



37th FIDH Congress from 6 to 10 April, 2010 in Yerevan

DRAFT RESOLUTION

China's Critical Human Rights Situation: Freedom of Expression Under Threat

In 2009, China's human rights situation deteriorated on every front. The Chinese government sent a clear and strong message to its citizens and the international community: the exercise of fundamental human rights guaranteed under international and domestic Chinese law will not be tolerated when such exercise threatens the absolute control of the Communist Party of China (CPC).

2009 marked a number of major politically-sensitive anniversaries, including the 20th anniversaries of the crackdowns on June Fourth and in Tibet, and the 60th anniversary of the founding of the PRC. The 60th anniversary of the founding passed with great fanfare and display of military might, while the other anniversaries were marked by crackdowns and silencing of dissent.

The Chinese government's actions in 2009 and beyond indicate a worsening approach in particular to the universally recognized rights to freedom of expression and opinion, protected under Article 19 of the Universal Declaration of Human Rights, which guarantees that "[e]veryone has the right to freedom of opinion and expression," including the "freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers," and Article 35 of China's own Constitution, which guarantees that China's citizens "enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration."

Recent attacks on freedom of expression and opinion include:

- The mobilization of police and judiciary powers to threaten, harass, monitor, and jail signatories of *Charter 08*, the landmark document outlining proposals for constitutional reform, judicial independence, freedom of expression, and human rights protection in China. The most prominent target was *Charter 08* drafter Liu Xiaobo, who was sentenced to 11 years in prison and two years' deprivation of political rights on December 25, 2009, on charges of "incitement to subvert state power" for his role in organizing the *Charter 08* signature campaign. In addition to well-known scholars, writers, professors, lawyers, and dissidents, however, targeted signers of *Charter 08* hail from all backgrounds, and also include peasants, workers, evictees, and petitioners.
- As illustrated by the case of Liu Xiaobo and other rights defenders, the increasing application of the charge of "incitement to subvert state power" to punish and jail those who have used new media and communications channels to voice their calls for democratic and social reform.
- The issuance of a government directive requiring domestic computer manufacturers and manufacturers that export computers to China to pre-install content filtering software known as "Green Dam/Youth Escort" to prevent computer users from accessing certain types or sources of information deemed "harmful" by the Chinese government.
- Proposed revisions to further strengthen China's powerful state secrets system, a potent tool to control access to information and punish those who express views disapproved of by the government. Proposals include revisions to address technological advances that have taken place since the *Law on Guarding State Secrets* was promulgated in 1988, and to place broader, tighter, and more rigorous control over classified information in the digital age.

At the same time that such threats to freedom of expression increase within China, the Chinese government has



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also consistently and ever-more confidently rejected international pressure to account for human rights abuses. For example, in late 2008 China asserted that members of the UN Committee Against Torture “display[ed] a strong bias against China” and “paid no heed to the facts” in issuing concluding observations on China’s compliance with the *Convention Against Torture*. In December 2009, the government summarily dismissed international concern surrounding the trial of Liu Xiaobo, and executed a mentally ill British national despite international outcry and serious procedural flaws affecting his defense.

Recognizing that democratic reform and genuine change in China hinges on the ability of China’s own citizens to make their voices heard, and that the course China charts on human rights now will inevitably affect respect for human rights by all countries, **the FIDH Congress:**

Expresses strong support for rights defenders in China;

Urges NGOs from all countries to:

- Form a wide and united front and speak in one cohesive voice to say “no” to the Chinese government’s violations of human rights, as China’s human rights issue has already become a global issue;
- Closely monitor individual governments, including the policies they negotiate with the Chinese government, in order to prevent them from granting the Chinese authorities a free pass on human rights violations in order to obtain political and economic gains;
- Support the growth of China’s civil society, by initiating contact with corresponding Chinese non-governmental groups, giving them concrete help in every respect, and establishing lasting collaborative ties.

Urges the government of the People’s Republic of China to:

- Respect its obligations pursuant to domestic and international human rights law, including all treaties to which it is party;
- Ratify the *International Covenant on Civil and Political Rights*;
- Release all individuals imprisoned on charges of “incitement to subvert state power” based on their exercise of freedom of expression;
- Reform the state secrets system to enhance openness and transparency, reform China’s political culture of secrecy, and promote the rule of law.

Urges the United Nations and national governments to:

- Support rights defenders within China;
- Call on the Chinese government to release individuals imprisoned on charges of “incitement to subvert state power” based on their exercise of freedom of expression;
- Reassess the value of continued economic and political relations with a power that has failed to respect human rights and the lives of its own and other states’ citizens.

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