



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	195
Land:	Kina
Kilde:	Amnesty International
Titel:	"Overview - covering events from January - December"
Udgivet:	30. maj 2006
Optaget på baggrundsmaterialet:	13. juni 2006

[Previous](#) - [Home](#)

Amnesty International

CHINA

PEOPLE'S REPUBLIC OF CHINA

Head of state: Hu Jintao

Head of government: Wen Jiabao

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

[International community](#) : [Human rights defenders](#) : [Journalists and Internet users](#) : [Violations in the context of economic reform](#) : [Violence against women](#) : [Repression of spiritual and religious groups](#) : [Death penalty](#) : [Torture, arbitrary detention and unfair trials](#) : [North Korean asylum-seekers](#) : [Xinjiang Uighur Autonomous Region \(XUAR\)](#) : [Tibet Autonomous Region and other ethnic Tibetan areas](#) : [Hong Kong Special Administrative Region](#) : [AI country visits](#)

Limited legal and judicial reforms did little to improve human rights protection. Tens of thousands of people continued to be detained in violation of their human rights and were at risk of torture or ill-treatment. Thousands of people were sentenced to death or executed. The authorities frequently resorted to the use of force against growing social unrest. There was a renewed crackdown on the media and Internet controls were tightened. The Uighur community in the Xinjiang Uighur Autonomous Region (XUAR) continued to face severe repression as part of the authorities' "war on terror". Freedom of expression and religion continued to be severely restricted in Tibet and other Tibetan areas. China's arms sales to Sudan raised concerns that its actions were contributing to human rights violations in other countries. China continued a limited dialogue with selected members of the international community on human rights issues. However, human rights defenders at home continued to be arbitrarily detained and some were sentenced to prison terms.

International community

Uncontrolled arms exports from China continued to fuel massive human rights violations in Sudan. The Chinese government opposed the strengthening of the UN Security Council arms embargo on Sudan.

The European Union (EU) resisted lobbying from the Chinese government to lift its arms embargo on China, imposed after the crackdown on the pro-democracy movement in June 1989.

The government continued to engage with UN human rights mechanisms, although it largely failed to implement their recommendations. The UN High Commissioner for Human Rights and the UN Special Rapporteur on torture visited China in August and November. In September, China and the Russian Federation spearheaded a move to block the creation of an effective new Human Rights Council at the UN.

Human rights defenders

Individuals continued to use China's petitioning system, and sometimes the courts, in an attempt to obtain redress for various abuses. However, fundamental weaknesses in both systems left many without redress, fuelling an increase in social protests throughout the country. New regulations were introduced in May in a stated attempt to provide better protection for the interests of petitioners but these appeared to have little impact on resolving complaints.

Informal networks of rights defenders publicly lobbied the authorities and the international community about various abuses. However, the authorities continued to use broadly defined national security offences to prosecute and imprison activists, including lawyers, petitioners and housing rights advocates. Civil society organizations continued to grow in number and effectiveness. However, controls were tightened to curtail the activities of those who challenged official policies.

- Hou Wenzhuo, director of the non-governmental Empowerment and Rights Institute, was subjected to numerous abuses in connection with her human rights activities, including eviction from her home and office in Beijing and arbitrary detention by the police in southern China. Her work included investigating reports of illegal land expropriation from farmers in Foshan, Guangdong province. She fled China in October in fear of further arbitrary detention by the police.

Journalists and Internet users

The authorities became increasingly intolerant of reporting which covered sensitive issues or questioned government policies. There was a renewed crackdown on journalists and the media. Those reporting on sensitive issues or who challenged the status quo were at risk of dismissal, arbitrary detention or imprisonment. Broadly defined “state secrets” offences continued to be used to prosecute journalists and reporters. Restrictions on Internet use were tightened and dozens of people remained behind bars for accessing or circulating politically sensitive information on-line.

- Journalist Shi Tao was sentenced to 10 years in prison in April for leaking “state secrets”. He had posted to an overseas website Communist Party instructions on how journalists should handle the 15th anniversary of the crackdown on the 1989 pro-democracy movement.

Violations in the context of economic reform

Forced evictions in urban areas as well as land requisition and high taxes in the countryside were increasingly the focus of local protests and social unrest. Disturbances were often met with violence, sometimes by criminal gangs, allegedly backed or hired by local authorities or enterprises.

Despite ongoing reforms to the Household Registration (*Hukou*) System, migrants from rural to urban areas remained vulnerable to discrimination in the cities, including denial of access to health care and other social services.

General working conditions in factories, mines and other enterprises remained poor. The rights of freedom of expression and association of workers’ representatives continued to be severely curtailed and independent trade unions remained illegal.

- Xu Zhengqing, an activist who had campaigned against land grabs and evictions in Shanghai, was sentenced to three years in prison in October for “disrupting public order” when he travelled to Beijing in January in an attempt to commemorate deceased former Premier Zhao Ziyang.

Violence against women

Despite laws prohibiting such practices, many women continued to be subjected to forced abortions and sterilizations by local authorities attempting to comply with strict family planning policies.

Prohibition of sex identification of foetuses appeared to have little effect on the sex imbalance. Trafficking in women and children, especially girls, continued to be reported.

Some provinces adopted regulations aimed at preventing domestic violence but abuses reportedly remained widespread.

Women in detention remained at risk of sexual abuse and other forms of torture or ill-treatment.

In August the authorities amended the Law on the Protection of Women’s Rights and Interests specifically to prohibit sexual harassment of women and strengthen women’s rights to lodge complaints.

- Chen Guangcheng, a blind, self-trained lawyer, was harassed, beaten and arbitrarily detained at his home in September after he attempted to sue the local authorities in Linyi city, Shandong province, for conducting forced sterilizations and abortions in pursuit of birth quotas. He remained held at the end of the year.

Repression of spiritual and religious groups

Religious observance outside official channels remained tightly circumscribed. In March, the authorities promulgated a new Regulation on Religious Affairs aimed at strengthening official controls on religious activities.

The crackdown on the Falun Gong spiritual movement was renewed in April. A Beijing official clarified that since the group had been banned as a “heretical organization”, any activities linked to Falun Gong were illegal. Many Falun Gong practitioners reportedly remained in detention where they were at high risk of torture or ill-treatment.

Unregistered Catholics and Protestants associated with unofficial house churches were also harassed, arbitrarily detained and imprisoned.

- In November, prominent defence lawyer Gao Zhisheng was forced to close down his law firm for a year after he refused to withdraw an Open Letter to the President and Premier calling on the authorities to respect religious freedom and to stop the “barbaric” persecution of Falun Gong. The order came shortly after he had filed an appeal on behalf of underground Protestant pastor Cai Zhuohua who had been sentenced to three years in prison for illegally printing bibles.

Death penalty

The death penalty continued to be used extensively and arbitrarily, at times as a result of political interference. People were executed for non-violent crimes such as tax fraud and embezzlement as well as drug offences and violent crimes. Based on public reports available, AI estimated that at least 1,770 people were executed and 3,900 people were sentenced to death during the year, although the true figures were believed to be much higher.

Several miscarriages of justice in death penalty cases published in the Chinese press in the first half of the year caused considerable public disquiet and increased momentum towards reform. In September, a senior Supreme Court official announced that the Court was establishing three branch courts to review death sentences. Previously this had been delegated to lower courts, reducing safeguards against unfair proceedings. Officials anticipated that the reform would lead to a 30 per cent reduction in executions. However, national statistics on death sentences and executions remained classified as a state secret, making analysis and monitoring of the death penalty problematic.

- Wang Binyu, a migrant worker from Gansu, was sentenced to death in Ningxia in June for stabbing to death his foreman and three others during a violent dispute about unpaid wages. He reportedly needed the money to pay for an operation for his father. He was executed in October despite calls for leniency from academics and members of the public in the Chinese media.

Torture, arbitrary detention and unfair trials

Torture and ill-treatment continued to be reported in a wide variety of state institutions. Common methods included kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Restricted access to the outside world for detainees and a failure to establish effective mechanisms for complaint and investigation continued to be key factors allowing the practice to flourish.

In May the authorities announced a pilot project allowing police interrogation of criminal suspects in front of video cameras and lawyers in three regions. In July the authorities announced that they were accelerating their campaign to prosecute police who extract confessions through torture, adding that 1,924 officials had been prosecuted since the campaign was launched in May 2004.

- Gao Rongrong, a Falun Gong practitioner, died in custody in June after being detained in Longshan Re-education through Labour facility in Shenyang, Liaoning province. Officials had reportedly beaten her in 2004, including by using electro-shock batons on her face and neck, which caused severe blistering and eyesight problems, after she was discovered reading Falun Gong materials in the facility.

A proposed new Law on the Rectification of Illegal Behaviour was reportedly being discussed by legislators as a replacement for Re-education through Labour — a system of administrative detention used to detain hundreds of thousands of people for up to four years without charge or trial. Officials indicated that the new law would probably reduce terms of detention. However, elements that contravene international fair trial standards potentially remain unchanged.

A campaign aimed at improving the conduct of the police and eradicating torture was initiated, but few efforts were made to introduce the fundamental legal and institutional reforms necessary to prevent such abuses in practice.

People accused of political or criminal offences continued to be denied due process. Detainees' access to lawyers and family members continued to be severely restricted and trials fell far short of international fair trial standards. Those charged with offences related to state secrets or terrorism had their legal rights restricted and were tried in camera.

North Korean asylum-seekers

People continued to flee across the border into China to escape the acute food shortages in North Korea. Hundreds, possibly thousands, of North Koreans were arrested and forcibly returned by the Chinese authorities who considered them to be economic migrants and denied them access to any refugee determination procedures, in breach of the UN Refugee Convention. Unconfirmed reports suggested that at least five South Korean nationals of North Korean origin were abducted in China and forcibly taken to North Korea.

Xinjiang Uighur Autonomous Region (XUAR)

The authorities continued to use the global “war on terror” to justify harsh repression in the XUAR, resulting in serious human rights violations against the ethnic Uighur community.

While China's latest “strike-hard” campaign against crime had subsided in most parts of the country, it was officially renewed in the XUAR in May to eradicate “terrorism, separatism and religious extremism”.

Repression resulted in the closure of unofficial mosques and arrests of imams.

Uighur nationalists, including peaceful activists, continued to be detained or imprisoned. Those charged with serious “separatist” or “terrorist” offences were at risk of lengthy imprisonment or execution. Those attempting to pass information abroad about the extent of the crackdown faced arbitrary detention and imprisonment.

The authorities continued to accuse Uighur activists of terrorism without providing credible evidence for such charges.

- Rebiya Kadeer, a prisoner of conscience released in March, became a key target in an apparent attempt to counter her influence as a Uighur activist abroad.
- Writer Nurmuhemmet Yasin was sentenced to 10 years’ imprisonment in a closed trial in February after he published a short story entitled “Wild Pigeon” about a trapped bird that commits suicide in captivity – apparently seen by the authorities as an allegory for Uighurs living in China.

Tibet Autonomous Region and other ethnic Tibetan areas

Freedom of religion, expression and association continued to be severely restricted and arbitrary arrests and unfair trials continued. Some prisoners of conscience were released at the end of their sentences, but dozens of others, including Buddhist monks and nuns, remained behind bars where they were at risk of torture or ill-treatment.

- Tashi Gyaltzen and four other monks were assigned to between two and three years’ Re-education through Labour in Xiling, Qinghai province, in February for publishing a newsletter which contained poems and articles deemed to be politically sensitive.

Hong Kong Special Administrative Region

In April the Hong Kong Court of Final Appeal overturned all remaining convictions against eight Falun Gong practitioners for obstructing and assaulting the police during a demonstration in March 2002. Some charges against them had already been quashed on appeal in 2004.

In September, the Coroner’s Court’s verdict on the death of Kim Shuk-ying and her two daughters at the hands of her husband accelerated the process of revising the Domestic Violence Ordinance, which narrowly defines domestic violence as physical violence between couples.

Human rights activists protested against a decision by the Hong Kong authorities to commission the Society for Truth and Light, a conservative Christian group which opposes gay rights and “excessive use” of human rights, to educate school teachers on human rights and anti-discrimination.

Police used pepper spray, tear-gas and bean-bag rounds against protesters during ministerial meetings of the World Trade Organization (WTO) in December, prompting accusations by human rights monitors of excessive use of force. More than 1,000 protesters were detained, and several claimed to have been ill-treated in police custody. All were later released, but 14 were charged with unlawful assembly and released on bail. Their trial had not taken place by the end of the year.

- William Leung, a 20-year-old gay man, successfully challenged a law which prohibits sex between consenting men under 21. A court of first instance ruled that the law was discriminatory and a violation of human rights. The Hong Kong authorities vowed to appeal against the ruling, but the appeal had not been heard by the end of the year.

AI country visits

AI delegates attended an EU-China Human Rights Dialogue Seminar in June and a UN Workshop of the Framework on Regional Cooperation for the Promotion of Human Rights in the Asia Pacific Region in August, both held in Beijing. AI’s Secretary General and two other delegates attended a meeting of the UN Global Compact, a voluntary international corporate responsibility network, in Shanghai in November.

China

Archive information

[People’s Republic of China: Human Rights Defenders at risk](#)
(AI Index: ASA 17/002/2005)

[People’s Republic of China: The Olympic countdown – three years of human rights reform?](#)
(AI Index: ASA 17/021/2005)

[People’s Republic of China: Briefing on EU concerns regarding human rights in China](#)
(AI Index: ASA 17/027/2005)

[Previous](#) - [Home](#)

Amnesty International

© AMNESTY INTERNATIONAL