

# China

## **Human rights situation**

Despite a few positive steps, no attempt has been made to introduce the fundamental legal and institutional reforms necessary to bring an end to serious human rights violations. Tens of thousands of people continue to be detained or imprisoned in violation of their right to freedom of expression and association, and are at serious risk of torture or ill-treatment. Thousands of people have been sentenced to death or executed. Increased restrictions have been placed on the cultural and religious rights of the mainly Muslim Uighur community in Xinjiang, where thousands of people have been detained or imprisoned for so-called “separatist” or “terrorist” offences. In Tibet and other ethnic Tibetan areas, freedom of expression and religion continue to be severely restricted. China continues to use the international “war against terrorism” as a pretext for cracking down on peaceful dissent.

The international community has appeared to take a “softer” line on China by confining its human rights concerns to private dialogue sessions rather than public scrutiny; for the second year running the Commission failed to propose a motion criticizing China’s human rights record. However, the Special Rapporteur on the right to education delivered a highly critical assessment of China’s education policies following her visit to Beijing in September 2003.<sup>1</sup>

## **Violations in the context of economic reform**

The authorities have taken an increasingly hard line against people protesting against house demolitions and evictions, particularly in large cities such as Shanghai and Beijing, where demolitions of old homes were accelerated by Beijing’s preparations for hosting the Olympics in 2008. Scores of peaceful protesters were detained and lawyers assisting in such cases risk arrest or intimidation. The rights to freedom of expression and association of workers’ representatives continue to be severely curtailed and independent trade unions remain illegal. Many involved in protests against mass lay-offs, low wages, corrupt management and other issues have been detained or imprisoned.

## **Repression of spiritual and religious groups**

Members of unofficial spiritual or religious groups, including some Qi Gong groups and unregistered Christian groups, continue to be arbitrarily detained, tortured and ill-treated. Rhetoric has intensified in the official media against the Falun Gong spiritual movement, which was banned as a “heretical organization” in July 1999, apparently exacerbating the climate of violence and intolerance against the Falun Gong. Detained Falun Gong practitioners, including large numbers of women, are at risk of torture, including sexual abuse, particularly if they refuse to renounce their beliefs.

## **Political activists and Internet users**

Political activists and Internet users continue to be arrested after peacefully exercising their rights to freedom of expression and association. Many have been imprisoned after unfair trials, often on vaguely defined charges relating to “state secrets” or “subversion”. By the end of 2003, at least 50 people had been detained or imprisoned after accessing or circulating politically sensitive information on the Internet. Their sentences range from two to 12 years. Over 100 others have been detained for “spreading rumours” or “false information” by Internet and text message about the outbreak of SARS in March 2003. It is unclear how many are still detained.

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<sup>1</sup> E/CN.4/2004/45/Add.1

### **Torture, administrative detention and unfair trials**

Torture and ill-treatment remain widespread in many state institutions, including kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Women in detention are vulnerable to rape and sexual abuse. “Custody and repatriation”, a system of administrative detention which allows for the arbitrary detention and abuse of millions of migrant workers, vagrants, homeless children and others in urban areas, was formally abolished when new rules for dealing with vagrancy came into effect in August 2003. Its abolition was prompted by a public outcry about the brutal murder of migrant worker Sun Zhigang in March 2003 while he was being held unlawfully in a “Custody and Repatriation” centre in Guangzhou city.

However, another system, “re-education through labour”, continue to allow for the detention of hundreds of thousands of people for up to three years without charge or trial. People accused of both political and criminal offences continue to be denied due process. Detainees’ access to lawyers and family members is severely restricted. Political trials fall 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.

### **Death penalty**

The death penalty continues to be used extensively and arbitrarily as a result of political interference. People have been executed for non-violent crimes such as tax fraud and pimping as well as drug offences and violent crimes.

### **North Korean asylum-seekers**

Hundreds, possibly thousands, of North Korean asylum-seekers in northeast China have been arrested and forcibly repatriated in the past year. China continues to deny North Koreans access to any refugee determination procedures despite evidence that many have a genuine claim to asylum and in breach of the UN Refugee Convention to which China is a state party.

### **Xinjiang Uighur Autonomous Region**

The authorities continue to use the international “war against terrorism” to justify harsh repression in Xinjiang, which often results in serious human rights violations against the ethnic Uighur community. The authorities continue to make little distinction between acts of violence and acts of passive resistance. Repression is often manifested through assaults on Uighur culture, such as the closure of several mosques, restrictions on the use of the Uighur language and the banning of certain Uighur books and journals. The crack-down against suspected “separatists, terrorists and religious extremists” intensified following the start of a renewed 100-day security crack-down in October 2003. Arrests continue and thousands of political prisoners, including prisoners of conscience, remain in prison. AI is concerned that China is putting pressure on neighbouring countries to forcibly return Uighurs suspected of “separatist” activities, including asylum-seekers and refugees.

### **Tibet Autonomous Region and other ethnic Tibetan areas**

The series of releases of high-profile Tibetan prisoners of conscience during 2002 did not continue in 2003, and freedom of religion, association and expression continue to be severely restricted. Contacts between the Chinese authorities and representatives of the Tibetan government in exile apparently fail to result in any significant policy changes. Over 100 Tibetans, mainly Buddhist monks and nuns, continue to be imprisoned in violation of their fundamental human rights, and arbitrary arrests and unfair trials continue.

### **Amnesty International calls on the Commission to:**

- Urge the National People's Congress and the State Council to abolish the system of re-education through labour and to ensure that all detentions are reviewed by the judiciary. The government should take urgent steps to reform the judiciary so that it is free from political interference;

- Call on China to issue invitations and facilitate visits to China by the Working Group on arbitrary detention, the Special Rapporteur on torture, and the Special Rapporteur on freedom of religion or belief as pledged during the US-China human rights dialogue in December 2002;
- Call on China to reduce the number of executions and crimes punishable by the death penalty as a first step towards complete abolition of the death penalty;
- Urge the Chinese government to carry out reforms aimed at preventing torture in line with China's obligations under the Convention against Torture, including lifting current restrictions and obstacles on detainees' access to lawyers, and ensuring that such access is granted to all detainees promptly after they are taken into custody; ensuring that confessions and statements extracted under torture are not used as evidence in court; and carrying out full, immediate and impartial investigations into all allegations of torture or ill-treatment with a view to bringing perpetrators to justice in line with international fair trial standards;
- Urge China to cease repression based on ethnic, religious or spiritual identity, including the repression of Uighurs, Tibetans, the Falun Gong spiritual movement and unofficial religious groups, and ensure that members of such groups are able to exercise their rights in line with international human rights standards.
- Call on China to ensure that political activists, Internet users, advocates of reform and human rights defenders are able to carry out their peaceful activities in line with their fundamental human rights to freedom of expression and association and without fear of intimidation, arbitrary detention or imprisonment.

#### **Further background information**

- People's Republic of China: Miscarriage of justice? The trial of Tenzin Deleg Rinpoche and related arrests (AI Index: ASA 17/029/2003)
- People's Republic of China: Continuing abuses under a new leadership – summary of human rights concerns (AI Index: ASA 17/035/2003)
- People's Republic of China: Executed “according to the law?” – The death penalty in China (AI Index: ASA 17/003/2004)