



独立中文笔会

Independent Chinese PEN Centre (ICPC)

Submission to the United Nations' Office of the High Commissioner for Human Rights Concerning China's Universal Periodic Review in October 2013

Independent Chinese PEN Centre (ICPC)

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Independent Chinese PEN Centre (ICPC) thanks for the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the situation in the People's Republic of China, about which it has serious concerns. This document provides a general comment on the current situation of writers and journalists, and case samples of occasions where individuals have had their fundamental rights to freedom of expression severely restricted. ICPC is one of the 145 member centers of PEN International – the oldest human rights organization and international literary organization – and aims to protect writers' freedom of expression and freedom to write worldwide and advocates for the rights of writers and journalists who are imprisoned, threatened, persecuted or harassed in China in particular.

General comment

ICPC expresses its extreme concern regarding the Chinese government's position towards Article 19 of the International Covenant on Civil and Political Rights, to which it is a signatory, and its failure to abide by pledges it made to the international community to expand press freedom and improve the climate for human rights and freedom of expression in China in and after the Olympic year 2008. What we have witnessed instead has been a grinding and relentless campaign to jail or silence prominent dissident voices, especially since Beijing writer Dr. Liu Xiaobo winning the 2010 Nobel Peace Prize and the peaceful assemblies in major cities in China for a campaign mimicking the "Jasmine Revolution" in the Arab Spring in early 2011. ICPC has long been concerned about the number of long-term detainees in China, and this has not reduced. ICPC is also alarmed at the number of reports of dissidents suffering wide-ranging forms of harassment, including brief detentions, house arrest, re-education through labour, travel restrictions, loss of work, denial of access to information and communications, heavy surveillance and censorship.

Imprisonment of writers and journalists and harassment of their family members



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As of 4 March 2013, over 40 writers and journalists in China remain in prison because of their writings, according to ICPC information. Their families have been subject to suppression as well. Among them are many ICPC members and honorary members, including **Liu Xiaobo**, the former and honorary president of ICPC and 2010 Nobel Peace Prize Laureate, presently serving his 11-year imprisonment, and his wife **Liu Xia**, a poet held under house arrest for more than two years; **Liu Xianbin**, a dissident writer sentenced to 10 years in prison after his previous two times sentences total 13-year imprisonment; **Chen Wei**, a dissident writer sentenced to 9 years in prison after a previous 5-year imprisonment; **Chen Xi**, a dissident writer sentenced to 10 years in prison after his previous two times sentences total 13-year imprisonment; **Zhu Yufu**, a writer sentenced to 7 years in prison mainly for a poem he wrote after his previous two times sentences total 9-year imprisonment; **Yang Tongyan** (aka **Yang Tianshui**), a novelist and poet serving his 12-year sentence in jail after a previous 10-year imprisonment; **Shi Tao**, a journalist and poet serving his 10-year imprisonment; **Nurmuhemmet Yasin**, an Uighur novelist and poet serving his 10-year imprisonment mainly for a allegorical story “*Wild Pigeon*” he wrote and published in *Kashgar Literary Journal* in 2004; **Dolma Kyab**, a Tibetan writer serving his 10 and a half year imprisonment mainly for his book “*The Restless Himalayas*”; **Hada**, a Mongolian writer illegally detained for two years after having served 15-year imprisonment, and his wife and son were also detained on false charges. In ICPC’s case lists there are about 40 writers and journalists imprisoned for their writings in mainland China.

Press censorship and banned works of dissident writers

The works written by a large number of dissident writers have been completely banned in mainland China, including the works of the above writers who have to serve in prison for their writings. The following prominent writers' writings are also banned in mainland China:

Yu Jie, an author who has been forced to take asylum in the United States last year after he was silenced by brutal beatings and tortures for his book for a period of over one year; **Liao Yiwu**, a poet and author who has been forced into exile in Germany; **Ma Jian**, a London-based novelist; **Bei Ling**, a Taiwan-based poet and publisher; **Woesser**, a Tibetan female writer restricted at her home in Beijing, and many others.

Internet censorship and other repressive legal measures

Among the writers currently imprisoned in China, many are being held for writings they posted on the Internet or disseminated electronically. There have been reports that many web sites have been shut down, including the sites of international social media, such as Twitter and Facebook.

The four kinds of criminal charges that the Chinese government routinely abuses to detain and imprison writers in China include: 1) (inciting) subversion of the state power; 2) holding/leaking state secrets; 3) defamation; and 4) (inciting) splittism of the country. The “splittism” charges are



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used most often against Tibetans, Uighurs, Mongolians and other minorities. Long term imprisonment remains unchanged as does the deprivation of political rights even after incarceration.

Dissident writers and journalists who are not in prison face serious restrictions on their movements and on their ability to speak and publish freely. Internet censorship and other laws remain in force and continue to be used specifically to deny the universally-guaranteed right to freedom of expression. Many dissident writers and journalists have also been denied their rights to leave and enter mainland China.

Comments and Recommendations

The People's Republic of China falls well short of its commitments under the Article 19 of the International Covenant on Civil and Political Rights in continuing to restrict the right to freedom of expression. The ICPC urges that the UN Human Rights Council which conducts the Universal Periodic Review takes into consideration of these concerns and requests the Chinese authorities to:

- 1) ratify the International Covenant on Civil and Political Rights (ICCPR) which China signed in 1998;
- 2) amend the PRC Criminal Law to abolish or restrict the use of the criminal charges of (inciting) subversion/ splittism, holding/leaking state secrets, and defamation that are often abused to curb freedom of expression;
- 3) implement the Chinese government's promise to stop exercising Re-education Through Labour and eventually abandon the whole RTL system;
- 4) release all those detained in denial of their right to freedom of expression, and to end further arrests and trials of others solely for the legitimate practice of this right;
- 5) end harassment and to remove other obstacles placed in the way of others writing with views that challenge those held by the those in authority;
- 6) discontinue the practice of shutting down and blocking internet sites and thus denying access to the full variety of news and information on issues relating to the civil and political rights to which every citizen is entitled.

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