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Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - China

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China's economic growth continued in 2014, leading to further improvements in the social and economic rights of many of its citizens. In contrast, civil and political rights remained subject to tight restrictions, media censorship continued, and space for civil society remained constrained. This was part of a broader, restrictive trend politically, which saw an increased emphasis on the importance of communist ideology. This imposed tighter controls over artistic and literary

circles, and a major campaign of political education within the Communist Party of China (CPC). Of principal concern were detentions of human rights defenders (HRDs) for the peaceful expression of their views. These continued as part of an ongoing clampdown on freedom of expression, association and assembly. There were particular spikes in detentions, including in the run-up to the 25th anniversary of the clearance of the Tiananmen Square protests; and the Hong Kong protest movements, which began in September. Suppression of ethnic unrest in Tibet and Xinjiang also continued. There were some signs of intent to improve the rule of law. In July, the Supreme People's Court (SPC) announced reforms aimed at eliminating judicial corruption and preventing miscarriages of justice. In October, the Fourth Plenum of the 18th Congress of the CPC underlined the SPC agenda. It promised more accountable and transparent government, and anticipated "real respect and protection" for human rights by 2020. However, the plenum was also explicit in re-stating CPC leadership over China's courts, setting real limits to judicial independence.

The UK's approach to human rights in China remained one of active engagement. We continued to encourage China to ratify the International Covenant on Civil and Political Rights (ICCPR). Elsewhere, we focused on abolition of the death penalty, improvements to justice and the rule of law, freedom of expression, and ethnic minority rights. We lobbied at all levels. At the UK-China Summit in June, the Prime Minister and Premier Li Keqiang emphasised "the importance of promoting and protecting human rights and the rule of law". Senior ministers raised human rights during bilateral meetings and visits. The 21st round of the UK-China Human Rights Dialogue was held in London on 19-20 May. It provided for detailed, expert engagement on our range of human rights concerns. We also raised these in international fora, including the UN Human Rights Council (HRC) and through the EU. We promoted international human rights standards through public diplomacy activities. We also financed projects in-country, including to prevent torture, work towards death penalty abolition, and support women's rights.

Improvement in the human rights situation in 2015 will depend in part on progress towards implementing stated reforms. These include recommendations accepted by China in adopting the outcome of its Universal Periodic Review (UPR) in March. However, China rejected most of the recommendations related to civil and political rights, including the UK's recommendations, which had called on China to abolish extrajudicial and arbitrary detention, and to set a clear timetable for ratification of the ICCPR. Those who wish to express their constitutional right to express their views peacefully could face significant challenges in 2015. We will continue to encourage the Chinese government to recognise that peaceful and open criticism makes a positive contribution towards improving governance. It also helps to tackle deep-rooted problems, such as corruption. How China concludes its one-year "strike hard" campaign in Xinjiang in May will be a test of its handling of human rights in ethnic minority areas.

Elections

According to its constitution, China is a multi-party socialist state under the guidance of the CPC. However, in practice, China operates as a one-party state. Direct elections take place only for village committees and local people's congresses.

Freedom of Expression and Assembly

Freedom of expression and of the press is guaranteed under the Chinese constitution but severely limited in practice. Restrictions increased in 2014 and were most apparent in the weeks leading up to 4 June, the 25th anniversary of the clearance of the Tiananmen Square protests. At least 50 HRDs were reported to have been detained for planning or attending commemorative events. Most were released, but others remained in detention on unrelated charges. We raised our concerns throughout the year, both at ministerial level and during the UK-China Human Rights Dialogue.

Online censorship continued, and an increasing number of foreign websites were blocked. New regulations issued in August required users of instant-messaging platforms to abide by seven "bottom lines" and to register with real names. Social media opinion leaders continued to self-censor for fear of being prosecuted for "spreading rumours". Following months of disruption, Google's email service was blocked in December.

The right to strike and protest remained limited in law and practice in China. In an attempt to limit mainland support for the Hong Kong protest movements, the BBC English language website was blocked in October. So, too, was all footage showing the extent of protests in Hong Kong. More than 100 individuals were reportedly detained on the mainland for their support of the protests.

The CPC, under Xi Jinping, continued to tighten ideological control and hence the space for diverse views to be aired in public. Seven off-limit topics – including universal values, press freedom, and civil rights – provided an ideological

baseline for resisting “Westernisation”. Liberal intellectuals and artists continued to be detained, suspended, or dismissed from their jobs for non-compliance.

Human Rights Defenders

Dissident blogger Hu Jia continued to face harassment from security forces and was placed under house arrest on multiple occasions. Kunming blogger Dong Rubin was sentenced to six-and-a-half years’ imprisonment in July for “spreading online rumours”. Writer Huang Zerong (Tie Liu) was detained in September for “picking quarrels and provoking trouble” after allegedly criticising CPC leaders.

Uyghur academic, Dr Ilham Tohti, was sentenced to life imprisonment for “separatism” in September. This was apparently related to the content of his interviews, articles and lectures. The UK, EU and other governments expressed concern about the sentence and lack of transparency during the trial, and called for his release. Seven of Tohti’s former students were tried on similar charges in November. Liu Xia, wife of imprisoned Nobel laureate Liu Xiaobo, remained under extra-legal house arrest, her movements severely restricted. She continued to suffer ill health and was given access to limited medical treatment. Human rights lawyer Gao Zhisheng was released from prison in August after completing his eight-year sentence for inciting subversion. He was reportedly held in solitary confinement and tortured while detained, and remained under close police supervision upon release. Ethnic Mongolian activist Hada was released from prison in December, but remained subject to residential surveillance.

Many HRDs suffering serious health conditions were denied bail, parole or access to medical treatment. A number were in severe ill-health upon release from detention and, in some cases, including Tibetan political prisoner Goshul Lobsang, died shortly after.

UPR activist Cao Shunli died in hospital in March after reportedly being denied medical treatment for liver disease and tuberculosis. Following her death, the UK urged China to provide adequate medical care to all detainees. UK officials and ministers also continued to raise concerns about HRDs subjected to procedurally flawed trials, to which diplomats and media were consistently denied access.

Access to Justice and the Rule of Law

Human rights lawyers continued to report being obstructed, harassed, arbitrarily disbarred, administratively detained, and physically assaulted by officials. There were reports of extrajudicial and arbitrary detention, often used to detain HRDs to avoid embarrassment around high-profile events. Defence lawyers were not permitted access to their clients in some politically sensitive human rights cases.

Irregularities were reported in many trials, including that of Guangzhou activist Guo Feixiong (Yang Maodong). He was reportedly cut off during the presentation of his defence. State media continued to screen televised confessions as a tool for shaming outspoken HRDs. Journalist Gao Yu “confessed” to “leaking state secrets” in May, subsequently stating that her confession had been made under duress.

Working with China, the UK supported a variety of projects focused on improving access to justice and rule of law.

Death Penalty

The Chinese government treats death penalty figures as a state secret. However, it is believed that China executes the largest number of people in the world. It retains 55 capital offences, including for non-violent and economic crimes. During the Fourth Plenum, a draft amendment recommended that the number of crimes eligible for capital punishment be reduced to 46. But there was no indication as to when this might take effect. High-profile media coverage of miscarriages of justice and greater scrutiny by the Chinese judiciary may be reducing the overall number of people executed. However, many Uyghurs were sentenced to death in expedited trials as part of a security crackdown.

In a positive development, China announced in December that it would cease harvesting organs from executed prisoners by 1 January 2015.

The UK is working with the Chinese judiciary to limit use of the death penalty for certain crimes, in line with our objective of the global abolition of the death penalty.

Torture and Cruel, Inhuman or Degrading Treatment

Chinese law prohibits torture, physical abuse and insulting prisoners' dignity. However, reports of abuse, mistreatment and torture continued to emerge during 2014. The UK is working with Chinese authorities to prevent torture within the detention and prison system.

Freedom of Religion or Belief

Freedom of religion or belief is provided for by the Chinese constitution but restricted in practice. In 2014, the destruction of Christian churches was witnessed in the entrepreneurial province of Zhejiang. This is explained as much by local CPC leaders' apparent desire to apply building regulations as by a wider policy to restrict Christianity, which is gaining popularity, and is viewed by many officials as playing a positive role in "social stability" – as long as local church leaders follow official policy.

Many Christians choose to worship in unofficial "house churches" in China. When their activities are deemed to challenge CPC authority, house church leaders continue to be detained, including Henan pastor Zhang Shaojie, sentenced to 12 years' imprisonment on fraud and public order offences in August.

Relations between the state-sponsored Chinese Catholic Patriotic Association and the Holy See remained difficult. Shanghai Auxiliary Bishop Thaddeus Ma Daqin reportedly remained under house arrest in Sheshan Seminary.

Falun Gong continued to be subject to repression, with reports of its practitioners being prosecuted for "illegal cult activities".

Women's Rights

Gender-based violence remained a widespread social problem, but subject to increasing awareness and debate. China's judiciary has paid close attention to domestic violence in recent years. In a landmark ruling in June, the SPC overturned the death sentence of Li Yan, a woman convicted of killing her abusive husband in 2010. The government also drafted its first anti-domestic violence law in November, to which the UK contributed comments via the EU. Initiatives to commemorate the 20th Anniversary of the 1995 Beijing Declaration will maintain the focus on women's rights.

The UN Committee on Elimination of All Forms of Discrimination against Women met in October to review progress in a number of countries, including China. It noted improvement in some areas, such as employment law, but called for more action in the judicial and political spheres.

Family planning policies continued to be enforced. Despite the relaxation of some family planning regulations in 2013, reports of forced abortions and sterilisations continued. We raised our concerns during the UK-China Human Rights Dialogue.

Other Issues

Tibet

The UK's policy on Tibet remains unchanged. The UK recognises Tibet as part of the People's Republic of China and does not support Tibetan independence. During 2014, we continued to call for all parties to engage in substantive dialogue. We pressed the Chinese authorities to exercise restraint, respect religious and cultural freedoms, and allow unrestricted access to Tibetan areas for international journalists, NGOs and diplomats. Foreign & Commonwealth Office Minister for Asia, Hugo Swire participated in a parliamentary debate on Tibet in December and re-stated the UK's position. The UK raised concerns about ethnic minority rights at the HRC, and during the UK-China Human Rights Dialogue.

The Chinese authorities continued to restrict access to the Tibetan Autonomous Region (TAR) for foreigners. A UK diplomat was, however, granted permission to visit the TAR on an escorted visit in June – the first in three years. British officials also visited Tibetan areas in neighbouring provinces. Security in the TAR is substantial and entrenched. A propaganda campaign against the Dalai Lama continued.

Episodes of unrest continued in 2014. Local authorities reportedly used lethal force to disperse protestors in Kardze Tibetan Autonomous Prefecture, Sichuan, in August. Reports suggest that five Tibetans died.

There were at least 10 reported self-immolations in Tibetan regions in 2014; all were fatal. There were further reports of the criminal detention and conviction of Tibetans in relation to self-immolations.

There were ongoing reports of the arbitrary detention and imprisonment of Tibetan lay people and monks in relation to restrictions on their freedom of expression, association and assembly. Reports suggested a number of singers and songwriters were detained for peaceful expression of their views. In September, monk Lobsang Gendun was sentenced to 10 years' imprisonment after publicly calling for the return of the Dalai Lama in 2013. Tibetan filmmaker, Dhondup Wangchen, was released from prison in June after serving a six-year sentence.

For the fourth year in succession, there were no talks between the Chinese authorities and representatives of the Dalai Lama, extending the longest hiatus in the past decade.

Xinjiang

Embassy officials visiting parts of the Xinjiang Uyghur Autonomous Region (XUAR) observed significant restrictions to the cultural, linguistic and religious rights of ethnic minority communities. They saw official efforts to discourage certain Islamic dress customs, and restrictions on the celebration of Ramadan. There was a heavy security presence and marked tensions between security forces and local communities.

Further outbreaks of violence and unrest occurred in 2014. At least 200 civilians and security officers were reported to have died in a series of incidents. Some of these were terrorist attacks, including that on a marketplace in Urumqi on 22 May. It killed at least 43 people and was condemned by the then Foreign Secretary, William Hague. In the aftermath, Chinese authorities announced a year-long "strike hard" campaign. This prompted concerns about due legal process, with mass sentencing, arrest and detention rallies being held in parts of the XUAR. State media reported that 380 people were detained, and 315 convicted in the first month alone. At least 30 people were sentenced to death on terrorism charges in 2014.

Refugees and asylum seekers

China continued to refuse to recognise the status of refugees and asylum seekers from the Democratic People's Republic of Korea (DPRK), treating them as illegal economic migrants and continuing to return (refouler) them throughout 2014.

Civil society

Civil society groups faced legislative and financial barriers. Restrictions on civil society activism continued throughout 2014. Some NGOs reported official harassment and interference, particularly when engaged in politically sensitive or public advocacy activities.

The trial of civic activists associated with the New Citizen's Movement (NCM) took place in January. Its founder, Dr Xu Zhiyong, was sentenced to four years' imprisonment for "gathering a crowd to disturb public order". LGB&T groups in Beijing and Chongqing reported that their events were cancelled at the last minute because the authorities put pressure on the owners of the venues. Some group members and their lawyers were reportedly detained on charges of "fraud" or "illegal business activities".

Public advocacy remained tightly controlled. Organisers of commemorative events to mark the 25th anniversary of the clearance of the Tiananmen Square protests in 1989 were detained, as were mainland supporters of the Hong Kong protest movements.

Hong Kong Special Administrative Region

The UK government continued to take seriously its commitments under the Sino-British Joint Declaration. The FCO published biannual reports to Parliament on the implementation of the Joint Declaration and operation of the "One Country, Two Systems" model, covering the period from 1 July to 31 December 2013 and 1 January to 30 June 2014

respectively. The reports covered a broad range of major political, economic and constitutional developments and set out the UK's position on significant issues of interest or concern in Hong Kong over the reporting period.

On 31 August, a decision by China's National People's Congress re-confirmed the objective for the election of Hong Kong's Chief Executive would be through universal suffrage. We recognised that the detailed terms of the decision would disappoint those arguing for a more open nomination process. Large-scale protests subsequently took place from 28 September to 15 December. Against this backdrop, we continued to make clear that it was important that Hong Kong citizens' fundamental rights and freedoms were respected, as guaranteed by the Joint Declaration. We also reiterated that demonstrators should express their views in accordance with the law. The response by the Hong Kong police was largely proportionate and restrained. Hong Kong's media played a vital role in both monitoring events and providing a forum for discussion. The Foreign Secretary, Philip Hammond, and Mr Swire consistently set out the view that Hong Kong's future was best served by a transition to universal suffrage, in line with Hong Kong's Basic Law. It should also meet the aspirations of the people of Hong Kong, offering a genuine choice in the election of the Chief Executive, paving the way for further reform, including of the Legislative Council in 2020.

The Hong Kong Special Administrative Region Government is due to launch a two-month consultation on electoral reform in January 2015. This will be ahead of a resolution on the amendments to the method for selecting the Chief Executive.

This publication is part of the [2014 Human Rights and Democracy Report](#).