

AMNESTY INTERNATIONAL MEDIA BRIEFING

Human rights in China

The transition of power in China to a new generation of leaders gets underway with the start of the 18th National Congress of the Communist Party on 8 November in Beijing. Activists are not hopeful the change will usher in a new respect for human rights.

This briefing provides an overview of Amnesty International's concerns on human rights in China.

"As a new generation of leaders prepares to take power in China, we are witnessing the same old patterns of repression against those that are courageous enough to peacefully challenge the regime on human rights."

"Hope lies with the growing number of people within China engaging in activism and demanding change. Over the coming decade the new leaders ignore such calls at their peril. Respecting human rights would be a genuine show of strength by the incoming leadership."

Rosann Rife, Head of East Asia, Amnesty International

Voices in exile

Exiled freelance writer LI Jianhong (pen-name 'Xiao Qiao') was forced to leave China in 2008 after exposing government corruption. She now lives in Sweden:

"I hope the next leadership in China will take the initiative and change, show the world a China we can be proud of....But I do not see any of the new dictators making these changes happen when my friends like Hu Jia are put under house arrest to keep them quiet ahead of the leadership transition. And when a gentle woman like Liu Xia has been under house arrest for two years just because her husband won the Nobel Peace Prize."

Su Yutong is a Chinese blogger currently living in Germany:

"I do not have any hope for the new leadership. I think the new government may perform some gestures to demonstrate liberty and democratization, but there will not be any change in reality. This applies especially to how they treat reformers and human rights activists. I think they may even get tougher on dissidents in an effort to maintain the current regime."

Crackdown ahead of the transition

The Chinese authorities are intensifying a crackdown against dissidents ahead of the imminent transition of power in the country.

Amnesty International has received reports of at least 130 human rights activists, lawyers and academics that have been detained or had restrictions placed upon them since September,

The police have placed dozens of activists under house arrest, forcibly removed individuals from Beijing, and have closed down the offices of community groups in attempts to suppress peaceful dissent.

Human rights lawyers and activists in China continue to be harassed, intimidated, assaulted, abducted, forcibly disappeared, placed under surveillance and house arrest and face criminal charges for protecting the rights of others. Lawyers that take up politically sensitive cases risk their license to practice law being revoked.

Economic growth regardless of the cost: forced evictions

The 'Chinese model' of prioritizing economic development over civil and political rights has long been used to justify severely limiting of human rights as necessary for rapid development.

Forced evictions - a longstanding cause of discontent within China - have increased significantly in the past two years.

The Communist Party continues to promote local officials who deliver economic growth, regardless as to how it is achieved. Land re-development, at whatever cost – whether for new roads, factories or residential complexes – is seen as the most direct path to visible results.

This has resulted in deaths, beatings, harassment and imprisonment of residents who have been forced from their homes across the country in both rural and urban areas.

Some are in such despair they set themselves on fire in drastic protests of last resort. The latest reported self immolation linked to forced evictions occurred in Hunan Province in mid October.

Outgoing Premier Wen Jiabao has acknowledged the gravity of the situation and there has been some progress towards protecting people against forced evictions. However, these laws and regulations still fall far short of the requirements under international laws and standards.

The rules of the Party above the rule of law

Access to justice remains elusive for those considered a political threat to the regime or to the interests of local officials. Political influence over, and corruption within, the judiciary remains endemic.

China's leaders claim to have enshrined protection of human rights into the latest legal reforms. However, the reality is far removed from the rhetoric of the recently published White Paper on Judicial Reform.

Recent changes do provide a degree of legal protection to minors and those suffering with mental health problems and strengthens the redress process for ordinary criminal suspects and defendants, including those facing the death penalty.

However, revisions to the Criminal Procedure Law have made it lawful for the police to secretly detain suspects for a period of up to six months outside the formal detention system if they are accused of 'endangering state security', 'terrorism' or certain types of 'bribery'.

Repression under the veil of national security

The Chinese government, like many worldwide, continues to use the global 'security' and 'anti-terrorism' agenda to undermine international human rights protections and silence non-violent critics.

Those who try to peacefully challenge the government and advocate autonomy or independence are frequently imprisoned under the vaguely defined provision of "endangering state security" and are excluded from protection.

Vaguely-worded provisions in legislation for 'state secrets' continue to be used to intimidate, detain and punish many individuals solely for peacefully exercising their rights to freedom of expression and association.

Illegal detention

Illegal forms of detention, including prolonged house arrest without legal grounds, detention in 'Black Jails', 'political education centres', psychiatric institutions, and unidentified 'hotels' remain common.

Black Jails are unofficial, unlawful secret places of detention. They are increasingly used to detain individuals who Party officials consider troublesome.

Police and local officials use Black Jails to prevent people reporting their grievances to the central authorities. Every year hundreds of thousands of people are detained in Black Jails before being forcibly returned to their hometowns.

Hotels, hostels, basements of buildings and farm centres have all been reported to be used as Black Jails.

Re-education Through Labour Camps

Proposed reforms to systems of administrative detention including Re-education Through Labour camps, used to detain people without charge or trial for up to four years, fall short of required international standards. Hundreds of thousands continue to be held in such facilities.

Torture

Torture and other ill-treatment remain endemic in places of detention. Amnesty International continues to receive reports of deaths in custody, some of them caused by torture, in a variety of state institutions, including prisons and police detention centres.

Death penalty

China continues to use the death penalty extensively, with thousands being executed after unfair trials. In 2011, more people were executed in China than the rest of the world put together. Statistics on death sentences and executions remain a State secret.

The government has eliminated the death penalty for 13 mainly 'white collar' crimes, and measures were also put forward to the National People's Congress to reduce the number of cases of torture in detention, strengthen the role of defence lawyers and ensure suspects in capital cases are represented by a lawyer.

Under current Chinese legislation, prisoners under sentence of death cannot seek pardon or commutation of their sentence from the executive as China provides no clemency procedures for the condemned prisoners after they have exhausted their appeals through the courts.

Freedom of expression under attack

The authorities continue to abuse criminal law to restrict freedom of expression.

People who distribute publications over the internet or information networks must be licensed, or risk criminal penalties. The authorities have shut down or taken direct control of a number of publications that had published investigative journalism pieces on sensitive issues.

Hundreds of words used in mobile phone text messages, including "democracy" and "human rights" are reportedly banned.

Further restrictions on internet access are expected to come into place from 7 November as the authorities look to tighten controls to limit freedom of expression.

The Ministry of Information Technology has expressed the need to 'seal the network', known as *fengwang*, during the Party Congress.

Such measures were used to censor criticism in 2010 when the Nobel Peace Prize was awarded to Liu Xiaobo and during the 2008 Beijing Olympics.

Freedom of religion or belief denied

The authorities continue to bring all religious practice under state control, including the appointment of religious leaders and the registration of religious groups and construction of sites of worship. People practicing religions banned or that are not sanctioned by the state, risk harassment, detention, imprisonment, and in some cases, violent persecution.

Banned religious groups include underground Protestant house churches and Catholics who accept the authority of the Holy See. Around 40 Catholic bishops remain unaccounted for, and are presumed to be held by the authorities.

The authorities continue to pursue a systematic, nationwide, often violent campaign against the Falun Gong, a spiritual group banned since 1999 as a "heretical cult".

Ethnic groups targeted

The government's crackdown against any perceived challenges to its authority – which often amounts to nothing but a peaceful expression of ethnic or religious minority identity and culture – is particularly strong in the large areas outside the Han Chinese heartland, especially in Tibet and Xinjiang Uighur Autonomous Region.

The authorities have periodically escalated security measures in these areas through a succession of “strike hard” campaigns which increase around-the-clock street patrols and involve mass arrest and “mobilizing society to wage battle” against acts the authorities claimed harmed state security.

Self immolations in Tibetan populated areas

There has been a wave of self immolations by ethnic Tibetans since February 2009 - seen as protests against repression of rights of religious and ethnic minorities. However, there is no indication that the Chinese authorities intend to address the underlying causes of the protests by acknowledging the grievances of the Tibetan community and allowing them genuine opportunities to have a significant say on matters that directly affect them.

Many have been detained, seemingly only for relaying information to the outside world about the self-immolations protests. Individuals involved in protests connected to these immolations have been sentenced to up to 13 years in prison. In January this year, there were reports of security forces firing at Tibetan protestors.

Global leadership

China's economic power is undeniable yet it fails to demonstrate true global leadership. Too often China uses its influence to limit action and restrict debate on serious human rights violations committed around the world.

On Syria, China played a key role in ensuring that the UN Security Council failed to take concrete action to help prevent the bloodshed in the country.

Arms trade - irresponsible transfers

China continues to supply small arms ammunition to Sudan which have been used in Darfur by security forces and government backed militia groups. Chinese rockets and anti-vehicle mines were supplied to Libya under Colonel Mu'ammarr al-Gaddafi. Ammunition, rocket-propelled grenades, mortar bombs and mortar launchers have been supplied to Zimbabwe.

Countries that have received arms from China over the past decade have tended to be developing countries with poor human rights records including Algeria, Angola, Bangladesh, Democratic Republic of Congo, Guinea, Egypt, Indonesia, Iran, Iraq, Jordan, Kenya, Libya, Myanmar, Pakistan, Sri Lanka, Sudan and Zimbabwe.

At the UN in New York in July, China joined with the US and Russia to delay an Arms Trade Treaty which could help end the devastation caused by the irresponsible and poorly regulated international arms trade.

Opportunity for change

More groups in China are engaging in direct activism, in documentation and reporting human rights violations, and using creative methods to highlight issues and gain justice.

Despite severe restrictions on the use of social media, it has aided the growth of activism in areas such as the environment and women's rights.

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