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China

Events of 2008

The Chinese government broke its promise to improve human rights in conjunction with its hosting of the 2008 Summer Olympic Games. The months prior to the Olympics were marked by a significant tightening of restrictions on freedom of association, expression, and religion.

Fundamental rights and freedoms are not guaranteed in China, particularly as the government continues to control and direct judicial institutions and decisions.

Such control raises serious concerns about the integrity of legal proceedings in controversial cases and has made courts a less attractive venue for citizens seeking redress for official corruption, illegal land seizures, labor rights violations, and other abuses. With nowhere else to turn, people increasingly are taking to the streets, with tens of thousands of public protests, at times violent, now taking place across China each year.

2008 Beijing Olympics

In the run-up to the Olympics, authorities tightened restrictions on human rights defenders, obstructed the activities of civil society organizations, including groups devoted to assisting China's population living with HIV/AIDS, and heightened security controls on Tibetans and Uighurs. More stringent visa rules curtailed business and tourist travel into China for the duration of the games.

Olympics-related temporary regulations for foreign media freedom in effect from January 1, 2007, to October 17, 2008, gave foreign correspondents some increased freedom but failed to prevent dozens of incidents of harassment, detention, and physical assault by government officials and security forces. The government obstructed foreign journalists from reporting on "sensitive" issues, including instances of civil unrest, corruption, and detention facilities.

Despite pledges to allow foreign journalists unfettered access to the internet during the games, the Chinese government only did so after coming under intense international pressure in the days just prior to the games. It allowed access to previously blocked websites, including those of international human rights organizations. However, websites of pro-Tibetan independence groups and the Falun Gong remained blocked throughout the duration of the games.

The government targeted high-profile critics who linked human rights abuses to preparations for the games. For example, land rights activist Yang Chunlin was sentenced to five years in prison on March 24, 2008, on charges of "inciting subversion of state power," for initiating a petition titled "We Want Human Rights, Not the Olympics" that protested officials' illegal land seizures.

The government also backtracked on its promise to allow citizens to demonstrate at designated protest zones in three Beijing parks. Instead, officials announced on August 20 that they had denied all 77 protest applications that had been filed, claiming that they had successfully resolved the applicants' concerns through "dialogue and communication." They also detained several people who made such applications, including two elderly women, Wu Dianyuan, 79, and Wang

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Xiuying, 77, who received a one-year sentence of “Re-education through Labor” on August 17 for seeking more compensation for the demolition of their homes. International condemnation prompted the government to rescind the sentence two weeks later.

Freedom of Expression

The Chinese government continues to strictly control journalists, and sanctions individuals and print and online media which fail to comply with extremely restrictive but unpredictably enforced laws and regulations. Potential punishments for journalists, webmasters, writers, bloggers, and editors who write or post articles critical of the political system or send news outside China range from instant dismissal to prosecution and lengthy imprisonment.

At this writing, at least 26 Chinese journalists remain in prison due to their work, many on ambiguous charges including “revealing state secrets” and “inciting subversion.” They include freelance reporter Lü Gengsong, who was sentenced to four years in prison in February 2008 on charges of “inciting subversion” for stories he had written for overseas websites on corruption and the trial of a Chinese human rights activist.

Foreign media have been effectively barred from freely reporting in Tibetan areas with the exception of five government-organized and controlled tours since protest by monks and violence in the Tibetan capital Lhasa in March 2008. On June 26, the Foreign Ministry announced that Tibet was officially reopened to foreign media “in line with previous procedure,” a process which rarely resulted in permission to freely visit Tibet.

China’s censors temporarily loosened tight controls on freedom of expression in the aftermath of the May 12, 2008, Sichuan earthquake. Within days, however, domestic media were instructed to avoid reporting on topics including protests by parents of some of the thousands of children who died in the collapse of public schools during the quake. In mid-June, the Chinese government imposed tighter restrictions on foreign correspondents in the area.

The global consequences of stifled expression in China dominated post-Olympics coverage of the country. On September 10, the state media finally began to report that milk powder tainted by melamine continued to be sold domestically and internationally. Five weeks earlier, after being forced to admit the problem by an international partner, the Sanlu dairy group appealed to the government to “control and coordinate” media coverage of the issue rather than publicize it. 53,000 infants became sick and four died.

On October 17, 2008, the Chinese government permanently lifted certain restrictions on foreign journalists. However, the new freedoms do not extend to Chinese journalists and foreign journalists still have limited access to certain parts of the country, including Tibet.

Legal Reform

Despite significant achievements over the past decade in strengthening legal institutions, the Chinese Communist Party’s domination of judicial institutions and inconsistent enforcement of judicial decisions has meant that the legal system remains vulnerable to arbitrary and often politically-motivated interference. In 2008 the pace of legal reforms appeared to slow.

Police torture and coerced confessions remain important criminal justice concerns. Such concerns are particularly acute in death penalty cases, though judicial authorities have announced a substantial decrease in the number of sentences imposed since the People’s Supreme Court regained the authority to vet death penalty cases in 2007. The police also

continue to make frequent use of the “Re-education through Labor” system, including for political and religious dissidents, which allows detention of “minor offenders” for up to four years without trial.

In March 2008 revisions to the Law on Lawyers were promulgated. These included some limited advances, such as affirmation of defense attorneys’ procedural rights to meet their clients in detention, but failed to offer meaningful remedies for when these rights are violated. A top official from the Supreme People’s Procuratorate (the public prosecution) announced in late April that defense attorneys’ right to meet with criminal suspects in detention did not extend to cases involving “state secrets.” The revisions also introduced a provision prohibiting lawyers from making statements in court that “harm national security.”

Party and government authorities often associate lawyers with their clients’ causes, rendering the lawyers vulnerable to official reprisals and undercutting efforts to establish the rule of law. In late May the Ministry of Justice threatened not to renew the professional licenses of a dozen Beijing lawyers who had publicly offered to represent Tibetan protesters. The ministry also prohibited lawyers from representing victims in two major national scandals that shook public opinion: the shoddy construction of schools that collapsed in the Sichuan earthquake, and dairy companies’ poisoning of baby formula.

On May 1, new regulations regarding the disclosure of government-held information went into effect, allowing ordinary citizens to force government departments to disclose information. But an important exception is made for information classified as “state secrets,” a broad category not limited to matters of national security but also to “social, economic, and cultural” information.

That tens of thousands of public protests—a fraction of them violent that erupt each year highlight the inherent dangers of not providing meaningful avenues for expression and redress for official misconduct. In one of several similar incidents in 2008, up to 30,000 people rioted in Weng’An county (Guizhou province), following suspicions that the police had tried to cover up the murder of a 15-year-old girl. The crowds torched a police station, ransacked government buildings, and overturned police cars. Chinese media disclosed shortly after the unrest that the number of such “mass incidents” had reached 90,000 in 2006—the highest number ever reported.

Human Rights Defenders

Human rights defenders faced greater than usual difficulties in 2008 as the government strove to present a picture of “harmony” to the world ahead of the Olympics. Police warned defenders and dissidents not to talk to foreign media, monitored their phone and internet communications, tracked their movements, and subjected them to varying degrees of house arrest. Other independent observers—NGO leaders, intellectuals, civil rights lawyers—were also subjected to unprecedented surveillance and monitoring.

In the months before the Olympics, petitioners trying to come to the capital to seek redress for local abuses were systematically rounded up and sent back to their home province by police and agents paid by provincial authorities, often after having been fined or detained without legal process. As a result, many activists chose to postpone or suspend their work until the games were over. Several of those who did not were jailed.

China’s leading human rights activist, Hu Jia, was sentenced on April 3, 2008, to three-and-a-half years in prison after having been found guilty of “inciting subversion of state power.” In August 2007, Hu was one of 42 Chinese intellectuals and activists who co-signed an open letter calling for greater attention to human rights in China. In September 2007, Hu and lawyer Teng Biao published another open letter, “The Real China and the Olympics,” assessing specific human rights

concerns in China in the context of the Beijing Games. On December 27, 2007, Hu was detained prior to being formally arrested on January 30, 2008. His wife, fellow activist Zeng Jinyan, remains under police surveillance in Beijing. Zeng Jinyan was detained in a hotel in Dalian in Liaoning province during the Olympics to prevent her from speaking with journalists.

Huang Qi, a Chinese internet pioneer and founder of a website through which he investigates and publicizes human rights abuses of the “nameless and powerless” was also arrested in 2008. After the May 12, 2008, earthquake in Sichuan province, Huang published reports about the efforts of parents of schoolchildren who had been killed to hold local authorities accountable for constructing substandard schools. Huang was detained by authorities on June 10 and formally arrested on July 18 for “illegal possession of state secrets.”

Labor Rights

On January 1, 2008, the Chinese government unveiled a new Labor Contract Law, which aims to eliminate the widespread problem of employers denying workers labor contracts or failing to provide workers with copies of contracts after they have been signed. The success of the law will hinge on whether authorities enforce relevant worker protection regulations and punish employers who flout them.

A ban on independent trade unions leaves the Party-controlled All-China Federation of Trade Unions (ACFTU) as the sole legal entity dedicated to workers' rights protection. Although the ACFTU plans to extend membership rights to the estimated 150 million internal migrants who labor in Chinese towns and cities, that status is unlikely to protect them all from rampant wage exploitation, dangerous work environments, and lack of medical and accident insurance.

China's official household registration system, or hukou, continues to deny internal migrants public benefits including medical care and children's education. The Chinese government has introduced temporary household registration certificates specifically for such workers, but only a small percentage of migrants obtain the documents.

Women's Rights

Chinese women, particularly in rural areas, continue to be victims of violence, gender-based discrimination, and unequal access to services and employment. In March, the official Xinhua News Agency called domestic violence the most serious problem facing women in China. In July 2008 a Sichuan provincial court delivered China's first-ever sexual harassment conviction, sentencing a man to five months' imprisonment for harassing a female colleague.

HIV/AIDS

China's HIV/AIDS policies continue to be both pragmatic and punitive. On January 1, 2008, the government took an important step in controlling the spread of HIV/AIDS and other blood-borne disease by implementing compulsory screening of all blood products. Yet overall prevention efforts were undercut by intensified repression of HIV/AIDS activists and grassroots organizations as part of a wider crackdown on “embarrassing” issues ahead of the Beijing Olympics and by abusive policies towards injecting drug users.

While the government has increased some services to injecting drug users, anti-narcotics policies continue to emphasize detention without due process in detoxification and “Re-education through Labor” centers. Drug users in such centers often have minimal access to health care or drug dependency treatment, are subject to forced labor, and are exposed to TB and HIV. In June 2008 a new anti-narcotics law went into effect which gives police broader authority to conduct searches.

Freedom of Religion

China's constitution guarantees freedom of religion, but the government restricts spiritual expression to government-registered temples, monasteries, mosques, and churches. The government vets religious personnel, seminary applications, and religious publications, and periodically audits religious institutions' activities, financial records, membership, and employees. The Chinese government considers all unregistered religious organizations, including Protestant "house churches," illegal; members risk fines and criminal prosecution. It also continues to designate certain groups as "evil cults," including the Falun Gong, and regularly cracks down on followers.

Official repression of religious activists continued during the Beijing Olympics. On August 10, police detained veteran house church leader Hua Huiqi as he was en route to a church in Beijing where US President George W. Bush was scheduled to attend religious services. Hua was confined to a makeshift detention center for several hours until he managed to escape.

Tibet

The situation in Tibetan areas sharply deteriorated in 2008. Against a backdrop of ever-more intrusive controls over religious and cultural activities, accelerated state-led economic development, and large-scale compulsory resettlement of farmers and nomads, major protests against Chinese rule erupted on March 10 in Lhasa and spread across the Tibetan plateau.

That date marked the anniversary of the failed 1959 uprising against Chinese rule. Over the next four days, hundreds of monks from Drepung, Sera, and Ganden temples peacefully protested in different locations and encountered varying degrees of police obstruction, including arrest. On March 14 near Romoche temple, members of the public started protesting police preventing monks from leaving the compound; some protesters turned violent and burned several police cars. The police retreated and then inexplicably disappeared from Lhasa for much of the rest of the day. Rioters burned Chinese shops and government buildings and attacked Chinese-looking passersby.

Chinese authorities claim that troops never opened fire but numerous witnesses say there was widespread shooting by security forces over a 36-hour period. Authorities say that 11 Chinese civilians and a Tibetan were burned to death after hiding in shops set on fire by the rioters, and that a policeman and six other civilians died from beatings of unknown causes. The Tibetan government-in-exile claims that over 80 Tibetans were killed in the police crackdown.

As protests spread throughout Tibetan areas, the government blanketed the entire plateau with military, armed police, and public security forces, and progressively expelled all foreign media. It also launched an aggressive propaganda offensive that covered only the March 14 violence and blamed the Dalai Lama for conspiring to "sabotage the Olympics Games." Several thousand alleged protesters were arrested, and although the government has announced that it subsequently released most of them, the whereabouts of several hundred remain unknown. Police and Party authorities arbitrarily arrested, detained, or fined Tibetans suspected of passing information abroad through relatives, friends, or foreigners. Two groups of foreign journalists later permitted to visit Lhasa were told by monks of a massive "patriotic education campaign" launched by the government in monasteries and places of worship.

In response to international condemnation, the government permitted 15 foreign diplomats to visit Lhasa in late March, but severely restricted their ability to speak freely to Tibetans, visit those in detention, or otherwise investigate aspects of the protests. In early April, a request from Louise Arbour, the then-UN High Commissioner for Human Rights, to visit

Tibet was declined on grounds that it was “inconvenient.” A separate appeal issued jointly by six UN Special Rapporteurs was similarly declined. The Olympic Torch, however, passed through Lhasa on June 21.

Xinjiang

Tensions worsened in 2008 in the Xinjiang Uighur Autonomous Region. Beijing identified Uighur separatism as one of “the top three security threats for the games,” and launched a year-long security campaign focusing on “the three evil forces”—“terrorism, religious extremism, and separatism”—which resulted in even more drastic restrictions on religious, cultural, and political rights. Many Uighurs feel increasingly marginalized by rapid economic development but the government continues to prohibit domestic discussion of or reporting on human rights issues concerning Xinjiang.

The government prohibited employees and students from fasting during Ramadan, tightened control over religious personnel and mosques, reinforced civil militias, and deployed army and police patrols to prevent protests. Police also continued to confiscate Muslims’ passports in an apparent bid to prevent them from making non-state-approved pilgrimages to Mecca. In February new regulations were published prohibiting “23 types of illegal religious activities,” including praying in public or at wedding ceremonies. In March the authorities put down a large, peaceful demonstration in the town of Khotan.

At several points in 2008 police authorities in Xinjiang and Beijing announced that they had foiled “terrorist plots” and arrested “terrorist gangs” seeking to carry attacks during the games, but without releasing information sufficient to dispel concerns that Beijing was using counterterrorism concerns, which were legitimate—as cover for a crackdown on peaceful political opposition.

The government alleged terrorist involvement in two serious incidents. On August 4 in Kashgar two men rammed a truck in a patrol of soldiers, killing 16, and on August 10, attackers detonated a series of small home-made bombs against government buildings and Chinese shops before dawn, killing one or two people.

These incidents, which the government says demonstrate that it is facing a serious armed separatist threat in Xinjiang, have deepened the polarization between Han Chinese and Uighurs.

Hong Kong

Following a December 2007 decision by China’s National People’s Congress Standing Committee, Hong Kong authorities repeatedly stated that the government had a “clear timetable” to move toward election by universal suffrage of the chief executive in 2017 and of all members of the Legislative Council in 2020.

Immigration authorities’ refusal to allow several visitors critical of China’s human rights record into Hong Kong ahead of the Olympics raised concerns that the territory’s autonomy was being eroded.

Key International Actors

International criticism of China’s rights record remained muted in 2008. Many of the abuses taking place in conjunction with the Olympics were enabled by near-total silence from other governments, the International Olympic Committee, and the corporate sponsors of the games, many of which had justified their support for the games by claiming the event would improve human rights.

Formal human rights dialogues with the Chinese government—conducted by the United States and others—failed to produce any measurable improvements. In October 2008 the European Parliament awarded the Sakharov Prize to

Chinese activist Hu Jia.

China is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.

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