls continue. The one-child policy and cultural preference for boys over girls have led to sex-selective abortion and a general shortage of females, which exacerbates the problem of human trafficking.