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country summary

## China

Despite China's official assurances that hosting the 2008 Olympic Games will help to strengthen the development of human rights in the country, the Chinese government continues to deny or restrict its citizens' fundamental rights, including freedom of expression, freedom of association, and freedom of religion.

The government's extensive police and state security apparatus continues to impose multiple layers of controls on civil society activists, critics, and protesters. Those layers include professional and administrative measures, limitations on foreign travel and domestic movement, monitoring (covert or overt) of internet and phone communications, abduction and confinement incommunicado, and unofficial house arrests. A variety of vaguely defined crimes including "inciting subversion," "leaking state secrets," and "disrupting social order" provide the government with wide legal remit to stifle critics.

### Human Rights and the 2008 Olympics

Despite temporary regulations in effect from January 1, 2007, to October 17, 2008, that give correspondents freedom to interview anyone who consents, foreign journalists continue to be harassed, detained, and intimidated by government and police officials. The temporary regulations do not extend to Chinese journalists or foreign correspondents' Chinese assistants, researchers, and sources, who continue to risk reprisals for violating government directives on taboo reporting topics.

Official efforts to rid Beijing of undesirables ahead of the Olympics have accelerated the eviction of petitioners—citizens from the countryside who come to the capital seeking redress for grievances ranging from illegal land seizures to official corruption. In September-October the Beijing municipal government demolished a settlement in Fengtai district that housed up to 4,000 petitioners.

The countdown to the Olympics has also sparked a construction boom. An estimated one million migrant construction workers are integral to this effort, yet their labor conditions are harsh and unsafe, and workers are often unable to access public services. When a subway tunnel under construction collapsed in March, trapping six workers, the first step the employer took was to prevent workers from reporting the accident by confiscating their mobile phones.

## Freedom of Expression

In 2007 the Chinese government stepped up its efforts to control increasingly vibrant print and online forms of expression, and sanctioned individuals, journalists, and editors for failing to conform to highly restrictive but inconsistently implemented laws and regulations.

China's system of internet censorship and surveillance is the most advanced in the world. Filtering, blocking, and monitoring technologies are built into all layers of China's internet infrastructure. Tens of thousands of police remotely monitor internet use around the clock. The elaborate system of censorship is aided by extensive corporate and private sector cooperation—including by some of the world's major international technology and internet companies such as Google, Yahoo, and Microsoft. Writers, editors, bloggers, webmasters, and journalists risk punishments ranging from immediate dismissal to prosecution and lengthy jail terms for sending news outside China or posting articles critical of the political system. For example, Zhang Jianhong, former editor-in-chief of the Aegean Sea website, was sentenced to six years' imprisonment on March 19 for "inciting subversion."

The countdown to the Beijing Olympics has seen the threshold lowered for internet content considered "sensitive" by China's censors and prompted closure of access to thousands of websites in 2007, including popular international sites such as Wikipedia and Flickr. The government has expanded its traditional criteria for internet censorship from topics including references to the 1989 Tiananmen Massacre, the outlawed Falungong "evil cult," and content perceived as sympathetic to "separatist" elements in Tibet, Xinjiang, and Taiwan, to include "unauthorized" coverage of everything from natural disasters to corruption scandals that might

embarrass the Chinese Communist Party (CCP). By official estimate the government shut down more than 18,000 individual blogs and websites since April 2007, and in August censors widened their focus to include shutting down numerous internet data centers. Official measures to filter or remove “sensitive” content from domestic websites sharply accelerated in the run up to the 17<sup>th</sup> CCP Congress in October.

Chinese journalists continue to risk severe repercussions for pursuing stories that touch on officially taboo subjects or threaten powerful private interests. Miao Wei, former executive editor of *Sanlian Life Weekly*, confirmed in April that he had been demoted in connection with a cover story on the aftermath of the Cultural Revolution (1966-1976). Lan Chengzhang, a reporter with *China Trade News*, was murdered in January while investigating an illegal coalmine in Datong, Shanxi province. In mid-August five journalists, including a reporter from the party mouthpiece *People’s Daily*, were interviewing witnesses to the Fenghuang bridge collapse in Hunan province when plainclothes thugs interrupted the interviews and kicked and punched the journalists, who were then detained by police.

## Legal Reform

Legal reforms proceeded at a fast pace in 2007 in order to achieve the CCP’s overriding goal of making the rule of law “the principal tool to govern the country.” New legislation was adopted on a wide range of issues such as property rights, labor contracts, administration of lawyers, access to public records, and the handling of emergencies. But the party’s continued dominance over, and interference with, judicial institutions, as well as weak and inconsistent enforcement of judicial decisions, means that overall the legal system remains vulnerable to arbitrary interference.

Ordinary citizens face immense obstacles to accessing justice, in particular over issues such as illegal land seizures, forced evictions, environmental pollution, unpaid wages, corruption, and abuse of power by local officials, a situation that fuels rising social unrest across the country. The authorities have stopped disclosing figures about the number of riots and demonstrations after they announced a decline from over 200 incidents per day in 2006, but large-scale incidents were reported in 2007 in almost all of China’s 34 province-level administrative units.

Several demonstrations involved tens of thousand of people, such as in Yongzhou (Hunan) in March 2007 and Xiamen (Fujian) in June. In speeches and articles top security officials acknowledged the heightening of social conflicts, but remained defiant toward greater independence of the judiciary, blaming “hostile” or “enemy forces” for trying to use the nation’s legal system to undermine and westernize China. A string of lawyers defending human rights cases have been suspended or disbarred under a yearly licensing system that acts as a general deterrent to taking cases viewed as “sensitive” by the authorities.

The rights of criminal defendants continued to be sharply limited and violated by law enforcement agencies. Defense lawyers face chronic difficulties including accessing defendants in custody, consulting court documents, and producing exculpatory evidence before the court. Despite the reiteration by the Supreme People’s Court in September that judges ought to “pay more attention to evidence and treat confessions with more skepticism,” torture, especially at the pretrial stage, remains prevalent. The Public Security Bureau continues to make wide use, including for political and religious dissidents, of the reeducation-through-labor system, which allows detention for up to four years of “minor offenders,” without trial.

## Human Rights Defenders

Chinese human rights defenders, seizing on the official promise of lawful governance, are becoming more assertive and skillful at documenting abuses and mounting legal challenges. But the authorities, who have never tolerated independent human rights monitoring, have retaliated with harassment, unlawful detention, forced disappearances, and long prison sentences, often on trumped-up charges.

Authorities have targeted a small, loosely-organized network of lawyers, legal academics, rights activists, and journalists, known as the *weiquan* movement, which aims to pursue social justice and constitutional rights through litigation. The movement focuses on the protection of ordinary citizens in matters such as housing rights, land seizures, workers’ rights, and police abuse. Yang Chunlin, a land rights activist, was arrested in July and charged with subversion for his role in organizing a petition titled “We want human rights, not the Olympics.” Lu Gengsong, a former

lecturer turned activist who documented illegal eviction cases and official collusion, was arrested in August on suspicion of subverting state power. Both are awaiting trial. The same month environmental activist Wu Lihong was sentenced to three years' imprisonment under ill-defined business fraud charges; his wife reported he had been tortured while held incommunicado. Yang Maodong, a Guangzhou-based land rights activist arrested in September 2006 and still awaiting trial, also reported that he had been repeatedly tortured in detention.

Defenders who document and report abuses against other activists are particularly vulnerable. In September lawyer Li Heping was abducted in broad daylight, held for six hours, severely beaten, and told he should leave Beijing. Li Jianqiang, a renowned human rights lawyer, was disbarred without reason. The human rights monitor Hu Jia has been kept under extralegal house arrest in Beijing for most of the year. Yuan Weijing, the wife of the blind activist Chen Guangcheng who is currently serving a three-year sentence for exposing family planning abuses, was prevented from traveling abroad to collect a human rights prize on his behalf.

## **Labor Rights**

Chinese workers continue to be forbidden to form independent trade unions, as the government maintains that the party-controlled All-China Federation of Trade Unions (ACFTU) adequately protects workers' rights. This restriction on legally-sanctioned labor activism coupled with increasingly tense labor disputes in which protesting workers have few realistic routes for redress have contributed to increasing numbers of workers taking to the streets and to the courts to press claims about forced and uncompensated overtime, employer violations of minimum wage rules, unpaid pensions and wages, and dangerous and unhealthy working environments.

Workers who seek redress through strike action are often subject to attacks by plainclothes thugs who appear to operate at the behest of employers. In July a group of 200 thugs armed with spades, axes, and steel pipes attacked a group of workers in Heyuan (Guangdong), who were protesting over not having been paid for four months; they beat one worker to death.

## **Children's Rights**

Under "Work and Study" programs regulated by the Ministry of Education, schools in impoverished areas are encouraged to set up income-generating activities to make up for budgetary shortfalls. According to the ministry, nationwide more than 400,000 middle and junior high schools, for children ages 12 to 16, are running agricultural and manufacturing schemes. Overly vague program regulations and poor supervision have led to chronic abuse by schools and employers alike: some of the programs interfere with children's education, lack basic health and safety guarantees, and involve long hours and dangerous work. Children as young as 12 have been employed in heavy agricultural and hazardous construction work. Others have been dispatched to local factories for weeks or months of "summer employment." Some schools have turned into full-fledged workshops to produce local handiwork or foodstuff while relegating teaching to a few hours a week.

## **Women's Rights**

Gender-based discrimination and violence remain entrenched problems in China. Despite slowly increasing attention to domestic violence, public awareness and access to services in rural areas are especially low. Strong son preference contributes to sex-selective abortions, differential care of girls leading to significantly higher rates of female infant mortality, and in extreme cases female infanticide or sale to human traffickers.

## **HIV/AIDS**

A senior central government official in September described China's HIV/AIDS situation in several provinces as "very serious" due to drug trafficking and illegal blood sales. But despite government assurances that it had prioritized all possible measures to contain the spread of HIV/AIDS, activists and grassroots organizations continued to come under attack in 2007 by local officials and security officials.

Dr. Gao Yaojie, a doctor who helped expose the Henan province HIV-contaminated blood sales scandal, was barred in February from going to the United States to receive a human rights award until an international outcry forced the government to reverse that decision. In August the government forced the cancellation of two

meetings of HIV/AIDS activists in Guangzhou (Guangdong) and Kaifeng (Henan). On August 15 Henan Public Security Bureau officials also ordered, without explanation, the temporary closure of two provincial offices of the nonprofit China Orchid AIDS project.

The government's announcement in September that it would introduce compulsory screening of all blood products beginning on January 1, 2008, to prevent the transmission of HIV and other blood-borne diseases through transfusions and pharmaceutical products is an important step forward in official efforts to help control the spread of HIV/AIDS.

## **Freedom of Religion**

The Chinese government recognizes the right to believe, but limits worship to a state-controlled system of registered and controlled churches, congregations, mosques, monasteries, and temples.

The official registration process requires government vetting and ongoing scrutiny of religious publications, seminary applications, and religious personnel. The government also closely monitors the membership and financial records of religious institutions and the personnel they employ, and retains the right to approve or deny applications for any group activities by religious organizations. Those who fail to register are considered illegal and are liable for criminal prosecution, fines, and closure.

Reprisals against non-registered religious organizations have primarily focused on arrests of Protestants who attend "house churches," for Bible study meetings and training sessions. The majority of those arrested are rapidly released, some after paying fines, but leaders of such underground churches are sometimes held on fabricated charges including "illegal business practices." The freedom of belief of certain groups designated by the government as "evil cults," including Falungong, continues to be severely restricted.

## **Involuntary Resettlement Programs**

The growing scale of forced resettlement projects across China to make way for infrastructure, environmental, and urbanization projects in 2007 continued to be marked by widespread irregularities, including lack of consultation, forced evictions, embezzlement, and corruption. China announced in October plans to relocate up to 4 million more people from areas surrounding the Three Gorges Dam—the world's biggest hydroelectric power project.

Multiple programs to remove indigenous populations from environmentally fragile areas, such as on the Tibetan plateau, appear to be motivated, at least in part, by an integrationist agenda aimed at weakening minority cultural distinctiveness and extending Chinese control over their lives. An official policy of forcibly relocating ethnic Tibetan herders in Tibet, Gansu, Qinghai and Sichuan to urban areas is seriously disrupting traditional lifestyles and has put under threat the livelihoods of approximately 700,000 such people already resettled. In September the Chinese government announced that it would resettle another 100,000 nomads from Qinghai province alone.

## **Tibet**

The Chinese government accuses the Dalai Lama, in exile in India since 1959, of being the linchpin of alleged plots to separate Tibet from China. It views Tibetan Buddhism as complicit in those efforts. The government lodged strong objections to meetings between the Dalai Lama and US, Australian, Austrian, and German leaders in 2007.

Widespread and numerous instances of repression target ordinary citizens, monks, nuns, and even children in an effort to quash alleged "separatism." Seven Tibetan boys in Gansu province were detained for over a month in early September after they allegedly wrote slogans on the walls of a village police station and elsewhere calling for the return of the Dalai Lama and a free Tibet. Ronggyal Adrak was detained and charged under state security offenses by police on August 1 after he called for the Dalai Lama's return at a horse race festival in Sichuan province. He is awaiting trial.

The Chinese government has failed to bring to justice those responsible for the shooting death by People's Armed Police officers of a 17-year-old nun, Kelsang Namtso, while trying to cross the border into Nepal on September 30, 2006.

## Xinjiang

Drastic controls over religious, cultural, and political expression of Muslim populations remained in place in 2007 in the Uighur Autonomous Region of Xinjiang—aside from Tibet, the only province of China where the ethnic Chinese population is not the majority, despite in-migration of over a million people from other parts of China in the past decade. The government only tolerates religious activities in state-controlled religious venues, conducted by state-appointed clerics. Minors are prohibited from participating in religious activities and, in some localities, barred from entering mosques.

In June Xinjiang authorities started confiscating Muslims' passports in an apparent bid to prevent them from making non-state-approved pilgrimages to Mecca. Civil servants, teachers, and clerics are subjected to intense indoctrination against the "three evil forces"—separatism, religious extremism, and terrorism. Eighteen people were killed and 17 arrested in January in a raid on what the government described as a "terrorist training camp" of the East Turkistan Islamic Movement, a group whose existence independent analysts have been questioning since 2001. In November five of them were sentenced to death, and one to life imprisonment under various terrorism charges.

There is widespread evidence that the government uses isolated incidents to conflate any expression of public discontent with terrorism or separatism. Chinese officials have labeled the exiled activist Rebiya Kadeer—a Nobel Peace Prize nominee—a terrorist, and in April 2007 Ablikim Abdiriyim, her son, was sentenced to nine years' imprisonment for "having spread secessionist articles over the internet." Another son, Alim Abdiriyim, was sentenced in November 2006 to seven years' imprisonment for tax evasion. Huseyincan Celil, a former political prisoner who had fled China in 2000, was forcibly returned by Uzbek authorities to China in 2006, and sentenced to life imprisonment in April 2007. China refused to recognize his Canadian citizenship and did not allow Canadian diplomats to attend his trial.

## Hong Kong

The government of the Hong Kong Special Administrative Region has failed to clearly indicate how it will fulfill two requirements of the Basic Law (the territory's mini-constitution) that have crucial human rights implications: the direct election of the chief executive and the drafting of anti-subversion legislation under article 23.

Despite an adequate legal framework to uphold freedom of expression, Hong Kong journalists denounced the self-censorship prevalent in the media, particularly with respect to the coverage of mainland issues.

## Key International Actors

China continues to describe itself as a "responsible power." Yet its resistance to the United Nations Security Council's and the Human Rights Council's taking decisive action to respond to serious human rights violations and hold individual countries accountable for their human rights records contradicted that label. China increasingly uses its leverage to minimize criticism in international institutions, most notably by forcing the World Bank in June to remove information about the consequences of pollution in China from a draft report. It continues to resist requests for cooperation with key UN offices, including the special rapporteur on North Korea, and the United Nations High Commissioner for Refugees (UNHCR), regarding the status of North Koreans in China.

Largely in response to considerable international pressure, China took more concrete and public steps to help ameliorate the human rights crisis in Darfur, Sudan. It appointed a new special envoy on Darfur and agreed to contribute peacekeeping troops, but it continued to enable Khartoum's brutality by consistently blocking international efforts to impose sanctions. In addition, while China consented to some critical UN Security Council language following the August-September repression in Burma, it refused to speak strongly itself or take steps to end the crisis, such as suspending all military aid and cooperation.