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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Written statement* submitted by the International Federation of Human Rights
Leagues (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.

[28 February 2007]

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

Human rights in the People's Republic of China

The International Federation for Human Rights (FIDH) and Human Rights in China (HRIC) express their serious concern regarding alarming human rights trends in China in 2006, including the repression of human rights defenders, the rule of law, and freedom of expression, including censorship of the media and the Internet. FIDH and HRIC are further concerned about the failure of the Chinese Government to take steps to remedy the detention of individuals found to be arbitrary by the UN Working Group on Arbitrary Detention, and to implement the numerous recommendations of UN Treaty Bodies and Special Procedures.

Hardening official attitude towards Human Rights Defenders results in increasing crackdowns in 2006

Continued detentions and heavy sentences for journalists, lawyers, Internet activists and other human rights defenders reflect the Chinese government's hardening attitude in the lead up to both the 17th Party Congress in 2007 and the Beijing Olympic Games in 2008. In particular, heavy sentences, detentions and arrests in 2006 send a chilling message to human rights defenders and others seeking to express their views. These sentences and arrests include those of **Chen Guangcheng** (self-taught lawyer and activist, sentenced to four years and three months in prison for gathering a mob to disrupt traffic); **Ching Cheong** (journalist, sentenced to five years imprisonment for subversion); **Gao Zhisheng** (lawyer, sentenced to three years imprisonment, suspended, for subversion); **Yan Zhengxue** (artist, detained October 18, 2006, currently awaiting trial on charges of subversion); and **Zhao Yan** (journalist, sentenced to three years imprisonment for fraud).

In addition, numerous individuals that travel to Beijing to petition the government for reasons ranging from official corruption, to land seizures, to withholding payments, are detained and often sentenced to periods of reeducation-through-labor (RTL). Others are brought up on criminal charges. On December 18, 2006, three petitioners, **Du Yangming**, **Wang Shuizhen**, and **Tian Baocheng**, were given prison sentences ranging from one to two-and-a-half years in prison on charges of "causing a disturbance."

Threats to building a Rule of Law

Concerns related to building a rule of law and independent judiciary remain and are becoming more serious. Tightening regulations, procedural obstacles, and increasing harassments and threats against lawyers, all demonstrate an increasingly severe crackdown on the legal profession. This crackdown has important implications for legal defense work, access to justice, due process rights, and the development of an independent, transparent and accountable rule of law.

The trend of physical harassment of lawyers is particularly alarming, and also reflects the growing use of both police and extrajudicial violence against individual human rights defenders.

Undermining Freedom of Expression and Access to Information

Freedom of expression in China is restricted for both individuals and the media. Restrictions on the right to freedom of expression and information are enacted by legal, technical and social tools, resulting in censorship, self-censorship and the availability of only limited, government-approved, information. In particular, the comprehensive state

secrets system limits access to information and reporting on a range of issues including natural disasters and pollution, application of the death penalty, and the criminal justice system. The resulting lack of transparency throughout the Chinese legal and governing system undermines good governance, an independent rule of law, and sustainable development.

Despite protections in the Constitution and promises related to freedom of expression and the media in the lead-up to the 2008 Olympics, the practice of restricting reportage and detaining journalists has continued. Whereas regulations passed in December 2006 allow foreign journalists relatively free access to report in China, they are currently set to expire following the Olympic Games, and official announcements made in January and February 2007 limit the subject and scope of information that can be reported on by all journalists. At the same time, technical controls regulate what information individuals have access to online, and criminal sanctions can be imposed on individuals that seek to express views considered politically sensitive on web logs, Internet forums and in e-mails.

Recommendations

These disturbing trends that are both systemic and have serious consequences for individuals have developed despite numerous recommendations made by UN Treaty Bodies and Special Procedures, including those related to individual detentions. In the lead up to China's review by the Universal Periodic Review Mechanism in whatever form it may take, we urge Human Rights Council members to consider the many recommendations made to China that have not been implemented. These include:

- Close monitoring of implementing recommendations, including those related to arbitrary detention and women's rights. Both the Committee on the Elimination of Discrimination against Women and the UN Working Group on Arbitrary Detention noted that many of the recommendations made in earlier reviews and country visits remain unimplemented in reports made in 2005 and 2006 (UN Working Group on Arbitrary Detention, Committee on the Elimination of Discrimination against Women);
- Take steps to remedy the detention of individuals found to be arbitrarily detained, including **Yao Fuxin, Yang Jianli, Liu Xianbin, Zhao Changqing, Hu Shigen, and Zhao Yan** (UN Working Group on Arbitrary Detention);
- Lessen controls on the Internet to make scientific and other information more widely available (Committee on Economic, Social and Cultural Rights);
- Take legislative measures to make a clear-cut exemption from criminal responsibility of those who peacefully exercise rights guaranteed by the Universal Declaration of Human Rights (UN Working Group on Arbitrary Detention);
- Define the crime of torture in accordance with the Convention against Torture (Special Rapporteur on Torture);
- Reforms of the Criminal Procedure Law, to fall in line with fair trial standards laid out in the International Covenant on Civil and Political Rights (Special Rapporteur on Torture).
