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World Report 2012 - China

Events of 2011

Correction: The English [print] version of the China chapter of the 2012 World Report states that the date when the Chinese government said it had killed 14 Uighur attackers who had overrun a police station in Hetian as July 12. The date was incorrect – it should be July 18.

Against a backdrop of rapid socio-economic change and modernization, China continues to be an authoritarian one-party state that imposes sharp curbs on freedom of expression, association, and religion; openly rejects judicial independence and press freedom; and arbitrarily restricts and suppresses human rights defenders and organizations, often through extra-judicial measures.

The government also censors the internet; maintains highly repressive policies in ethnic minority areas such as Tibet, Xinjiang, and Inner Mongolia; systematically condones – with rare exceptions – abuses of power in the name of "social stability" ; and rejects domestic and international scrutiny of its human rights record as attempts to destabilize and impose "Western values" on the country. The security apparatus – hostile to liberalization and legal reform – seems to have steadily increased its power since the 2008 Beijing Olympics. China's "social stability maintenance" expenses are now larger than its defense budget.

At the same time Chinese citizens are increasingly rights-conscious and challenging the authorities over livelihood issues, land seizures, forced evictions, abuses of power by corrupt cadres, discrimination, and economic inequalities. Official and scholarly statistics estimate that 250-500 protests occur per day; participants number from ten to tens of thousands. Internet users and reform-oriented media are aggressively pushing the boundaries of censorship, despite the risks of doing so, by advocating for the rule of law and transparency, exposing official wrong-doing, and calling for reforms.

Despite their precarious legal status and surveillance by the authorities, civil society groups continue to try to expand their work, and increasingly engage with international NGOs. A small but dedicated network of activists continues to exposes abuses as part of the *weiquan* ("rights defense") movement, despite systematic repression ranging from police monitoring to detention, arrest, enforced disappearance, and torture.

Human Rights Defenders

In February 2011, unnerved by the pro-democracy Arab Spring movements and a scheduled Chinese leadership transition in October 2012, the government launched the largest crackdown on human rights lawyers, activists, and critics in a decade. The authorities also strengthened internet and press censorship, put the activities of many dissidents and critics under surveillance, restricted their activities, and took the unprecedented step of rounding up over 30 of the most outspoken critics and "disappearing" them for weeks.

The April 3 arrest of contemporary artist and outspoken government critic Ai Weiwei, who was detained in an undisclosed location without access to a lawyer, prompted an international outcry and contributed to his release on bail on June 22. Tax authorities notified him on November 1 that he had to pay US\$2.4 million in tax arrears and fines for the company registered in his wife's name. Most of the other activists were also ultimately released, but forced to adopt a much less vocal stance for fear of further reprisals. Several lawyers detained in 2011, including Liu Shihui, described being interrogated, tortured, threatened, and released only upon signing "confessions" and pledges not to use Twitter, or talk to media, human rights groups, or foreign diplomats about their detention.

The government continues to impose indefinite house arrest on its critics. Liu Xia, the wife of imprisoned Nobel Peace Laureate Liu Xiaobo, has been missing since December 2010 and is believed to be under house arrest to prevent her from campaigning on her husband's behalf. In February 2011 she said in a brief online exchange that she and her family were like "hostages" and that she felt "miserable." She is allowed to visit Liu Xiaobo once a month, subject to agreement from the prison authorities.

Chen Guangcheng, a blind legal activist who was released from prison in September 2010, remained under house arrest in 2011. Security personnel assaulted Chen and his wife in February after he released footage documenting his family's house arrest. Noted activist Hu Jia, who was released after completing a three-and-a-half-year prison sentence in June, is also under house arrest in Beijing, the capital, with his activist wife Zeng Jinyan and their daughter. Grave concerns exist about the fate of lawyer Gao Zhisheng, who was "disappeared" by the authorities in September 2009 and briefly surfaced in March 2010 detailing severe and continuous torture against him, before going missing again that April.

On June 12, 2011, despite the steady deterioration in China's human rights environment, the Chinese government declared it had fulfilled "all tasks and targets" of its National Human Rights Action Plans (2009-2010).

Legal Reforms

While legal awareness among citizens continues to grow, the government's overt hostility towards genuine judicial independence undercuts legal reform and defeats efforts to limit the Chinese Communist Party's authority over all judicial institutions and mechanisms.

The police dominate the criminal justice system, which relies disproportionately on defendants' confessions. Weak courts and tight limits on the rights of the defense mean that forced confessions under torture remain prevalent and miscarriages of justice frequent. In August 2011, in an effort to reduce such cases and improve the administration of justice, the government published new rules to eliminate unlawfully obtained evidence and strengthened the procedural rights of the defense in its draft revisions to the Criminal Procedure Law. It is likely it will be adopted in March 2012.

However, the draft revisions also introduced an alarming provision that would effectively legalize enforced disappearances by allowing police to secretly detain suspects for up to six months at a location of their choice in "state security, terrorism and major corruption cases." The measure would put suspects at great risk of torture while giving the government justification for the "disappearance" of dissidents and activists in the future. Adoption of this measure – which is hotly criticized in Chinese media by human rights lawyers, activists, and part of the legal community – would significantly deviate from

China's previous stance of gradual convergence with international norms on administering justice, such as the International Covenant on Civil and Political Rights, which China signed in 1997 but has yet to ratify.

China continued in 2011 to lead the world in executions. The exact number remains a state secret but is estimated to range from 5,000 to 8,000 a year.

Freedom of Expression

The government continued in 2011 to violate domestic and international legal guarantees of freedom of press and expression by restricting bloggers, journalists, and an estimated more than 500 million internet users. The government requires internet search firms and state media to censor issues deemed officially "sensitive," and blocks access to foreign websites including Facebook, Twitter, and YouTube. However, the rise of Chinese online social networks – in particular Sina's Weibo, which has 200 million users – has created a new platform for citizens to express opinions and to challenge official limitations on freedom of speech despite intense scrutiny by China's censors.

On January 30 official concern about Egyptian anti-government protests prompted a ban on internet searches for "Egypt." On February 20 internet rumors about a Chinese "Jasmine Revolution" resulted in a ban on web searches for "jasmine." In August a cascade of internet criticism of the government's response to the July 23 Wenzhou train crash prompted the government to warn of new penalties, including suspension of microblog access, against bloggers who transmit "false or misleading information."

Ambiguous "inciting subversion" and "revealing state secrets" laws contributed to the imprisonment of at least 34 Chinese journalists. Those jailed include Qi Chonghuai, originally sentenced to a four-year prison term in August 2008 for "extortion and blackmail" after exposing government corruption in his home province of Shandong. His prison sentence was extended in June for eight years when the same court found him guilty of fresh charges of extortion and "embezzlement."

Censorship restrictions continue to pose a threat to journalists whose reporting oversteps official guidelines. In May *Southern Metropolis Daily* editor Song Zhibiao was demoted as a reprisal for criticism of the government's 2008 Sichuan earthquake recovery efforts. In June the government threatened to blacklist journalists guilty of "distorted" reporting of food safety scandals. In July the *China Economic Times* disbanded its investigative unit, an apparent response to official pressure against its outspoken reporting on official malfeasance.

Physical violence against journalists who report on "sensitive" topics remained a problem in 2011. On June 1, plainclothes Beijing police assaulted and injured two *Beijing Times* reporters who refused to delete photos they had taken at the scene of a stabbing. The two officers were subsequently suspended. On September 19 Li Xiang, a reporter with Henan province's Luoyang Television, was stabbed to death in what has been widely speculated was retaliation for his exposé of a local food safety scandal. Police have arrested two suspects and insist that Li's murder was due to a robbery.

Police deliberately targeted foreign correspondents with physical violence at the site of a rumored anti-government protest in Beijing on February 27. A video journalist at the scene required medical treatment for severe bruising and possible internal injuries after men who appeared to be plain clothes security officers repeatedly punched and kicked him in the face. Uniformed police manhandled, detained, and delayed more than a dozen other foreign media at the scene.

Government and security bureaus prevented the biennial Beijing Queer Film Festival from screening in Beijing's Xicheng District. Parts of the festival were held surreptitiously in community venues.

Freedom of Religion

The Chinese government limits religious practices to officially-approved temples, monasteries, churches, and mosques despite a constitutional guarantee of freedom of religion. Religious institutions must submit data – including financial records, activities,

and employee details – for periodic official audits. The government also reviews seminary applications and religious publications, and approves all religious personnel appointments. Protestant "house churches" and other unregistered spiritual organizations are considered illegal and their members subject to prosecution and fines. The Falun Gong and some other groups are deemed "evil cults" and members risk intimidation, harassment, and arrest.

In April the government pressured the landlord of the Beijing Shouwang Church, a "house church" with 1,000 congregants, to evict the church from its location in a Beijing restaurant. Over the course of at least five Sundays in April and May, the Shouwang congregation held its services in outdoor locations, attracting police attention and resulting in the temporary detention of more than 100 of its members.

The government continues to heavily restrict religious activities in the name of security in ethnic minority areas. See sections below on Tibet and Xinjiang.

Health

On August 2 the government announced the closure of 583 battery-recycling factories linked to widespread lead poisoning. However, it has failed to substantively recognize and address abuses including denial of treatment for child lead poisoning victims and harassment of parents seeking legal redress that Human Rights Watch uncovered in a June 2011 report of lead poisoning in Henan, Yunnan, Shaanxi, and Hunan.

People with HIV/AIDS continued to face discrimination. In September an HIV-positive female burn victim was denied treatment at three hospitals in Guangdong province due to stigma about her status. On September 8 an HIV-positive school teacher launched a wrongful dismissal suit against the Guizhou provincial government after it refused to hire him on April 3 due to his HIV status.

Disability Rights

The Chinese government is inadequately protecting the rights of people with disabilities, despite its ratification of the Convention on the Rights of Persons with Disabilities (CRPD), and its forthcoming review by the treaty's monitoring body.

In September a group of part-time teachers with disabilities requested that China's Ministry of Education lift restrictions imposed by 20 cities and provinces on full-time employment of teachers with physical disabilities. On September 7, Henan officials freed 30 people with mental disabilities who had been abducted and trafficked into slave labor conditions in illegal brick kiln factories in the province. The discovery cast doubt on official efforts to end such abuses in the wake of a similar scandal in Shaanxi in 2007.

On August 10 the Chinese government invited public comment on its long-awaited draft mental health law. Domestic legal experts warn the draft contains potentially serious risks to the rights of persons with mental disabilities, including involuntary institutionalization, forced treatment and deprivation of legal capacity.

Migrant and Labor Rights

Lack of meaningful union representation remained an obstacle to systemic improvement in workers' wages and conditions in 2011. The government prohibits independent labor unions, so the official All-China Federation of Trade Unions (ACFTU) is the sole legal representative of China's workers. A persistent labor shortage linked to changing demographics – official statistics indicate that nationwide job vacancies outpaced available workers by five percent in the first three months of 2011 – has led to occasional reports of rising wages and improved benefits for some workers.

In January a government survey of migrant workers indicated that the *hukou* (household registration) system continued to impose systemic discrimination on migrants. Survey respondents blamed the *hukou* system, which the government has repeatedly promised to abolish, for unfairly limiting their access to housing, medical services, and education. In August 2011 the Beijing city government ordered the closure of 24 illegal private schools that catered to migrant children. Most found alternate schools, although an

estimated 10 to 20 percent had to be separated from their parents and sent to their *hukou*-linked rural hometowns due to their parents' inability to secure suitable and affordable schooling in Beijing.

Women's Rights

Women's reproductive rights remain severely curtailed in 2011 under China's family planning regulations. Administrative sanctions, fines, and forced abortions continue to be imposed, if somewhat erratically, on rural women, including when they become migrant laborers in urban or manufacturing areas, and are increasingly extended to ethnic minority areas such as Tibet and Xinjiang. These policies contribute to an increasing gender-imbalance (118.08 males for every 100 females according to the 2010 census), which in turn fuels trafficking and prostitution.

Sex workers, numbering four to ten million, remain a particularly vulnerable segment of the population due to the government's harsh policies and regular mobilization campaigns to crack down on prostitution.

Although the government acknowledges that domestic violence, employment discrimination, and discriminatory social attitudes remain acute and widespread problems, it continues to stunt the development of independent women's rights groups and discourages public interest litigation. A new interpretation of the country's Marriage Law by the Supreme People's Court in August 2011 might further exacerbate the gender wealth gap by stating that after divorce, marital property belongs solely to the person who took out a mortgage and registered as the homeowner, which in most cases is the husband.

Illegal Adoptions and Child Trafficking

On August 16 the Chinese government announced it would tighten rules to prevent illegal adoptions and child trafficking. Revised Registration Measures for the Adoption of Children by Chinese Citizens were expected to be introduced by the end of 2011 and would restrict the source of adoptions to orphanages, rather than hospitals or other institutions. The planned rule change follows revelations in May 2011 that members of a government family planning unit in Hunan had kidnapped and trafficked at least 15 babies to couples in the United States and Holland for US\$3,000 each between 2002 and 2005. A subsequent police investigation determined there had been no illegal trafficking, despite testimony from parents who insist their children were abducted and subsequently trafficked overseas.

Sexual Orientation and Gender Identity

In 1997 the government decriminalized homosexual conduct and in 2001 ceased to classify homosexuality as a mental illness. However, police continue to occasionally raid popular gay venues in what activists describe as deliberate harassment. Same-sex relationships are not legally recognized, adoption rights are denied to people in same-sex relationships, and there are no anti-discrimination laws based on sexual orientation. On April 4, 2011, Shanghai police raided Q Bar, a popular gay venue, alleging it was staging "pornographic shows." Police detained more than 60 people, including customers and bar staff, and released them later that day. High-profile public support for overcoming social and official prejudice against lesbian, gay, bisexual, and transgender (LGBT) people is increasingly common. On July 5 a China Central Television talk show host criticized homophobic online comments posted by a famous Chinese actress and urged respect for the LGBT community.

Tibet

The situation in the Tibet Autonomous Region (TAR) and the neighboring Tibetan autonomous areas of Qinghai, Sichuan, Gansu, and Yunnan province, remained tense in 2011 following the massive crackdown on popular protests that swept the plateau in 2008. Chinese security forces maintain a heavy presence and the authorities continue to tightly restrict access and travel to Tibetan areas, particularly for journalists and foreign visitors. Tibetans suspected of being critical of political, religious, cultural, or economic state policies are targeted on charges of "separatism."

The government continues to build a "new socialist countryside" by relocating and rehousing up to 80 percent of the TAR population, including all pastoralists and nomads.

The Chinese government has given no indication it would accommodate the aspirations of Tibetan people for greater autonomy, even within the narrow confines of the country's autonomy law on ethnic minorities' areas. It has rejected holding negotiations with the new elected leader of the Tibetan community in exile, Lobsang Sangay, and warned that it would designate the next Dalai Lama itself.

In August Sichuan authorities imposed heavy prison sentences on three ethnic Tibetan monks from the Kirti monastery for assisting another monk who self-immolated in protest in March. Ten more Tibetan monks and one nun had self-immolated through mid-November, all expressing their desperation over the lack of religious freedom.

Xinjiang

The Urumqi riots of July 2009 – the most deadly episode of ethnic unrest in recent Chinese history – continued to cast a shadow over developments in the Xinjiang Uighur Autonomous Region. The government has not accounted for hundreds of persons detained after the riots, nor investigated the serious allegations of torture and ill-treatment of detainees that have surfaced in testimonies of refugees and relatives living outside China. The few publicized trials of suspected rioters were marred by restrictions on legal representation, overt politicization of the judiciary, and failure to publish notification of the trials and to hold genuinely open trials as mandated by law.

Several violent incidents occurred in the region in 2011, though culpability remains unclear. On July 18 the government said it had killed 14 Uighur attackers who had overrun a police station in Hetian and were holding several hostages. On July 30 and 31 a series of knife and bomb attacks took place in Kashgar. In both cases the government blamed Islamist extremists. In mid-August it launched a two-month "strike hard" campaign aimed at "destroying a number of violent terrorist groups and ensuring the region's stability."

Under the guise of counterterrorism and anti-separatism efforts, the government also maintains a pervasive system of ethnic discrimination against Uighurs and other ethnic minorities, along with sharp curbs on religious and cultural expression and politically motivated arrests.

The first national Work Conference on Xinjiang, held in 2010, endorsed economic measures that may generate revenue but are likely to further marginalize ethnic minorities. By the end of 2011, 80 percent of traditional neighborhoods in the ancient Uighur city of Kashgar will have been razed. Many Uighur inhabitants have been forcibly evicted and relocated to make way for a new city likely to be dominated by the Han population.

Hong Kong

Hong Kong immigration authorities' refusal in 2011 to grant entry to several visitors critical of the Chinese government's human rights record raised concerns that the territory's autonomy was being eroded. Concerns about police powers also continue to grow following heavy restrictions imposed on students and media during the visit of a Chinese state leader in September 2011.

The status of migrant domestic workers in Hong Kong was strengthened in September when a court judged that rules excluding those workers from seeking the right of abode were unconstitutional. However, the Hong Kong government suggested it would appeal to Beijing for a review, further eroding the territory's judicial autonomy.

Key International Actors

Despite voting in favor of a Security Council resolution referring Libya to the International Criminal Court (ICC) in February, the Chinese government continued to ignore or undermine international human rights norms and institutions. In June, amidst outcry against the visit, China hosted Sudanese President Omar al-Bashir, who is wanted

by the ICC on charges of war crimes, crimes against humanity, and genocide. In 2011 it significantly increased pressure on governments in Central and Southeast Asia to forcibly return Uighur refugees, leading to the refoulement of at least 20 people, and in October prevailed upon the South African government to deny a visa to the Dalai Lama, who wished to attend the birthday celebrations of Archbishop Desmond Tutu. That same month it exercised a rare veto together with Russia at the Security Council to help defeat a resolution condemning gross human rights abuses in Syria.

Although several dozen governments attended the 2010 Nobel Peace Prize ceremonies honoring activist Liu Xiaobo, relatively few engaged in effective advocacy on behalf of human rights in China during 2011. While the US emphasized human rights issues during Hu Jintao's January state visit to Washington, that emphasis – and the attention of other governments – declined precipitously once the Arab Spring began, making it easier for the Chinese government to silence dissent. Few audibly continued their calls for the release of Liu and others.

Perhaps demonstrating the influence of growing popular objections to abusive Chinese investment projects, the Burmese government made a surprise announcement in September that it would suspend the primarily Chinese-backed and highly controversial Myitsone Dam. In Zambia, Chinese-run mining firms announced a sudden wage increase following the election of the opposition Patriotic Front, which had campaigned in part on securing minimum wage guarantees.

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