



**Written submission to the Conservative Party Human Rights Commission
regarding its inquiry into the human rights situation in China, March 2013-
March 2016**

Overview

More than a decade ago, China's leaders pledged to expand press freedom and improve protections for human rights including the right to freedom of expression. Those pledges, offered in order to secure Beijing's bid to host the 2008 Summer Olympics, remain unfulfilled.

While the Constitution recognises the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits (Article 47), this is limited by what the State determines as 'conducive to the interests of the people'. Similarly, the promotion of the development of literature and art (Article 22) is limited to those that 'serve the people and socialism'.¹ In addition, China has signed, but not ratified the International Covenant on Civil and Political Rights (ICCPR).²

Between March 2013 and March 2016, China has continued to jail writers, journalists and bloggers simply for their writings, and the sentences it has imposed on them have remained consistently harsh. Authorities have also carried out a series of crackdowns aimed at silencing critical voices that have included not just arrests and prosecutions but also beatings, enforced disappearances, and arbitrary detentions. Today, China is ranked 176 of 180 countries in Reporters Without Borders' World Press Freedom Index.³

Crackdowns on Freedom of Expression

PEN International remains concerned by the cases of those arrested during crackdowns in 2008 before the reporting period, including the crackdown on signatories of Charter 08, a declaration calling for political reforms and human rights. Those detained for publishing the Charter include prominent dissident writer, former President of the Independent Chinese PEN Centre and Nobel laureate **Liu Xiaobo**, who was arrested on 8 December 2008 and sentenced to 11 years in prison on 25 December 2009.⁴

¹ <http://www.pen-international.org/wp-content/uploads/2013/05/China-UPR-March-2013-PEN-International.pdf>

² <http://indicators.ohchr.org/>

³ <http://index.rsf.org/#!/index-details/CHN>

⁴ <http://www.pen-international.org/newsitems/china-seven-years-after-his-arrest-pen-writers-urge-china-to-release-nobel-peace-prize-laureate-liu-xiaobo-and-wife-liu-xia/>

Since Xi Jinping became President of the People's Republic, China has witnessed several crackdowns on free expression, which include the arrest of writers and civil society activists.

On 3 May 2014 at least 15 people – writers, scholars, and activists – gathered at a private residence in Beijing to commemorate the upcoming 25th anniversary of the brutal crackdown on pro-democracy protests on 4 June 1989. Those criminally detained on suspicion of 'causing a disturbance' included writer and human rights lawyer **Pu Zhiqiang**, writer and activist **Hu Shigen**, writer and academic **Hao Jian**, professor at the Beijing Film Academy, Professor **Xu Youyu**, a researcher at the Chinese Academy of Social Sciences, and dissident blogger **Liu Di**.⁵ Liu, Hu, Hao and Xu were reportedly released on bail on 5 June 2014. On 14 December 2015, Pu was tried before a Beijing court on the charges of 'inciting ethnic hatred' and 'picking quarrels'. The following day, he was given a three-year suspended sentence.⁶

In November 2014, the Chinese authorities arrested several writers, journalists, civil society activists and publishers who had publically demonstrated support for pro-democracy protests in Hong Kong.⁷

In December 2015, Chinese author **Wang Lixiong** was barred from traveling to Japan apparently due to concerns that his visit would 'damage national security.'⁸ The Japanese translation of his 1991 novel *Yellow Peril* about an apocalyptic civil war in China went on sale in Japan in November 2015. Wang is known for his critical views of the Chinese authorities' treatment of minorities. PEN International deems the ban to be a violation of the right to freedom of movement and to freedom of expression, as provided under Articles 12 and 19 of the ICCPR, to which China is a signatory. As a signatory, the state is obliged to 'refrain from acts that would defeat or undermine the treaty's objective and purpose'.

Detention of Writers

In 2015, the China section of PEN International's Case List accounted for approximately 28 per cent of all cases recorded in the Asia region, with a total of 88 cases from China, Tibet and the Xinjiang Uyghur Autonomous Region (XUAR).⁹ Of those, there are at least 42 writers and journalists currently imprisoned or detained across the People's Republic of China [29 mainland China, 3 Tibet, 10 XUAR], as of December 2015. Their sentences range from three to 20 years, with the majority of cases serving sentences of over five years.

⁵ <http://www.pen-international.org/newsitems/china-renewed-crackdown-on-writers-and-journalists/>

⁶ <http://www.theguardian.com/world/2015/dec/22/pu-zhiqiang-chinese-human-rights-lawyer-sentenced-to-three-years>

⁷ <http://www.pen-international.org/newsitems/china-writers-and-publishers-arrested-in-a-new-wave-of-repression/>

⁸ <http://www.pen-international.org/newsitems/china-prominent-author-barred-from-travelling/#sthash.29P2pmmh.dpuf>

⁹ Case list due for public release in April 2016. Please see Annex for China section.

The government continues to use vague public order charges to silence writers and human rights defenders alike. On 27 November 2015, **Yang Maodong**, also known as Guo Feixiong, a prominent writer, independent publisher and Guangdong civil rights activist, was sentenced to six years in prison by the Tianhe District People's Court for 'gathering crowds to disturb social order' and 'picking quarrels and provoking troubles.'¹⁰ His arrest followed his involvement in anti-censorship and anti-corruption protests and he was held without charge for more than four months and was not permitted access to his lawyer until 14 November 2013. According to his lawyer, Yang was denied bail due to accusations that he had destroyed evidence and interfered with witnesses – a supposition which his lawyer denies.

The government often appears impervious to pressure, although research shows that international attention affords some protection from ill-treatment in prison and can lead to sentence reductions. For example:

- Poet **Shi Tao** (see also below) was released in August 2013, 15 months before the end of his 10-year sentence.¹¹
- **Gao Yu** (see also below) – a highly respected journalist and member of the Independent Chinese PEN Centre (ICPC) and honorary member of several PEN Centres – was released on medical parole on 26 November 2015, following an international campaign on her behalf.

Minority issues are a key concern in the autonomous regions of Tibet and XUAR where separatist conflicts place writers at risk of arrest. They include:

- Writer **Dolma Kyab**, released in October 2015 on completion of a 10-year sentence in Tibet for allegedly 'endangering state security' in an unpublished manuscript.
- Uyghur writer **Nurmuhemmet Yasin**,¹² who served a 10-year sentence in the Xinjiang Uyghur Autonomous Republic for 'inciting Uyghur separatism' in his short story *Wild Pigeon* – his publisher **Korash Huseyin** was sentenced to three years for publishing the story. It is not clear if Nurmuhemmet Yasin was released on expiry of his sentence in November 2014.
- **Ilham Tohti**, a prominent Uyghur writer, PEN member and academic, is currently serving a life sentence for 'splittism' related to his work with Uyghur language website Uyghur Online. Several of Tohti's students were also arrested and have been sentenced to between three to eight years for separatism.
- **Kunchock Tsephel Gopey Tsang**, a Tibetan internet writer and co-founder/editor of the Tibetan language website Chomei (The Lamp)

¹⁰ <http://www.bbc.co.uk/news/world-asia-china-34941406>

¹¹ <http://www.pen-international.org/newsitems/pen-international-is-delighted-to-announce-the-release-of-chinese-poet-journalist-and-member-of-the-independent-chinese-pen-centre-icpc-shi-tao-15-months-before-the-end-of-his-10-year-sentence-2/>

¹² <http://www.pen-international.org/newsitems/china-renewed-demands-for-information-about-the-welfare-of-leading-uyghur-writer-nurmuhemmet-yasin/>

www.tibetcm.com, convicted of ‘disclosing state secrets’ on 12 November 2009, currently serving a 15-year prison sentence.¹³

- **Druklo** (pen-name: Shokjang), a Tibetan writer, translator and activist, was handed down a three-year prison sentence for writing articles detrimental to social security on social networks, among other charges.¹⁴

Poor prison conditions

In addition to the number of long-term detainees in China, PEN International is also seriously concerned about prison conditions, ill-health, access to medical care and family visits, lack of due process and harassment. On 14 March 2014, activist **Cao Shunli** died in a military hospital.¹⁵ Shunli had been arrested in September 2013 in order to prevent her from attending the UPR in Geneva and was being held on charges of ‘picking quarrels and provoking trouble.’ Shunli, who was in ill health when she was taken into detention, told her lawyer in October that she was not receiving medical treatment. She died just days after finally being transferred to a hospital. To date no one has been held accountable for her death.¹⁶

Due process concerns

PEN is alarmed at reports of the increasingly widespread use of extra-judicial or ‘soft’ detention, in which government critics are subject to arbitrary arrest without charge, abduction, assault and intimidation. Of particular concern is the persecution of **Liu Xia**, wife of imprisoned dissident writer and Nobel laureate Liu Xiaobo (see above), who has been held under house arrest at her home in Beijing since 18 October 2010. Following international action in late 2013, the conditions were relaxed to allow her to receive some telephone calls. Concerns for her welfare and psychological integrity remain acute.¹⁷

Furthermore, PEN is concerned by the Chinese state’s track record of using enforced disappearances to silence dissent.¹⁸ In January 2014, writer, academic and member of Uyghur PEN, **Ilham Tohti** was arrested at his home. The Chinese authorities refused to disclose his whereabouts for some 10 days.¹⁹ That same year, **Gao Yu** (see below) went missing on 24 April. It took 14 days for the Chinese authorities to confirm that she was being held by Beijing police when she appeared in a televised

¹³ <http://www.pen-international.org/wp-content/uploads/2013/10/Gopey-Tsang.pdf>

¹⁴ <http://www.pen-international.org/newsitems/china-tibetan-writer-and-activist-sentenced-to-three-years-for-separatist-writing-and-activities/>

¹⁵ <http://www.hrichina.org/en/press-work/statement/rights-defender-cao-shunli-died-hospital-beijing-lawyer-barred-viewing-body>

¹⁶ <https://www.hrw.org/news/2015/09/14/china-government-should-account-activists-detention-death>

¹⁷ <http://www.pen-international.org/newsitems/china-seven-years-after-his-arrest-pen-writers-urge-china-to-release-nobel-peace-prize-laureate-liu-xiaobo-and-wife-liu-xia/>

¹⁸ Enforced disappearance – a crime under international law – is committed when state agents, or those acting on behalf of the state, arrest, detain or abduct a person against their will and either deny holding the person or fail to disclose their whereabouts, thereby placing them outside the protection of the law. See: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/47/133

¹⁹ <http://www.pen-international.org/newsitems/china-uyghur-pen-member-writer-and-academic-ilham-tohti-detained-fears-for-safety/%20-%20sthash.f7RMno1H.dpuf>

'confession' shown on China's national broadcaster CCTV in an early morning news programme. The authorities did not disclose her location at that time.

Since October 2015, five Chinese writers, publishers and booksellers have disappeared in China and Thailand. **Gui Minhai** (joint Chinese-Swedish national, and ICPC member) disappeared from his home in Thailand and re-emerged in mainland China. On 17 January 2016, he appeared in a televised confession where he stated he had been involved in a hit and run incident in 2003. **Lin Rongji**, **Lu Bo** and **Zhang Zhiping** – employees of the sales arm of Mighty Current – disappeared in mainland China.

Lee Bo (also written as Lee Po, or Paul Lee) (who is also a British national and editor at the publishing house) was initially reported missing in Hong Kong on 30 December 2015. His wife later retracted the missing person's report after he contacted her stating that he had gone voluntarily to mainland China (without the requisite documents) to assist the Chinese authorities in an investigation. It is suspected that all five were subjected to enforced disappearances because of the nature of the publications produced and sold by Mighty Current. Four of the five appeared on Chinese television confirming that they had been detained for 'illegal book trading' in mainland China.²⁰ News reports on 3 March suggest that Lee Bo, Rongji and Zhiping may shortly be released on bail pending investigation in connection with an investigation into Gui. According to one report, Lee Bo has renounced his British citizenship on public television.

All five have been nominated for this year's International Publishers Association Freedom to Publish Award, to be announced on 10 April 2016
<http://www.internationalpublishers.org/news/press-releases/381-international-publishers-name-five-front-runners-for-2016-ipa-freedom-to-publish-prize>

PEN is also concerned by the use of forced televised 'confessions' by the Chinese authorities in contravention of international fair trial standards. In April 2014, prominent journalist **Gao Yu** was detained by Beijing police accused of 'leaking state secrets abroad'. Footage of her 'confession', feared to have been taken under duress, was shown on state television, heightening concerns for her well-being and her chance of a fair trial. Yu later retracted her confession in court, saying that she made the 'confession' whilst under extreme pressure, fearing the arrest of her son. Gao Yu's arrest came in the run-up to the 25th anniversary of the military crackdown on the 4 June 1989 democracy movement, and a renewed crackdown on dissent. She was convicted and sentenced to seven years in prison which was reduced to five years on appeal on 26 November 2015.²¹

²⁰ <http://uk.reuters.com/article/uk-hongkong-booksellers-idUKKCN0W20LG>

²¹ <http://www.pen-international.org/newsitems/china-conviction-of-veteran-journalist-gao-yu-upheld-on-appeal/>

Censorship

Direct and indirect censorship of literature persists, and creative freedom remains circumscribed by old orthodoxies and new, powerful interests.²² State-owned publishing houses censor works and the government controls private-sector publishing through allocation of ISBNs.²³

The government uses prior censorship in order to shape public opinion. Practically, this means that publishers pre-emptively censor any content deemed 'objectionable', including references to controversial historical details, details about Chinese leaders, sexually explicit material, and in some instances, material relating to lesbian, gay, bisexual and transgender (LGBT) issues.²⁴ Even some of China's most acclaimed writers have works that they have not been able to publish on the mainland. Similarly, foreign authors' books are censored when published in translation on the mainland.²⁵

The Chinese authorities continue to carry out a comprehensive internet censorship and surveillance regime. PEN International is particularly concerned about the rise of writers being detained for their work expressed online. Most are held under subversion or state secrets laws – such as poet **Shi Tao** who was sentenced to 10 years in prison for 'revealing state secrets' for emailing his notes of a government briefing meeting. PEN is deeply concerned that this programme violates the human rights of writers, journalists and activists – and indeed all China's citizens – to 'seek, receive, and impart information through any media regardless of frontiers.'²⁶

The 'Great Firewall' – the government team dedicated to spotting and removing unacceptable material on the internet – is one of the government's main censorship tools. There are now reportedly between 20,000 and 50,000 employees of this 'internet police' working to 'maintain stability' by flagging content and removing it from the public sphere, and monitoring who is posting material offensive to the government.²⁷

Despite the widespread surveillance of digital media in China, more than half of the country's 564 million internet users maintain microblogging accounts, known in China as *weibos*, used to comment on topics ranging from everyday life to

²² *The PEN Report: Creativity and Constraint in Today's China* (PEN International, 2013):

<http://www.pen-international.org/wp-content/uploads/2013/05/The-PEN-Report-Creativity-and-Constraint-in-Todays-China.pdf>

²³ <http://www.pen-international.org/wp-content/uploads/2013/05/China-UPR-March-2013-PEN-International.pdf>

²⁴ *Censorship and conscience: foreign authors and the challenge of censorship* (PEN American Center, 2015):

<http://www.pen.org/sites/default/files/PEN%20Censorship%20and%20Conscience%20%20June.pdf>

²⁵ Ibid.

²⁶ Article 19, Universal Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/index.html>

²⁷ *The PEN Report: Creativity and Constraint in Today's China* (2013): <http://www.pen-international.org/wp-content/uploads/2013/05/The-PEN-Report-Creativity-and-Constraint-in-Todays-China.pdf>

government malfeasance.²⁸ As internet access has increased via mobile devices, the censorship system has been unable to entirely prevent the circulation of unfavourable news as users employ circumvention technology, according to Freedom House.²⁹

In an attempt to keep up, government agencies such as the State Internet Information Office have issued multiple new directives, including tightened restrictions over the use of usernames and avatars, and requirements that writers of online literature register with their real names. The government has also shut down or restricted access to Virtual Private Networks (VPNs), which many users depend on to gain access to content otherwise blocked to users inside the country.³⁰

In the wake of the Charlie Hebdo attack in January 2015, the Chinese government emphasised the importance of its internet restrictions. PEN is concerned by the news that the Chinese government published a draft cybersecurity law in July 2015 that would require domestic and foreign Internet companies to practice censorship, register users' real names, localise data, and aid government surveillance. In August 2015, the government announced that it would station police in major Internet companies to more effectively prevent 'spreading rumours' online, reports Human Rights Watch in its 2015 World Report.³¹

Linguistic Rights

PEN is also deeply concerned by the direct threats to the diversity of language – which plays a vital role in relation to identity, communication, social integration, education and development – in recent years, specifically in Tibet, Tibetan areas in Qinghai, Sichuan, Yunnan, and Gansu Provinces, and the Xinjiang Uighur Autonomous Region, where the primary language of instruction in schools is Mandarin. The International Covenant on Civil and Political Rights stipulates that ethnic, religious, and linguistic minorities within a state 'shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.'³²

Hong Kong

Local and foreign correspondents make use of Hong Kong's unique geopolitical position and strong protections for freedom of expression to report on news from Hong Kong, mainland China and the wider Asia region, free from the constraints and censorship placed upon mainland media outlets and journalists. However, it would

²⁸ <http://www.pen-international.org/wp-content/uploads/2013/05/China-UPR-March-2013-PEN-International.pdf>

²⁹ <https://freedomhouse.org/report/freedom-press/2015/china>

³⁰ <https://www.hrw.org/world-report/2016/country-chapters/china-and-tibet>

³¹ <https://www.hrw.org/world-report/2016/country-chapters/china-and-tibet>

³² <http://www.pen-international.org/newsitems/spotlight-on-the-upr-17th-session-china-crackdown-on-freedom-of-expression-ahead-of-the-un-upr/#sthash.03LOPIIA.dpuf>

appear that Hong Kong's position as a media hub and harbour for press freedom is increasingly insecure.³³

Specific concerns include physical attacks on journalists; attacks on and obstruction of media during peaceful protests; threats to free expression online; politically motivated censorship and removal of media figures from their posts, and politically motivated economic pressures on media outlets.³⁴

PEN International is calling for international support for press freedom in Hong Kong, as important to the free flow of information within and outside of Hong Kong, and an important bulwark in relation to the situation of press freedom in mainland China.³⁵

The disappearance of Lee Bo grossly undermines the the principle of 'One Country, Two Systems' that operates in Hong Kong and may have serious implications for the situation of free expression there, with dissident publishers self-censoring to avoid the same fate. In its six-monthly report on Hong Kong the British government condemned what they believe is the involuntary removal of Lee Bo without due process from Hong Kong saying that it 'constitutes a serious breach of the Sino-British Joint Declaration on Hong Kong'.³⁶

Recommendations to the Conservative Party and Her Majesty's Government of Great Britain

On the Freedom of Expression situation in the People's Republic of China

1. Use every opportunity and all available diplomatic means to press for the release of all writers, journalists, and bloggers currently in prison or in detention in China in denial of their right to freedom of expression;
2. Officially protest all attacks and restrictions on domestic and international journalists working in China and demand conditions for domestic and international media workers that meet accepted international standards;
3. Support and foster private and joint-venture traditional and new media outlets and publishing houses and demand full freedom of expression protections for all international and joint-venture media and publishing operations in China;

³³ *Threatened Harbor: Encroachments on Press Freedom in Hong Kong* (PEN American Center; 2015), available: http://www.pen.org/sites/default/files/PEN-HK-report_1.16_lowres.pdf

³⁴ See both PEN American Center's report and the UK government's six-monthly report on Hong Kong.

³⁵ For more information about our concerns in Hong Kong, please see PEN American Centre's report: *Threatened Harbor: Encroachments on press freedom in Hong Kong*.

³⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/500119/Six_Monthly_Report_on_Hong_Kong_-_1_July_to_31_December_2015.pdf

4. End all government and private sector complicity with, support for, or facilitation of censorship and surveillance organs and technologies and press the Chinese government to adopt and comply with emerging international norms guaranteeing the digital freedom of all citizens;

Foster and engage in an energetic, open, and free exchange of literature and ideas that includes welcoming a full range of Chinese voices, including those who are currently barred from official delegations and those who are currently forced to live in exile;

On the Freedom of Expression situation in Hong Kong

1. Require the Chinese Government to respect the 'One Country, Two Systems' principle in Hong Kong and ensure the enforcement of Article 27 of the Sino-British Joint Declaration which states that 'Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike';
2. Publicly and privately support press freedom in Hong Kong as vital to democracy, important to the free flow of information within and outside of Hong Kong, and as a bulwark for press freedom in mainland China;
3. Raise concerns regarding infringements on press freedom and internet freedom in Hong Kong in bilateral and multilateral discussions with both the Hong Kong and Beijing governments;
4. Exert pressure on mainland Chinese authorities to cease all efforts to interfere with press freedom in Hong Kong, including the use of political pressure on commercial entities to persuade them to withdraw advertisements from Hong Kong publications that are critical of government authorities.

Recommendations to the People's Republic of China

1. Immediately ratify the ICCPR;
2. Review all laws affecting freedom of expression for compliance with the Constitution and international standards and repeal or amend those that fail to meet these standards;
3. Amend Articles 22 and 47 of the Constitution that restrict protections for creative expression including art and literature;
4. Immediately and unconditionally release all writers, journalists, bloggers and publishers who are currently imprisoned or detained for the legitimate expression of their views and to conduct full and fair investigations into the disappearances of such individuals;

5. End all forms of surveillance and harassment of writers, journalists, and bloggers in China;
6. Refrain from arresting writers, artists, political activists and human rights defenders for reasons connected to the legitimate expression of their views;
7. End all forms of censorship and allow all citizens the right to seek, impart, and receive information through digital media;
8. Protect the fundamental right of ethnic minorities and all who are living in so-called 'sensitive regions' to full freedom of expression by supporting linguistic diversity and the right to education in their own native tongue.

March 31 2016