

Handout E: Human Rights Issues in China

Acronyms:

CCRF= Canadian Charter of Rights and Freedoms (1982)

CFREU= Charter of Fundamental Rights of the European Union (2000)

CPRC= Constitution of the People's Republic of China (1982)

China has been often criticized for abuses of human rights and for not abiding by international standards of human rights. Let's take a look at several human rights issues for which China is often criticized, and how the EU and Canada are acting to help the situation, if and where applicable:

Torture:

Legal Status:

Banned in the EU under Article 4 of the CFREU and banned in Canada under Section 12 of the CCRF. Not mentioned by the CPRC, officially outlawed in 1996 by Chinese authorities.

Situation in China:

China has been accused of continued widespread use of torture, most often in order to extract confessions from suspected criminals, many of whom turn out to be innocent. Chinese human rights activists are subject to arbitrary arrest, indefinite detention, and torture. Labour camps and black jails (jails which have no legal status, the Chinese government denies their existence) are used to illegally detain people seeking to go to the courts with grievances; they are then subject to physical and physiological abuses, including crowded living conditions (up to 20 people in a cell), food, water, sleep, and medical care deprivation, and beatings.

Reaction by the EU and Canada:

The EU has highlighted the eradication of torture as 'a particular priority of the EU's human rights policy.' The EU created the European Instrument for Democracy and Human Rights (EIDHR) in 2007 as a financier for human rights projects globally and it works on behalf of the European Commission, an essential part of the EU. The EIDHR had a €1.1 billion budget for the period of 2007-2013, of which €11 million per year from 2007-2010 was assigned to the fight against torture, including rehabilitation for torture victims in 38 countries and prevention of torture in 31 countries around the world. The EU approaches torture in China through the EU-China Human Rights Dialogue, both via the channels of high political meetings between EU and Chinese officials twice a year, and through funding grassroots Chinese organizations and non-governmental organizations (NGOs) against torture. The effectiveness of this dialogue in regards to torture has been questioned in recent years due to the lack of providing substantive incentives for Chinese authorities to reign in the use of torture.

Death Penalty:

Legal Status:

Banned in the EU under Article 2.2 of the CFREU and banned in Canada since 1976 for murder and 1998 for treason. Allowed and a common occurrence in China.

Situation in China:

Human rights organizations have estimated that China carries out more death penalty sentences than the rest of the world combined. Death by lethal injection is the only formally approved method of execution in China since a People's Supreme Court of China ruling in 2009 outlawed shooting as a form of execution. Numerous crimes are still punishable by death in China, including robbery, murder, drug trafficking, economic crimes, treason, kidnapping, and terrorism. The Chinese state does not publish information or numbers regarding capital punishment within China, with leaves the media and NGOs as the main sources of information. As a result, it is unclear exactly how many people are executed each year, for which crimes, and if they had access to proper legal defense or not.

Reaction by the EU and Canada:

The EU is a strong advocate for the abolition of the death penalty and the European Commission has funded numerous projects in countries like the Philippines, Taiwan, the United States, and in Central Asian countries supporting the abolition of the death penalty. The EIDHR spent between 2011 and 2013 €1.5 million yearly on legal aid for prisoners awaiting execution, promoting the signing and ratification of international agreements and covenants on the abolition of the death penalty, and monitoring conditions for the use of the death penalty in death penalty retentionist countries. The influence of the EU and the EIDHR in China is minimal, as the Chinese government gives out the death penalty and conducts executions in secrecy. However, in 2012 the Chinese government did reduce the amount of crimes which could be given the death penalty, which had been long sought-after by European countries and is seen as a victory for the EU. Whether it was EU pressure which caused this or other factors, such as the U.S. or internal factors, is still unknown and generally the EU-China Human Rights Dialogue has had little impact on substantially altering the application of the death penalty within China.

Freedom of Expression:

Legal Status:

Protected in the EU under Article 11.1 of the CFREU and in Canada under Section 2(b) of the CCRF. Officially protected under Article 35 of the CPRC.

Situation in China:

Despite guarantees in the Chinese Constitution, the ability for citizens in China to freely express themselves is severely limited. Opposition parties are essentially banned in China, with people who form them and advocates for democratic reforms often arrested. Human rights and democracy advocates in China face harassment, house arrest, and long prison terms, such as Liu Xiaobo, writer, human rights advocate and 2010 Nobel Peace Prize winner who was sentenced in 2009 to 11 years in prison for 'subversion of state authority' and Chen Guangcheng,

a blind civil rights activist arrested in 2006 for 'damaging property and organizing a mob,' released in 2010 but placed under illegal house arrest and subsequently escaped to the US in 2012. At the municipal level, a certain degree of freedom of expression does

Figure 5: Tiananmen Square protests 1989: 'tank man'



exist. Public protests, online campaigns, and petitions against local levels of corruption, abuses of power, and pollution are not uncommon and in some cases the government does offer concessions when it does not impact the Communist Party or its ideology. Such protests are growing as it is estimated that between 250 and 500 protests occur daily with a wide range in participants, which seems to hint at a growing civil society and desire for reform from the average Chinese citizen.

Reaction by the EU and Canada:

In 1989, after the Tiananmen Square protests by students for reform and the subsequent massacre, the EU, along with the US, reacted by imposing an embargo on the sales of arms and weapons to China, which is still in place today. However, the EU has since moved away from such methods to dialogue and engagement in promoting human rights. Between 2011 and 2013, the EIDHR allocated €47.2 million for the ‘enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk,’ which includes ‘the right to freedom of opinion and expression including artistic and cultural expression.’ In 2012, the EU held a Nobel Prize event in Beijing and invited notable Chinese human rights activist, such as Ai Weiwei. The Chinese government attempted to counter this by holding an early New Year’s banquet the same evening to reduce attendance to the EU event. Canada’s ambassador to China, Guy Saint-Jacques, criticized the imprisonment of numerous Chinese human rights activists such as Liu Xiaobo and Xu Zhiyong in January 2014, an unusually strong statement which was the most public criticism of Chinese human rights by Canada in years.

Freedom of Press:

Legal Status:

Protected in the EU under Article 11.2 of the CFREU and in Canada under Section 2(b) of the CCRF. Officially protected under Article 35 of the CPRC.

Situation in China:

China continually ranks along with North Korea and Eritrea as having the least free and most censored media in the world year after year. All media in China is owned and controlled by the Chinese Communist Party and regulated by the state. All news outlets are required to follow state-mandated guidelines as to which topics can be covered and which are forbidden. Topics forbidden for media coverage include independence movements in China, such as Tibet, the 1989 Tiananmen Square crackdown, the Falun Gong religious movement, and prominent Chinese human rights activists and issues. Media outlets and journalists who report on these issues face closure and possible imprisonment. Chinese internet censorship is the largest and most extensive in the world, with an estimated 2 million Chinese censors working in conjunction with the ‘Great Firewall of China’ to block access to thousands of sites such as Facebook, Twitter, and Youtube, monitor blog and email posts by Chinese netizens (or internet users), and censor ‘politically sensitive’ search results, such as search results for any of the taboo topics listed above, in popular search engines like Google.

Reaction by the EU and Canada:

Between 2011 and 2013, the EIDHR allocated €47.2 million for the ‘enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk,’ which includes ‘the right to information and to communicate, including

freedom of the media, fight against censorship, and access to the internet.’ However, the extent to which this impacts press freedom in China is greatly limited, as there has been no noticeable change in press freedom as a result of either the EIDHR or the EU-China Human Rights Dialogue. The EU and Canada therefore rely on issuing statements of protest and denouncements of the situation of freedom of the press in China. For example, the European Parliament has adopted several resolutions denouncing the lack of press freedom in China and high-level EU representatives have criticized increasing Internet censorship.

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