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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - China

China's economic growth continues to contribute to improved economic and social rights for many Chinese citizens. However, civil and political rights remain subject to significant restrictions.

The period under review saw some signs of intent to reform the judiciary; prevent miscarriages of justice; reduce the scope of the death penalty; and ease family planning restrictions. In November, the Third Plenum of the 18th Congress of the Communist Party of China (CPC) announced policy reforms in these areas, and abolished the arbitrary and extrajudicial form of detention known as Re-Education Through Labour (RTL).

At the same time, there were increased restrictions on freedom of expression, association and assembly. Dozens of human rights defenders were detained in what appeared to be a concerted crackdown on civil society activism. Censorship increased online and in traditional media. There were continuing reports of the forcible suppression of ethnic unrest in Tibet and Xinjiang.

The UK government's approach to human rights in China remained one of engagement, to encourage China to ratify the International Covenant on Civil and Political Rights (ICCPR). We focused particularly on abolition of the death penalty, criminal justice reform, freedom of expression and the development of civil society. We will continue to pursue these themes in 2014, while also engaging in dialogue with China about implementation of its UN Human Rights Council (UNHRC) election pledges and recommendations made at its second UN Universal Periodic Review (UPR), which took place on 22 October.

We continued to lobby at all levels, including during the Prime Minister's visit to China in December. The Prime Minister discussed human rights with Chinese leaders, and met civil society activists. We regularly raised human rights issues with the Chinese government, in public and in private. We continued to provide financial support to projects in-country, and to promote international human rights standards through public diplomacy activities. We raised human rights concerns in international fora, including at China's UPR, where we recommended that China abolish all forms of extrajudicial and arbitrary detention, and set a clear legislative timetable for ratification of the ICCPR. 137 states took the floor during China's UPR, making 176 recommendations. China will confirm which recommendations it has accepted at the March 2014 UNHRC session. China was re-elected to the UNHRC in November.

At its UPR, China also committed to invite three other UN Special Procedures (independent human rights experts) with mandates on economic, social and cultural rights to visit China. No date was agreed for a visit by the UN High Commissioner for Human Rights, Navi Pillay, who has yet to visit China.

The Prime Minister and Premier Li Keqiang agreed in December that the next round of the UK-China bilateral Human Rights Dialogue would take place in early 2014.

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. There were no signs in 2013 of movement towards representative democracy.

Freedom of expression and assembly

Freedom of the press and freedom of expression are guaranteed by the Chinese constitution but severely limited in practice.

University lecturers reported receiving CPC instructions to avoid discussing "Seven Taboos" including press freedom and universal values, with their students. "Document No. 9", reportedly a leaked internal CPC notice, warned against similar ideas infiltrating Chinese society.

The number of internet users in China continued to grow, but the internet remained subject to extensive censorship. Many foreign websites were blocked, including those of the New York Times and Bloomberg. Restrictions on freedom of expression online increased, with a government campaign against "online rumours", reportedly leading to the detentions of hundreds of social media users.

There was also evidence of increased restrictions on traditional media. In January, staff at the liberal newspaper "Southern Weekend" went on strike following interference by local propaganda authorities. Journalists nationwide were reportedly required to attend political education classes in order to renew their press credentials.

Foreign journalists remained subject to restrictions. The Foreign Correspondents' Club of China reported in December that its members continued to face restrictions on their operations including official obstruction and intimidation, physical assault, and extended delays in the renewal of their visas.

NGOs reported that more than 60 civil society activists were detained in what appeared to be a concerted crackdown on freedom of expression, association and assembly. Many were associated with the New Citizens' Movement (NCM) and the Southern Street Movement, loose coalitions of activists promoting social justice and political reform. Dr Xu Zhiyong, the initiator of the NCM, was detained in July after three months under illegal house arrest. In December, he and other NCM activists were indicted on public order charges in relation to peaceful demonstrations.

In August, the EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Baroness Ashton, expressed concern at these developments, and called on the Chinese authorities to release immediately all those detained for peacefully exercising their right to freedom of expression.

The right of workers to organise remained restricted. The rights to strike and engage in collective bargaining remained limited in law and practice.

We raised concerns about freedom of expression and association with the Chinese government throughout 2013, including through China's UPR and at the UNHRC.

Human rights defenders

British officials and ministers continued to raise concerns about human rights defenders (HRDs) in 2013, including the use of unlawful and arbitrary measures to intimidate, harass and detain HRDs. They continued to be subjected to procedurally flawed trials, to which diplomats and the media were consistently denied access.

A crackdown on freedom of expression, association and assembly saw the detentions of dozens of HRDs. Some, such as writer Guo Feixiong, were held incommunicado for extended periods, while others, including NGO volunteer Song Ze, were reportedly tortured in custody. Diplomats were denied access to the trials associated with the crackdown. Many other HRDs continued serving long prison sentences, including Nobel Peace Prize laureate Liu Xiaobo, filmmaker Dhondhup Wangchen, website editor Hairat Niyaz, writer Liu Xianbin, and journalist Qi Chonghuai.

Liu Xia, wife of imprisoned Nobel laureate Liu Xiaobo, remained under extra-legal house arrest. She appeared at her brother's fraud trial in April. He was subsequently sentenced to 11 years' imprisonment. Liu Xia told lawyers that this was a reprisal against her for receiving visitors in December 2012. Diplomats, including British officials, attempted to visit Liu Xia during 2013, but were repeatedly denied access. There were ongoing concerns for her health.

Liu Xiaobo remained in prison, where his wife said that he had been held in prolonged solitary confinement. She instructed his lawyers to apply for a retrial, but they were repeatedly refused access to him to prepare the motion.

Relatives of rights lawyer Gao Zhisheng were permitted a second visit to him in January, following his return to prison in December 2011. They have since reportedly been unable to visit or correspond with him.

Ethnic Mongolian activist Hada remained in arbitrary detention, following his disappearance in December 2010. Diplomats, including British officials, attempted to visit him in August, but were refused access.

Other HRDs suffering from serious health conditions were denied bail, parole or access to adequate treatment. Cao Shunli was denied bail despite her advanced liver disease. Disabled rights lawyer Ni Yulan was released in fragile health in October, having served her prison sentence despite suffering multiple medical conditions. Chen Kegui, imprisoned nephew of Chen Guangcheng, was diagnosed with appendicitis in April, but denied medical parole.

Independent civil society was repeatedly barred from involvement in China's UPR process. Four independent UN human rights experts issued a statement of concern about reprisals against civil society activists such as Cao Shunli, who sought the right to participate in the UPR. These concerns were echoed by Baroness Ashton.

Chinese civil society activists initiated an online petition calling for China to be barred from the UNHRC until it ratified the ICCPR and improved its human rights record. Some were later interrogated on suspicion of inciting subversion.

Access to justice and the rule of law

Access to justice remains limited and the rule of law weak. The constitution guarantees the independence of the courts, but in practice there is little separation of powers.

The Decision of the Third Plenum included commitments to improve judicial transparency, strengthen safeguards against judicial corruption, prevent local political interference with the courts, protect the role of defence lawyers, and prevent miscarriages of justice. In July, the Supreme People's Court set up a national website for courts to publish trial and sentencing information. In August, CPC and judicial authorities issued guidelines for preventing and remedying miscarriages of justice.

In August, portions of the trial of former politician Bo Xilai were live-tweeted on Chinese social media. State media hailed this as an unprecedented example of judicial transparency. However, there were indications that the transcript had been heavily edited.

RTL was formally abolished by the Standing Committee of the National People's Congress on 28 December. RTL was a form of administrative detention without trial, targeted at petty offenders, but also frequently used for petitioners, Falun Gong practitioners and HRDs. Detailed plans for replacing RTL remained unclear. Other forms of arbitrary and extrajudicial detention remained in use, including: compulsory drug rehabilitation; "custody and education" for sex workers; so-called "black jails" (unofficial detention centres); involuntary psychiatric committal; "legal education" centres; and custodial investigation.

China's first Mental Health Law came into effect on 1 May, imposing new safeguards against abuse of involuntary psychiatric committal procedures. However, some loopholes remain, and reports persisted of abuses.

Safeguards for the independence and operation of the legal profession remained weak. Human rights lawyers reported being obstructed, harassed, arbitrarily disbarred, administratively detained and even physically assaulted by officials.

There were instances of official use of the media to preempt the judicial process. Several "confessions" were broadcast on state television. None of the individuals concerned had at that stage been charged with any crime.

Death penalty

In absolute terms, it is believed that China continues to execute the largest number of people in the world. The Chinese government treats death penalty figures as a state secret.

China retains 55 capital offences, including many non-violent crimes. The Chinese legal system retains the sentencing option of “death with two years’ reprieve” - in practice, almost invariably commuted to life.

In 2013, the Supreme People’s Procuratorate began to provide prosecutorial oversight of the Supreme People’s Court’s (SPC) review of death sentences. Official guidance to courts emphasised that the highest level of evidence standards should be applied in capital cases. The SPC began publishing selected verdicts from capital cases online as part of a wider campaign to promote judicial transparency.

In November, the Decision of the Third Plenum pledged that China would continue to “reduce the number of capital crimes step by step”. Public debate about China’s application of the death penalty remained vigorous in 2013, stimulated by several high-profile cases.

In November, Health Minister Li Bin reiterated the Chinese government’s commitment to end the use of organs from executed prisoners for human transplant by mid-2014.

Torture

Chinese law prohibits torture, physical abuse and insulting prisoners’ dignity. But reports of abuse, mistreatment and torture continued to emerge, including reports of the use of sleep deprivation and electric shocks.

The revised Criminal Procedure Law (CPL) contains provisions which could help to prevent torture and mistreatment. A number of lawyers reported that the process of gaining access to their clients in detention had been greatly expedited, although there were indications that this did not apply in politically sensitive or human rights related cases.

The CPL revision sought to limit the use of pre-trial detention and expand the use of bail and residential surveillance, which should reduce the risk of torture.

Article 73 of the CPL, which allows for secret detention in certain categories of cases, was not reported to have been widely used, although Zhu Chengzhi was detained under Article 73 while under investigation for “inciting subversion”. In some cases police reportedly violated the CPL in order to hold HRDs incommunicado for extended periods.

Freedom of religion or belief

The Chinese constitution guarantees freedom of religious belief, but in practice there are extensive restrictions on religious freedom.

Protestant churches are controlled by the Three-Self Patriotic Movement (TSPM). However, millions of Chinese Protestants choose to worship at unofficial “house churches”. There were reports of raids on house churches and of the arrests of pastors and congregants. TSPM churches were not immune from harassment - Henan pastor Zhang Shaojie and at least 20 of his parishioners were detained and held incommunicado on public order charges in November.

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. Unapproved “underground” Catholic churches continued to encounter state interference and harassment. Father Song Wangjun, priest of an underground Catholic church in Hebei Province, disappeared in August.

The authorities continued to put pressure on groups classed as “illegal cults”. There were continuing reports of the arrests of Falun Gong practitioners, and harassment of their defence lawyers.

Women’s rights

Whilst women’s access to education and employment in China is generally good, representation of women at senior levels of the CPC and government is low. The UN Working Group on the Elimination of Discrimination against Women in Law and Practice found that more action was needed to ensure women’s full participation in economic and political spheres.

Gender-based violence remains a widespread problem, although it is the subject of increasing popular debate and awareness. The UK continued to support the contribution of Chinese civil society groups to the law on domestic violence, which remains at the drafting stage.

The authorities continued to enforce family planning policies. The Third Plenum announced reforms which will permit couples to have two children if either parent is an only child. There were continued reports of illegal coercive implementation of family planning policies, including forced abortions and sterilisations.

Other issues

Tibet

The Chinese authorities continued to restrict access to the Tibetan Autonomous Region (TAR) for foreigners. The British Embassy made three requests to visit the TAR in 2013. All were declined. The EU Special Representative for Human Rights and representatives from some other diplomatic missions were allowed to make escorted visits.

British officials were able to visit Tibetan areas in neighbouring provinces. They saw high levels of participation in religious life and evidence of rapid economic growth. However, there were concerns around the consequences of resource extraction and allegations of corruption. Such concerns reportedly sparked large-scale local protests in the TAR's Biru county in May, and in Qinghai in August.

Local authorities allegedly used lethal force at a protest in Biru in October. According to unconfirmed reports, local authorities also used live fire in a Tibetan region of Sichuan Province in July to disperse Tibetans gathered to commemorate the Dalai Lama's birthday.

There were 26 reported self-immolations in Tibetan regions in 2013, of which 25 were fatal.

More than 40 Tibetans were reportedly sentenced to imprisonment in 2013 after being convicted of offences in connection with incidents of self-immolation. Layman Dolma Kyab was sentenced to death in August after being convicted of killing his wife and claiming she had engaged in self-immolation. In September, the Foreign Secretary expressed concerns about reported procedural flaws in the trial and called for clemency.

There were reports of more than 40 instances of Tibetans receiving prison sentences for exercising their rights to freedom of expression and peaceful assembly, often under state security charges such as "inciting separatism".

In October, the Chinese government published a White Paper on Tibet's development. This did not hint at any plans for policy shifts to reduce ethnic tensions in Tibetan areas of China.

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

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 2013, we continued to call in for all parties to engage in substantive dialogue, and to press the Chinese authorities to exercise restraint, respect religious and cultural freedoms, and allow unrestricted access to Tibetan areas for international journalists, NGOs and diplomats.

The UK also raised concerns about ethnic minority rights during China's UPR, and in regular sessions of the UNHRC.

Xinjiang

There were ongoing restrictions on cultural, linguistic and religious rights, and evidence of continuing tensions, including increasing reports of deadly ethnic violence in the Xinjiang Uyghur Autonomous Region. Embassy officials visiting parts of Xinjiang observed a heavy security presence, and evidence of restrictions on cultural and religious freedoms.

At least 120 people reportedly died in a series of incidents in the region between April and December. There were allegations of the use of lethal force to disperse peaceful protests. The authorities generally characterised these incidents as instances of terrorism, and responded by pledging to step up security operations.

In October, a vehicle drove into a crowd in Beijing's Tiananmen Square. Chinese authorities described this as a "terrorist attack". The Uyghur community in Beijing reported increased surveillance and security restrictions following the incident.

There were reports of the arrest of Uyghurs on charges of endangering state security or illegal religious activities. 20 Uyghurs received long sentences for "separatism" and "plotting to carry out jihad" in April, with a further 19 convicted of "religious extremism" in June.

Restrictions on cultural and religious freedoms persisted, with further reports that authorities in parts of Xinjiang were attempting to ban women from wearing face veils and men from wearing beards. Teachers, professors, students, and civil servants reportedly continued to be prohibited from observing Ramadan and engaging in religious activities.

Reprisals against Uyghur HRDs, such as imprisoned house church clergyman Alimjan Yimit and scholar Ilham Tohti, continued. Tohti was prevented from leaving China to take up a visiting fellowship at a US university in February. In July, his student Mutellip Imin disappeared at Beijing airport and was held incommunicado for 79 days.

Refugees and asylum seekers

China continued to refuse to recognise the status of refugees from the Democratic People's Republic of Korea (DPRK), treating them as illegal economic migrants. The Chinese authorities continued to return (refouler) DPRK refugees in 2013.

Civil society

Legislative and financial barriers continued to pose significant obstacles for NGOs, and long-awaited laws and regulations aimed at improving the legal status of NGOs were again delayed. Some NGOs reported official harassment and interference, particularly when engaged in politically sensitive or public advocacy activities.

New provincial regulations aimed at streamlining the registration process for certain categories of NGOs did bring some improvements. Some provinces also began experimenting with government procurement of social services.

Public advocacy remains tightly controlled. Organisers of public gatherings to mark International Day Against Homophobia and Transphobia were detained in May. In December, dozens of individuals were detained while attempting to mark World AIDS Day.

Hong Kong Special Administrative Region

The UK Government continues to take seriously its commitments under the Sino-British Joint Declaration. The Foreign & Commonwealth Office published biannual reports to Parliament on the implementation of the "One Country, Two Systems" model, covering the period from 1 July to 31 December 2012 and 1 January 2013 to 30 June 2013 respectively. These concluded that the rights and freedoms guaranteed in the Joint Declaration continue to be respected during the periods covered by the reports.

A key focus of 2013 was the roadmap to universal suffrage expected to be in place for the election of Hong Kong's Chief Executive by 2017 and the Legislative Council in 2020. The Foreign Secretary commented in the foreword to the second biannual report of 2013 that, "I am in no doubt that the transition to universal suffrage will be in the best interests of Hong Kong's stability and prosperity".

On 17 October, the Hong Kong Special Administrative Region government established a High Level Constitutional Reform Task Force, and launched a public consultation on 4 December to gather views on constitutional reform, with a view to agreeing a legislative package in late 2014.

This publication is part of the [2013 Human Rights and Democracy Report](#).