

China Human Rights Yearbook 2009

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Chinese Human Rights Defenders (CHRD) is a network of Chinese and international activists dedicated to the promotion of human rights and strengthening of grassroots activism in China.

CHRD provides tools and technical support to grassroots Chinese human rights defenders, organizes training on international human rights standards and human rights work, supports a program of small grants to activists and researchers and offers legal assistance to victims of human rights abuses.

CHRD investigates and monitors the human rights situation in China, providing timely information and in-depth research reports to decision-makers and the general public.

CHRD advocates working within the existing constitutional/legal system in China through peaceful and rational means, while pushing for reforms of the system to bring it into compliance with international human rights standards.

CHRD is an independent non-governmental organization.

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Cover photo: **Zhang Zhao'an**, partially paralyzed due to a traffic accident in Tianjin, was stopped by Chinese paramilitary officers as he tried to protest in the embassy district in Beijing in October 2005. Zhang claimed that his human rights had been violated by the Tianjin municipal government because it failed to provide him with the medical care he needs.

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a b b r e v i a t i o n s

ACFL	All-China Federation of Lawyers	ICCPR	International Covenant on Civil & Political Rights
ACFTU	All-China Federation of Trade Unions	ICESCR	International Covenant on Economic, Social & Cultural Rights
ACWF	All-China Women's Federation	ICP	Internet Content Provider
BAOM	Beijing Association of Online Media	SP	Internet Service Provider
BBC	British Broadcasting Corporation	PC	Journalist Accreditation Card or Press Card
BBS	Bulletin Board Services	LUR	Land Use Right
BLA	Beijing Lawyers Association	MCA	Ministry of Civil Affairs
BMIPMO	Beijing Municipal Internet Propaganda Management Office	NPC	National People's Congress
CAT	Convention against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment	NPCSC	National People's Congress Standing Committee
CCCCP	Central Committee of the Chinese Communist Party	PEN	Association of Poets, Essayists, and Novelists
CCP	Chinese Communist Party	PRC	People's Republic of China
CCTV	China Central Television	PSB	Public Security Bureau
CDP	China Democracy Party	PX	Paraxylene
CESCR	UN Committee on Economic, Social and Cultural Rights	RFA	Radio Free Asia
CHRD	Chinese Human Rights Defenders	RTL	Re-education through Labor
CNPP	China New People's Party	RSF	Reporters without Borders
CPL	Criminal Procedure Law of the People's Republic of China	SAIC	State Administration of Industry and Commerce
CPPCC	Chinese People's Political Consultative Conference	MIIT	Ministry of Industry & Information Technology
CRLW	Civil Rights & Livelihood Watch	SARFT	State Administration of Radio, Film & Television
GAPP	General Administration of Press and Publication	SCIO	State Council Information Office
GONGO	Government-organized Non-governmental Organization	TAR	Tibetan Autonomous Region
HRD	Human Rights Defender	UDHR	Universal Declaration of Human Rights

I n t r o d u c t i o n

The year 2009 concluded on a grim note for human rights advocates in China: by sentencing dissident intellectual Liu Xiaobo to an 11-year prison term, the government signaled a harsher attitude towards those seeking to promote human rights than has been the case for some years past. Liu's only "crimes" were criticizing dictatorial policies and promoting the cause of human rights, particularly through his writings and his work in drafting and promoting *Charter '08*, the citizen manifesto calling for democracy and human rights in China released at the end of 2008. We reprint an English translation of the Charter in this Yearbook.

While this severity is disheartening, it is also an indication of the power of the idea of human rights and the growth of human rights advocacy work. The reports published in this second Chinese Human Rights Defenders' Yearbook, originally published online between August 2008 and December 2009, reveal both of these contradictory trends at work. Covering four broad themes—freedom of expression, freedom of association, rights to due process and economic and social rights—the eight reports document the extent of repression and human rights violations, but also demonstrate the increasing capacity of human rights defenders to investigate such abuses and push for change.

As the Chinese government had hoped, in 2008 the Olympics provided it with a perfect stage to impress the rest of the world. Unfortunately, the commitments it had made to respect human rights largely proved to be empty promises, as we show here.

One major commitment in the run up to the Olympics was to media freedom. Yet as the section on freedom of expression shows, little progress has been seen in this area, despite the efforts of people inside and outside China to create freer public discussion there. The Chinese government successfully stifled any form of public commemoration of the 20th anniversary of the crackdown on the 1989 democracy movement. As documented in the first report in this Yearbook, *The Legacy of Tiananmen: 20 Years of Oppression, Activism and Hope*, the 1989 crackdown continues to be one of the biggest taboos in China 20 years on. Families of victims are still prevented from seeking accountability for the deaths of their loved ones and activists are detained and harassed for trying to commemorate the anniversary. A number of individuals remain imprisoned for their roles in the protests and those who have been released faced discrimination when reintegrating into society. Those injured during the crackdown continue to struggle with their disability without compensation.

China's media are still tightly controlled, especially the print media and television. The government employs extensive administrative regulations and a large bureaucracy to ban sensitive information, punish those media workers who step out of line and control access to information. It also restricts ownership of media companies and controls their appointment of personnel. The overall goal is to ensure that traditional media remain a tool for

the promotion of the Party line. Although some daring media workers have found innovative ways to get around local censorship, such as “remote supervision,” occasionally breaking important stories on sensitive topics, the space for traditional media is still extremely limited.

The government also uses a framework of administrative regulations to keep a tight rein over freedom of association. These regulations make it impossible for ordinary citizens to legally register a non-profit organization unless they submit their group to the surveillance of the relevant local government offices that have agreed to “sponsor” the organization. Many resourceful citizens shut out of this framework make use of loopholes in the existing laws and regulations to establish their organizations as for-profits. These organizations thus exist in a legal grey zone, vulnerable to closure and punishment, especially if they are critical of the government. Gongmeng, or the Open Constitution Initiative, was closed in July 2009 and its founder Xu Zhiyong taken into custody for “tax evasion,” though he was later released on bail to await trial. The government is jittery when individuals come together informally to support a cause. When *Charter '08* was published on December 9, 2008, the Chinese government responded with a crackdown. So far, more than a hundred signatories have been interrogated and intimidated, several had their homes searched and personal property confiscated, and Liu has been imprisoned. In officially-controlled organizations, dissent is similarly met with little toleration. When a group of lawyers pushed for genuine democratic elections in the Beijing Lawyers Association, they were stripped of their lawyers’ licenses by the Bureau of Justice. Overall, this administrative framework is used to ensure that organizations which help cement the government’s control over the populace are nurtured while those independent from or critical of the government face restrictions or even closure.

In the past decade, the Chinese government has repeatedly claimed that the country is moving towards the “rule of law.” Despite this rhetoric, it has made remarkably little progress towards guaranteeing citizens’ rights to due process, which are fundamental to any society with the rule of law. The Chinese government continues to operate the world’s largest arbitrary detention system—Re-education through Labor (RTL) camps—across the country, where any Chinese citizen can be deprived of his or her liberty for up to four years without charge or trial. CHRD’s report, *Re-education through Labor Abuses Continue Unabated: Overhaul Long Overdue* finds that although some within the Chinese government advocate for the abolition of RTL, few concrete steps have been taken to put an end to the system. According to the most recent official statistics, 170,000 people are detained in these camps (although the real number is likely higher), known for their harsh working and living conditions. It is nearly impossible for RTL detainees to challenge their detention as legal remedies are limited and rarely effective.

The Chinese government has also failed to take serious action in recent years to eliminate torture, even though it ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) more than 20 years ago. Our report, prepared to assist in the UN Committee Against Torture’s review of China’s implementation of the Convention in November 2008, shows that torture and ill-treatment are still endemic in official detention facilities such as detention centers, RTL camps and prisons, but are particularly

severe in extra-legal detention facilities such as black jails and psychiatric institutions. Outside of these facilities, torture and mistreatment is also routinely practiced by officials such as Urban Inspection Officers. Chinese laws stipulate remedies for torture victims, but again, they are limited and rarely effective. As a result, victims are seldom compensated, perpetrators are rarely held accountable and torture remains prevalent.

The last report in this Yearbook focuses on the right to adequate housing in China. This is the first in our series of upcoming reports focusing on social and economic rights, to be published in 2010. Although the Chinese government claims to be a guarantor of social and economic rights, at least in the area of the right to adequate housing, the use of violence in the widespread practice of forced evictions in urban areas across the country is serious cause for concern. Across the country, residents in older districts or outskirts of cities are moved to make way for commercial development. Although some of these residents might be glad to be relocated, many are not because they have few real options—they have to move regardless of whether they want to or whether they are satisfied with the compensation. Chinese laws and regulations give local governments wide powers to determine when forced evictions are permissible and provide few concrete protections for property crimes. Moreover, developers and local governments often employ intimidation tactics to force residents to move, sometimes using violence and arbitrary detention in the process, and are rarely held accountable for such illegal actions.

The internet is probably one of the few “bright spots” in the generally gloomy atmosphere of human rights in China. Although the Chinese government has devoted considerable resources to strengthen its system of internet censorship, the World Wide Web remains difficult to control. Traditional methods of censorship, such as the use of administrative regulations and the targeting of outspoken individuals, are being combined with new censorship technologies. Yet the government has failed to effectively control expression on the internet. Internet users continue to use blogs, micro-blogs and instant messaging services to express themselves and expose rights violations. Unlike traditional media, the internet is decentralized and any netizen can be a “citizen journalist,” making it very challenging for the authorities to target dissent in advance or contain the runaway information once it has begun to spread. The decentralized character of the internet also means that when authorities close one door to evading censorship, there are always savvy netizens who open other doors. When the Chinese government closed the China-based micro-blogging services such as Fanfou in 2009, netizens migrated to Twitter and taught each other how to get through the firewall blocking the site and to use the English-only micro-blogging service.

As the situation of human rights in China has taken a turn for the worse in the past 18 months, human rights defenders (HRDs) have faced arbitrary detention, torture and “disappearances,” and they and their families have been harassed and intimidated by government officials. Despite the increased pressure to stay silent and submissive, many ordinary Chinese people are participating in defending human rights and some have become determined HRDs after they experienced injustice at the hands of the state. The community of HRDs continues to thrive and grow. CHRDC has continued its work to support these activists, as described in an overview of our work this year. This Yearbook would not have been possible without them, as is a testament to their tenacity and hope for the future.

The editors