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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD

Written statement\* submitted by International Federation for Human Rights (FIDH), a non-  
governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2003]

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- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## People's Republic of China

The International Federation for Human Rights (FIDH) and its affiliate organization Human Rights in China (HRIC) remain deeply concerned about the extensive and systematic violations of human rights continuing in the People's Republic of China (PRC).

### I. Freedom of expression, association, assembly and information

During the run-up to the PRC's 16th Communist Party Congress in November 2002, and in the weeks following, there were at least 40 individuals detained, including 20 members of an underground church who were released a day later. Only six of those detained appear to have been formally charged, and ten remain in detention without due process. Despite the new CCP Politburo, those arrests make clear how the leadership will respond to demands for democratic and political reforms such as those expressed in the open petition signed by 192 Chinese opposition activists.

The dissidents arrested in connection with the open letter to the 16<sup>th</sup> Party Congress include: Zhao Changqing, 35, believed to have been secretly detained in Xi'an on November 4 and officially arrested on January 2, 2003. Zhao is charged with "incitement to subvert state power," for which he could be sentenced up to 15 years in prison; Jiang Lijun, based in Tieling, Liaoning Province, secretly detained on November 6. However, up to the present no formal warrant has been issued for Jiang's arrest; Ouyang Yi, 44, a petition signatory and also an Internet activist, detained on December 4 and charged on January 7 with "inciting to overthrow state power." He faces a prison sentence up to 15 years if convicted; Han Lifa, 34, secretly detained since December 26. The PSB has not informed Han's family of the reason for his arrest; Dai Xuezhong, a long-time political dissident, arrested in mid-November, but no warrant or other formal documentation has been presented to Dai's family. Also detained in connection with the petition were Sang Jianchen, He Depu, He Guanchang (released), and Xu Wanping (released).

Other political activists: Xu Wenli was released on health grounds on 24 December 2002 and put on a flight to the United States. However, other China Democracy Party's (CDP) members are still in prison under deplorable conditions, and in spite of their deteriorating health : e.g. Zhu Yufu, serving a seven-year sentence for his participation in that party ; Mao Qingxiang, serving a eight-year sentence for the same reason. Or Qin Yongmin, who was sentenced on December 17, 1998 to a 12-year prison term. Fang Jue, 47, a political activist released from a four-year prison sentence in July 2002, was secretly detained, along with his housekeeper, Wang Jinzhi, on November 4. He was expelled from the PRC on January 24 without any formal charges being brought against him.

Labour activists : Pang Qingxian and Wang Zhaoming were conditionally released on December 20. However, other labour activists are still in prison. Yao Fuxin, was arrested in March 2002, after leading major labour protests in relation to the closure in October 2001 of the Liaoyang City Ferroalloy Factory (Liaoning province). His trial began on 15 January 2003. Xiao Yunliang was arrested during the same workers demonstration and his trial began on 15 January 2003. Zhang Shanguang repeatedly arrested and sentenced to lengthy prison terms for his efforts to establish an independent labour union, is currently serving a ten-year

sentence after granting an interview to Radio Free Asia. Xu Jian was arrested in December 1999 and sentenced to four years' imprisonment on July 18, 2000, for "incitement to overthrow state power". Xu Jian's only crime was to have provided legal counselling to the workers at his office and via its hotline.

Internet activists and other publishers: Liu Di, 22, known by her Internet pen name as "the Stainless Steel Mouse," was detained on November 7 and her present whereabouts are still unconfirmed. Li Yibin, 28, publisher of the "Democracy and Freedom" Web site, was secretly detained around the same time as Liu Di, and his present whereabouts are unknown. Tao Haidong, 45, who had been missing for several months, went to trial on January 8 and is awaiting sentencing. Tao has been charged with "inciting to overthrow state power" because of opinions he posted on the Internet. The recent arrests seem to be part of increasing efforts by the Chinese authorities to crack down on free dissemination of news and discussion over the Internet.

Wang Daqi was arrested on 24 January 2002 and sentenced on December 19, 2002 to one year in prison on charges of "inciting the overthrow of state power" because of articles he published in his magazine Ecology.

Church activists and religious movements : Xu Guoxing, an underground Church leader in Shanghai, was arrested with more than 20 church members during a worship service at his home on December 8. The church members were released the same day, but on January 7 Xu was sentenced to 18 months of Reeducation Through Labor. Hua Huiqi and several other Beijing residents were detained during a protest march at midnight January 4, 2003.

Since July 1999, the Chinese government has forbidden the movement and has launched a repression against Falun Gong practitioners. They are victims of an increasing use of torture in order to force them to renounce the group and re-education through labour is largely used in the brutal campaign against them.

## 2. discrimination against internal migrants and treatment of ethnic minorities

As evidenced by UNDP, World Bank, and NGO reports, there are growing inequalities in the PRC between the rural and urban areas, between Han majority and ethnic minorities, and between coastal and western provinces, which result of and produce serious violations of human rights.

Internal migrants : The discriminatory laws and policies under a modified household registration (hukou) system make internal migrants into second class citizens, 10 to 20 percent of the poorest residents of these cities being left without rights. As a result, the following abuses against poor migrants have been documented : intimidation and extensive brutality, including police abuse, forced evictions and destruction of property, and arbitrary detention under Custody and Repatriation ; violations of labour rights by private employers, with officials often turning a blind eye to abusive working conditions, ignoring complaints and failing to enforce existing labour laws; draconian controls on migrant women's fertility, which endangers lives through lack of proper medical care ; etc.

Ethnic minorities : Since the September 11 attack, Beijing has sought to link its suppression of dissent in Xinjiang to the anti-terror campaign. Chinese authorities do not distinguish between peaceful expression of dissent or cultural and religious identity and violent acts. Ethnic minorities who seek to develop their own national identity run the risk of being charged with engaging in an "act of splitting the country" even if their actions are entirely peaceful.

Discrimination in minority areas such as Xinjiang, Tibet and Inner Mongolia has been most manifest in the government's effort to "eradicate separatist organizations" in the name of national unity, which has resulted in a variety of human rights abuses. On January 26, the PRC executed one Tibetan, Lobsang Dhondrup, and upheld the suspended death sentence of another, Tenzin Delek Rinpoche. These politically sensitive cases raise serious concerns about the lack of due process

There are also wide discrepancies in terms of economic status and living standards between ethnic minorities and the dominant Han Chinese. In recent years, Xinjiang, Tibet and Inner Mongolia have ranked the lowest development among PRC provinces and autonomous regions, reflecting a marked decline in the welfare of their indigenous inhabitants. In addition, the highly controversial strategy of encouraging immigration of Han Chinese into autonomous areas has resulted in increased economic discrimination against indigenous inhabitants.

### 3. Widespread use of torture

While recognizing PRC's ratification of the UN CAT in 1988, torture remains systemic, widespread, and potentially affects all individuals deprived of their liberty. The government fails to address major institutional deficiencies - including an overly narrow definition of torture, the absence of effective complaint mechanisms, and lack of any due process protections in administrative detention facilities. The judiciary relies on forced confessions to obtain convictions that might lead to the sentencing of innocents. Torture remains widespread in Tibet and Xinjiang, and against prisoners of conscience.

The FIDH and HRIC call the CHR to adopt a resolution on the human rights situation in the PRC. That resolution should call the Chinese Government to:

- Release immediately and unconditionally all prisoners of opinion and conscience and allow all Chinese citizens to fully enjoy their rights to freedom of expression, assembly, association, information and religion ;
- Promptly ratify the ICCPR without any reservation, and withdraw its reservation to art. 8.1 (a) of the ICESCR;
- Cooperate fully with the UN human rights monitoring mechanisms, and in particular, agree without any further delay to the Terms of Reference governing fact-finding missions by the Commission's thematic mandates ;implement promptly the recommendations made by UN treaty bodies.

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