

# Human Rights Without Frontiers International

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## Seminar on Human Rights in China

Hosted by

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Vice-Chairman of the Subcommittee on Human Rights

**Mr. Simon Coveney, MEP**

Rapporteur on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter

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## Fact-finding mission to China

### Testimony

Willy Fautré, *Human Rights Without Frontiers Int.*

In August last, I went to China for a fact-finding mission, my first trip to that country which will host the Olympic Games in 2008. What struck me most was that the Chinese authorities have put in place a sophisticated system of surveillance of any foreign visitor which also reveals how the daily life of Chinese is monitored by Big Brother.

#### *Surveillance of society*

First, you have to apply for a visa in your own country which allows the Chinese authorities either to deny you the access to their territory or to track you right from your entry in China, especially if you have been a visible human rights activist in your country but also if you travel as an ordinary tourist. Last week, the Chinese government's refusal to issue tourist visas to French journalists **Jean-Claude Buhrer**, *Le Monde's* former correspondent at the UN in Geneva, and **Claude B. Levenson**, a specialist in Tibet.

When you register at the hotel of your choice, your personal data are automatically transferred to the computers of the police. Thereby, any movement from one hotel to another, from one city to another can be closely followed.

When you want to contact a human rights activist or an independent journalist, they will never want to meet you in an embassy because it is a priority target for the Chinese intelligence services. On the phone, they will propose you a public place for a meeting and from there, they will take you to another place while looking back to check if you are shadowed. Moreover, they will often select a meeting place with a back door, just in case... and they will ask you not only to switch off your mobile telephone but also to remove the battery. I was told some dissidents were caught during an underground meeting because of their mobile telephone. The Chinese spying technology is so advanced that they can pick up your conversations through your mobile telephone, even when it is off.

Meeting people in their apartment is not safe either. Every residential building is under visible surveillance. I remember being in a lift when my companion pointed at what seemed to me to be an ordinary electric bulb but happened to be a hidden camera. And in the corridor, he looked with insistence at a specific place of the ceiling to indicate me another camera covering the doors of all the apartments. Unusual visits or an abnormal crowd in a particular apartment can therefore easily be tracked. In other blocks of flats, on each floor, a retired Red Guard has been offered an apartment to keep an eye on the comings and goings of the residents.

Internet is not safe at all and is also closely monitored, including in public places. If you want to receive and to send emails from a hotel or a cyber-café, you will have to show your passport and give the name of your hotel so that you can be tracked if afterwards it has been discovered that you sent suspicious messages containing words.

### ***Cyber-dissidents***

Cyber-dissidents are now the privileged victims of the ongoing crackdown on freedom of expression. These dissidents include activists who use the Internet to promote democracy, the rule of law and human rights, and distribute by email or post on Internet websites outside China articles criticizing policies of the Chinese government.

Most cyber-dissidents serve prison sentences for 'incitement to subverting state power', 'leaking state secret overseas', 'endangering state security' and 'illegal publishing' in violation of the rights to freedom of expression and information.

On March 20, 2005, the Ministry for the Information Industry issued a decree which said that all China-based websites – commercial or otherwise – would have to register by June 30, giving the complete identity of the persons responsible for the sites. According to the authorities, the aim is to control information that "endangers the country." According to official figures, about 75% of Chinese sites have already complied with the new procedure. In the aftermath of the decree, the Ministry put in place a new system called "Night Crawler" (Pa Chong, in Chinese) that allows the authorities to locate and block unregistered websites. Websites of China-based bloggers have been rendered inaccessible since then. On April 30, 2005, journalist Shi Tao, 37, was sentenced to 10 years in prison because he had posted articles on a foreign-based website an internal message the authorities had sent to his newspaper warning journalists of the dangers of social destabilization and the risks associated with the return of some dissidents on the 15<sup>th</sup> anniversary of the Tiananmen Square massacre.

In August, cyber-dissident Zhang Lin was sentenced to five years in prison for writing articles "contrary to the Constitution."

On September 26, 2005, two websites based in the Inner Mongolian Autonomous Region were closed for allegedly hosting "separatist" content.

### ***Freedom of Association/ NGOs and Trade Unions***

Chinese authorities are very suspicious about freedom of association. They perceive NGOs not as non-governmental organizations but as anti-governmental organizations. No independent watchdog associations are permitted in mainland China, except in Hong Kong and Macau according to the principle "one country two systems". That is why human rights activists prefer to register a commercial society in the framework of which they carry out their pro-democracy activity.

At a time when Europe is facing a growing economic challenge from China, it is worth examining the working conditions in this country. While China ratified the ICESCR in 2001, it made a reservation regarding art. 8.1a which guarantees the right to form and join trade unions. All trade unions are currently under the control of the Party. Without the right to form independent trade unions and bargain collectively, workers have few avenues for redress on such critical issues as health and safety violations, wages and pensions, working hours and work rules. Earlier this year, a number of mining disasters drew attention to lax enforcement of mine safety regulations.

Large scale protests have also taken place due to massive lay off and closure of state enterprises caused by economic reforms. Asked about the possibility of seeing the emergence of a Chinese *Solidarnosc*, the correspondent of Reuters in Beijing told me that there was currently no chance of seeing such a development. First, China is a huge country and these social movements are focusing on local problems and situations. Second, no coalition between the various groups is to be envisaged because the repressive state apparatus makes impossible normal communication between them and therefore unification of their forces on the basis of a common strategy with a common objective. At last, if a Chinese *Solidarnosc* movement is not possible, this does not mean that these social protests are ineffective. Reuters correspondent in Beijing told me "Each of them makes a hole in the foundations of the building and undermines it. The day will come when all these holes will join together and cause the collapse of the regime."

### ***Freedom of religion and belief***

Only religions under the control of the state are allowed. The Chinese government does not permit the continued existence of any organization or activity that has the potential to challenge the Chinese Communist Party's control over society. Independent religious groups, such as Christian house churches, and the clergy of the Catholic Church faithful to the Pope and therefore not legitimized by the state are subjected to ongoing oppression, arrests, and other forms of persecution.

New regulations implemented on March 1, 2005 consolidate control on freedom of religious belief and expression. They strengthen requirements for any group hoping to register as a legal religious institution. Once approved, institutions must submit to increased scrutiny and must open their membership rolls to civil authorities. Requirements are vaguely worded, allowing authorities extraordinary leeway to shut institutions, levy fines, dismiss personnel and censor texts. Religious activities that are banned include publishing and distributing texts, selecting leaders, raising funds and managing finances, organizing training,

inviting guests, independently scheduling meetings and choosing venues, and communicating freely with other organizations.

While in Beijing, I met the pastor of a Protestant underground church who said he had more freedom than registered churches.

I was also in touch with the leader of a Catholic church who invited me to an underground seminar to give a lecture about our experience on religious freedom advocacy in international conferences. The venue was a hotel owned by a Catholic. A whole floor had been rented for Bible classes, prayer meetings, training sessions and lectures. Nobody else than the participants had access to this floor. I was taken from my room a few minutes before my presentation and back to it afterwards. I had no contact with the previous and the next speakers or with the trainers in the other rooms.

I met and interviewed the pastor of a Baptist church in Beijing who has been ministering to a congregation of about 50 expats in Beijing for two years. "Our religious services are regularly recorded and videotaped by Public Security Bureau (PSB) officials," he said under cover of anonymity.

His church has been officially registered with the Chinese authorities but is not allowed to accept the participation of Chinese citizens in its services. The invitation cards distributed to publicize the services bear a clear warning "Due to restrictions imposed by the Chinese government, attendance is limited to Foreign Passport Holders only." On one occasion, PSB agents checked the passport of an Asian-looking youth who happened to be a South Korean Christian.

The venue was imposed on him by the PSB in a hotel and of course, the congregation had to pay for renting the room. Once, the PSB unilaterally decided to move their meeting place to another hotel which was much more expensive. "We can advertise our religious services in newspapers for tourists but our places of worship cannot be identified by any exterior board," the pastor told me.

While in China, I heard about the trial of Cai Zhuohua, a Chinese house-church pastor who, in September 2004, was arrested for printing Bibles and Christian literature without government permission. His trial was originally scheduled to be held in June 2005, but has been postponed. According to prosecution papers obtained by his family, Cai was to be prosecuted for "illegal business management" for printing over 200,000 copies of Bibles and other Christian literature. Cai has always protested that his venture was not a business proposition but that, in response to the desperate shortage of Christian books in China, he was planning to distribute his books free.

In September, the Vatican invited four Chinese Catholic bishops to a synod in Rome but they were banned from attending it. On top of that, the official Chinese Catholic Church accused the Vatican of showing it "no respect" by issuing the invitations without consulting it first, showing thereby its degree of servility to the regime. The Vatican and Beijing have had no diplomatic relations since 1951.

On 2 August, local public security officials in the province of Hubei raided a fellowship of 41 Protestant house church pastors and members, which included two American seminarians, in a private house. The two Americans were released after seven hours of interrogation, while the 41 Chinese Christians were briefly imprisoned and some were beaten by prison officials.

On 1 August, authorities in Xinjiang arrested a Uyghur Muslim religious instructor and 37 of her students. Aminan Momixi was teaching the Koran to students between the ages of 7 and 20 in her home when police rushed in. They accused Momixi of "illegally possessing religious materials and subversive historical information" and reportedly denied her access to a lawyer. On 20 July, a few weeks before this incident, the Uyghur Human Rights Project reported that police in central Xinjiang detained three Uyghurs for possessing the Mishkat-ul Misabih, a religious text describing the life and work of the Muslim prophet Muhammed.

On 25 July, the Cardinal Kung Foundation reported, police in Fujian province raided the home of Father Lin Daixian, a priest of the underground Catholic Church loyal to the Vatican, where he was celebrating Mass. Police ransacked his home and detained him. Also arrested were a seminarian and nine parishioners. Several of those present were beaten and injured in the violent raid, before the priest and his companions were taken to a local prison.

In China, Falungong is considered to be a dangerous cult and to represent a danger to its members and a threat to the stability of the state. Its leaders are subjected to criminal sanctions. Members unwillingly to recant after re-education were to face trials heavily influenced, if not dictated by Party and Government authorities. The police – along with other agencies authorized to send people to re-education through labor camps for up to three years without trial or other judicial input – have sent thousands of Falungong members to labor camps for periods ranging from days to years. In the case of Falungong, police prefer re-education through labor instead of criminal prosecution because the numbers were considerable and the Party was determined to quickly stamp out the perceived threat to its authority. In other cases, Falungong members have been forcefully sent to psychiatric institutions.

### ***2008 Olympic Games and Conclusions***

In the run-up to the Olympic Games, China is developing ambitious construction projects in Beijing, Shanghai and other cities. This has led to forced and sometimes violent evictions with little or no advanced notice. Hired thugs or bulldozer crews have hounded residents out of their homes in the middle of the night. When evicted residents sue developers, courts often refuse to hear cases. Instead, protest organizers and lawyers such as Zheng Enchong, have been imprisoned.

It is also a fact that the Chinese authorities want to show "clean" and prosperous cities to the millions of foreign visitors who will attend the Olympic Games. "Clean" also means that the voices of the local dissidents and potential troublemakers will have to be neutralized well before the Games.

Considering the lack of progress recorded by China in the area of individual human rights, more pressure must be put on Beijing so that it complies with international standards and the embargo on the sales of weapons should not be lifted until it has made substantial progress.