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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: China

Latest Update: 31 December 2013

The last three months of 2013 saw the announcement of plans for a number of reforms which could have a significant impact on the human rights situation in China. However, a number of human rights concerns persisted in this period.

The Prime Minister raised concerns about human rights with Chinese leaders during his visit from 2–4 December and agreed with Premier Li to hold the next round of the UK-China Human Rights Dialogue in early 2014. He also met civil society activists working on disability, sexuality and equal rights issues.

The Third Plenum of the 18th Congress of the Communist Party of China was held in November, and announced a number of policy reforms, including commitments to phase out residency restrictions on access to public services for migrant workers; strengthen rural land rights; implement further judicial reforms; relax family planning rules, allowing couples to have two children if one parent is an only child; and abolish re-education through labour (RTL), a system of detention and punishment administratively imposed on those who are deemed to have committed offences but are not legally considered criminals.

The relaxation of family planning rules and the abolition of RTL were approved by the Standing Committee of the National People's Congress on 28 December. The Third Plenum also established a new State Security Committee, although details of its remit remain unclear.

The Supreme People's Court released a paper entitled 'Delivering Justice for the People' in October. It outlines policy priorities for the next five years, with particular emphasis on protecting the independence of the courts and guarding against miscarriages of justice.

In November, the 2013 Chinese Transplant Congress adopted the Hangzhou Resolution, requiring organ procurement and allocation procedures to be in line with World Health Organisation Guiding Principles and the Declaration of Istanbul. Health Minister Li Bin reiterated the Chinese government's commitment to end the use of organs from executed prisoners from 2014.

China was re-elected to the UN Human Rights Council in November. China's election pledges included commitments to strengthen the development of democracy and the rule of law; reform further the judicial

system; protect civil and political rights; and protect the rights of ethnic minorities, women, children and persons with disabilities.

China underwent its second Universal Periodic Review (UPR) at the UN Human Rights Council on 22 October. The UK's recommendations focused on abolition of extra-legal and arbitrary detention, and ratification of the International Covenant on Civil and Political Rights. The UK's statement also covered freedom of expression and association, the death penalty and ethnic minority rights.

Ahead of China's UPR, human rights defender Cao Shunli disappeared on 14 September and was arrested on 21 October on public order charges, thought to relate to civil society protests demanding participation in China's UPR. She is reportedly in very poor health. EU High Representative Baroness Ashton expressed concern for Cao on 20 October, and urged China to ensure the full participation of civil society in the UPR process.

A continuing campaign against on 'online rumours' reportedly led to hundreds of detentions during the last three months. This period also saw an announcement that all journalists would have to pass exams on topics including 'the Marxist view of the media' to renew their press credentials. In its annual December statement, the Foreign Correspondents' Club of China again observed 'negative trends' in the operating conditions for international media.

Pressure on civil society and the New Citizen's Movement (NCM) continued. Jiangxi activists Liu Ping, Wei Zhongping and Li Sihua stood trial on 28 October and 4 December for public order offences and 'using a cult to undermine the law'. Anhui activist Zhang Lin stood trial on public order charges on 18 December. Verdicts have yet to be issued. Diplomats were denied access to the trials.

Xu Zhiyong and at least a dozen other activists associated with the NCM were indicted on public order charges in December. Activist Guo Feixiong was permitted to meet a lawyer on 14 November after 98 days incommunicado.

A number of human rights defenders were detained around World Aids Day on 1 December and International Human Rights Day on 10 December. Hundreds of petitioners were reportedly detained after gathering to demonstrate in Beijing on 10 December.

In November Pastor Zhang Shaojie and at least 20 of his parishioners were detained on public order charges in Nanle, Henan. Rights lawyers and Christians who visited Nanle in December to support Pastor Zhang's congregation were reportedly detained and assaulted by police.

Lawyers for imprisoned Nobel laureate Liu Xiaobo disclosed in December that his wife, Liu Xia, has instructed them to apply for a retrial. Liu Xia remained under house arrest. Family friends reported that she is suffering from depression, and has appealed for the right to see a doctor, earn a living and correspond freely with her husband. Diplomats, including from the UK, attempted to visit her on 18 November but were denied access.

Disabled rights lawyer Ni Yulan was released on 5 October in poor health, after completing her prison sentence for 'picking quarrels and provoking trouble'.

This period saw reports of a crack-down on unrest in Biru, in the Tibetan Autonomous Region (TAR), involving the use of lethal force. There were also reports of significant numbers of detentions, lengthy prison sentences for 'separatist' activities, police raids on monasteries and compulsory political education classes. A senior monk reportedly died in police custody in December. The unrest was reportedly sparked by the implementation of a 'patriotic education' campaign which began in September.

Three Tibetans self-immolated in China during this period. Detentions, arrests and convictions of Tibetans in relation to self-immolations, peaceful assembly and freedom of expression continued. Embassy officials requested permission to visit the TAR in November but were refused.

On 28 October five people died and dozens were injured when a vehicle struck pedestrians in Beijing's Tian'anmen Square and caught fire. Police later detained five Uighur suspects from Xinjiang.

An outbreak of ethnic violence in Shufu, near Kashgar, on 15 December reportedly resulted in the deaths of 16 people, including two police officers. According to some reports, six women and two minors were among the dead. Eight Uighurs were shot dead by police in a separate incident in Shache on 30 December.

Update: 30 September 2013

There were further developments on criminal justice and rule of law during the last three months. In July, Supreme People's Court President Zhou Qiang called on judicial officials to strengthen efforts to prevent miscarriages of justice, increase transparency and strictly adhere to measures in the Criminal Procedure Law that protect human rights.

There was renewed debate over the legality and powers of 'urban management officers' (*chengguan*), following an incident in which a street vendor was reportedly beaten to death in July.

No concrete plans have yet been announced for the reform or abolition of Re-Education Through Labour (RTL), a system of detention and punishment administratively imposed on those who are deemed to have committed offences but are not legally considered criminals. However, a senior Guangdong judge stated in September that all remaining RTL inmates in the province would be released by the end of 2013.

In July, Tang Hui, who was sentenced to RTL after campaigning for justice for her raped daughter, successfully appealed against her 2012 RTL sentence and was awarded compensation.

There were more detentions and arrests of anti-corruption activists, many linked with the New Citizens' Movement (an anti-corruption movement), during this period. More than 40 such activists, including Xu Zhiyong and Guo Feixiong, are now reportedly in custody. Some have reportedly been denied access to their lawyers, whilst others have reportedly been mistreated or tortured in detention. EU High Representative Baroness Ashton made a statement in September expressing concern at these developments, and calling on the Chinese authorities to immediately release all those detained for peacefully exercising their right to freedom of expression.

Other human rights defenders continued to be harassed or placed under house arrest in this period, including activists Hu Jia and Guo Yushan and lawyers Teng Biao and Tang Jingling.

In August the brother of Liu Xia (a Chinese painter, poet, and photographer and wife of 2010 Nobel Peace Prize winner Liu Xiaobo) lost his appeal against his conviction for fraud. Diplomats and media were denied access to the hearing. Liu Xia was unable to attend due to ill health. There are concerns that her health is continuing to deteriorate under illegal house arrest. We also have concerns about the health of disabled rights lawyer Ni Yulan, who continued to be denied medical parole.

Ethnic Mongolian rights activist, Hada, continued to be held in extra-legal detention in this period. Diplomats, including from the UK, attempted to visit Hada in August but were denied access to him. There was no further news during this period regarding lawyer Gao Zhisheng. His relatives were last reported to have had access to him in January.

Journalist Shi Tao was released from prison on 23 August, 15 months before the end of his ten year sentence for 'revealing state secrets'.

A campaign against 'online rumours' continued in this period, with the detention of some prominent bloggers. On 9 September, the Supreme People's Court and Supreme People's Procuratorate released a judicial interpretation on 'online rumours'. This gives some protection to "netizens" who expose official corruption. However, it also stipulates that posts which are defamatory, or lead to ethnic conflict, social instability or damage to China's national image, are punishable by up to three years in prison.

The State Internet Information Office convened a televised forum in Beijing in August urging prominent bloggers to uphold the national interest, public and social order, morality and the socialist system. It was also announced in August that journalists and media industry workers will be required to attend study sessions on 'journalism with Marxist values' before the end of 2013.

There were further raids on house churches around China in this period. Father Song Wangjun, priest of an underground Catholic church in Hebei, disappeared on 7 August. The trial of 13 Falun Gong adherents was adjourned for a second time in Dalian on 3 August, with further reports of obstruction and harassment of defence lawyers.

There were reports of the use of live fire by security forces on 6 July to disperse Tibetans gathering in Sichuan to celebrate the Dalai Lama's birthday. Several people were reportedly wounded.

There were two reported self-immolations within Tibetan areas of China during this period. There were also further criminal convictions in connection with self-immolations. Tibetan writer and teacher Dolma Kyab was sentenced to death in August after being convicted of killing his wife and claiming she had self-immolated. Exile groups dispute this account, saying that she self-immolated as an act of political protest. The Foreign Secretary expressed concerns about the case and called for commutation of the sentence on 3 September.

Several other Tibetans were detained or sentenced in this period for staging peaceful protests or alleged 'separatist' activities. Two Tibetan nomad community leaders disappeared in August after leading environmental protests in Qinghai.

There were reports of further outbreaks of ethnic violence in Xinjiang, including incidents in which lethal force was reportedly used against unarmed protestors. In June, at least 27 people reportedly died during unrest in Turpan Prefecture, and there were reports of further deaths during an incident in June near Hotan. In August, 34 Uighurs were reportedly killed during two separate police operations in Kashgar Prefecture.

Five Uighurs were sentenced to death during this period, in relation to involvement in 'terrorist incidents' near Kashgar and Turpan earlier this year.

We remain concerned at reports of the use of lethal force to disperse gatherings and protests in minority regions of China, and expressed these concerns at the September meeting of the UN Human Rights Council.

Update: 30 June 2013

There were further developments relating to criminal justice and the rule of law in the last three months.

The first national Mental Health Law came into effect on 1 May. The Law should strengthen safeguards against abuses of involuntary psychiatric committal procedures.

Details of concrete plans for the reform of Re-Education Through Labour (RTL) have yet to emerge, although public debate continued, stimulated in part by media reports alleging the use of torture in Masanjia Women's RTL Camp. We continue to encourage the Chinese authorities to publish detailed plans for RTL reform, compliant with the International Covenant on Civil and Political Rights, and to implement them as soon as possible.

In April, Zhou Qiang, President of the Supreme People's Court (SPC), called for lawyers and scholars to work together to reform the legal system, and for greater protection of and respect for the role of lawyers. In May, SPC Vice-President Shen Deyong called for strengthened efforts to prevent miscarriages of justice, and for verdicts to be posted online to promote transparency.

However, this period also saw continuing harassment of human rights defenders, including human rights lawyers. In April, lawyer Wang Quanzhang was sentenced to judicial detention while defending a Falun Gong client, although he was released early after protests by other rights lawyers. Also in April, rights lawyer Cheng Hai was reportedly assaulted by police while trying to defend Falun Gong clients in Dalian. On 13 May eleven human rights lawyers were briefly detained while investigating a 'legal education centre' in Sichuan, which was reportedly being used to detain Falun Gong practitioners.

A number of human rights defenders around the country were harassed, illegally detained, or placed under house arrest in this period, with such incidents increasing around the anniversary of the Tiananmen unrest. These included Mao Hengfeng, Hu Jia, Xu Zhiyong, Tibetan blogger Woesser and rights lawyers Teng Biao and Tang Jingling.

In April and June, Liu Xia made her first appearances in public in over two years when she was permitted to attend the trial and sentencing of her brother, Liu Hui. He and a co-defendant were sentenced to 11 years imprisonment for fraud. Diplomats were denied access to the trial and sentencing. Speaking outside the court, Liu Xia emphasised that she has no personal freedom, and denounced her brother's prosecution as politically motivated. On 14 June, Liu Xia released an open letter to President Xi Jinping, urging him to govern China with respect for the rights of individuals. Liu Xia's husband Liu Xiaobo has now reportedly been held in solitary confinement for six months.

Chen Kegui, imprisoned nephew of blind activist Chen Guangcheng, was diagnosed with appendicitis in April. Although requests for medical parole were refused, he was eventually permitted to receive hospital treatment. His extended family were subjected to an extended campaign of anonymous harassment during this period. However, Chen Guangcheng's brother and mother were granted passports in June.

According to unconfirmed reports, the Party issued a directive in April ordering academics not to discuss seven topics with students: civil society, freedom of the press, universal rights, civic rights, historical mistakes committed by the Party, elite cronyism, and judicial independence. In May, the State Council Internet Office launched a renewed campaign against online 'rumours', which included deletions of the social media accounts of some influential social commentators.

Hunan dissident Zhu Chengzhi remained under investigation for inciting subversion and continued to be secretly detained at intervals. Qinghai dissident Liu Benyi was reportedly tried in a closed hearing on 5 June on charges of inciting subversion, after being held incommunicado for almost a year. Other rights defenders detained or arrested for exercising their right to freedom of expression in this period included film-maker and author Du Bin, writer Zheng Youwu, women's rights activist Ye Haiyan, political commentator Du Daobin, and dissident Gu Yimin.

At least 11 individuals associated with the 'New Citizens Movement' were detained or arrested for 'illegal assembly' in this period after publicly calling for officials to disclose their assets. LGBT activists were detained in Guangdong and Hunan after attempting to publicly mark International Day Against Homophobia on 17 May.

This period also saw reports of crack-downs on house churches in several provinces. Seven house church members were convicted of 'using a cult to undermine law enforcement' in Henan on 1 April, and sentenced to between three and seven and a half years in prison.

There were five reported self-immolations in Tibetan areas of China during this period. There were also further criminal convictions of Tibetans accused of inciting or glorifying self-immolations, as well as of Tibetan writers

and musicians accused of promoting 'splittism'. We continue to receive reports that ethnic Tibetans face extensive restrictions on their ability to travel freely within China. British diplomats were refused permission to visit the Tibetan Autonomous Region during this period.

There were further reported outbreaks of ethnic violence in Xinjiang during this period, including one near Kashgar in April which reportedly resulted in 21 deaths. Embassy officials travelling in the region in May observed a heavy security presence and evidence of restrictions on religious freedoms in some areas.

Nine refugees from the DPRK, including some minors, were reportedly refouled to the DPRK from Laos via China in May.

Update: 31 March 2013

There were a number of developments relating to criminal justice and the rule of law in the first quarter of 2013.

The revised Criminal Procedure Law came into force on 1 January. There are indications that some elements of the revised Law are helping to improve defence rights, as visits to clients in pre-trial detention by defence lawyers have reportedly increased significantly across the country. Implementation of other elements gave cause for concern, however. The controversial Article 73 was used for the first time in January, when activist Zhu Chengzhi, detained since June 2012, was transferred to "residential surveillance at a designated location". He was returned home on 1 February but again transferred to an undisclosed location in March. He remains under investigation for inciting subversion.

Debate over reforming Re-Education Through Labour (RTL) continued, although detailed proposals have yet to emerge. New Premier Li Keqiang said in March that plans would be published by the end of 2013. At the UN Human Rights Council session in March the UK encouraged the Chinese authorities to publish detailed plans which are compliant with the International Covenant on Civil and Political Rights (ICCPR) and to implement them as rapidly as possible.

In February over 100 Chinese intellectuals published an open letter urging the National People's Congress to ratify the ICCPR as soon as possible. This followed the publication of an open letter on 26 December 2012 calling for greater adherence to China's constitution. An editorial calling for greater adherence to the constitution in the progressive newspaper Southern Weekly was rewritten by censors prior to publication in January. Staff at the paper went on strike and there were protests outside the paper's offices in Guangzhou. A news crew filming for German television station ARD came under attack by unidentified assailants in Hebei Province in February.

It was announced at the National People's Congress in March that the National Population & Family Planning Commission would be absorbed into the Ministry of Health. Officials stressed that basic state policy on family planning policy would be retained, although there is ongoing public debate about possible reforms to relax it.

A number of human rights defenders were illegally detained or placed under house arrest during the National People's Congress, including Tibetan blogger Woesser. Hubei activist Liu Feiyue was illegally detained by state security agents for 12 days. Beijing-based activist Hu Jia was beaten and interrogated on 14 March on suspicion of causing a disturbance, despite having been under house arrest since 26 January. He was denied access to medical treatment for his injuries.

We continue to have concerns about the health of imprisoned rights lawyer Ni Yulan following the denial of her request for medical parole in January. We are also concerned about the mental health of disappeared Mongolian rights defender Hada, who reportedly continues to be held in extralegal detention and refused access to psychiatric treatment.

We are also concerned about the health of Liu Xia, who remains under illegal house arrest in Beijing. In March human rights activists and Hong Kong journalists were detained and beaten while attempting to visit her. Diplomats, including from the UK, have regularly attempted to visit Liu Xia but have consistently been denied access to her. We most recently attempted to see her in March.

Shanghai activist Mao Hengfeng was released on 8 February for medical reasons, to serve out the remainder of her 18 month RTL sentence at home. Her administrative appeal against her sentence was turned down on 22 March. Diplomats, including from the UK, tried to attend the hearing but were refused access.

Relatives of the detained lawyer Gao Zhisheng were granted a second visit to him in prison on 12 January. The meeting was monitored and Gao's relatives were not permitted to ask him questions about how he was being treated. They reported however that he appeared to be in good health.

Uighur academic and rights defender Ilham Tohti was detained and beaten by state security agents at Beijing airport on 2 February while attempting to board a flight to the USA.

Relatives of Chen Kegui, Chen Guangcheng's nephew, were allowed to visit him in prison in January and February. They had previously been denied access to him since he was detained in May 2012.

Tibetan film-maker Dhondup Wangchen was permitted a visit from family members on 15 January. In a highly unusual move, he has been transferred to a women's prison, where his treatment has reportedly improved.

In January more than 400 Chinese lawyers, academics and activists signed a petition calling for clemency for Li Yan, a woman accused of killing her husband after years of domestic violence and abuse. We understand that Ms Li has not yet been executed and that the Supreme People's Court is reviewing her sentence.

Four foreign nationals were executed on 1 March after being convicted of killing 13 Chinese sailors on the Mekong River. State broadcaster CCTV aired a two hour live nationwide broadcast showing them being led to their deaths.

There were 13 self-immolations reported in Tibetan areas of China during this period. At least 13 Tibetans accused of inciting, organising or glorifying self-immolation were convicted in criminal trials, with the majority receiving long prison sentences for homicide. Five Tibetans in Sichuan Province were reportedly given long prison sentences in January in connection with their participation in peaceful protests in January 2012. In February Baroness Warsi highlighted the UK's concerns about human rights issues in Tibet to Parliament, emphasising the importance of addressing underlying grievances through meaningful dialogue.

The UK is awaiting China's response to dates proposed for the 21st round of the UK-China Human Rights Dialogue.