



PEN International
Contribution to the 17th session of the Working Group
of the Universal Periodic Review
Submission on the People’s Republic of China

March 2013

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Overview

1. PEN International welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the climate for free expression and human rights in the People’s Republic of China.

2. 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. The Chinese government 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, forced disappearances, and arbitrary detentions.

3. In the realm of book publishing, state-owned publishing houses still censor works, and the government also exerts considerable control over a growing private-sector publishing industry through the allocation of ISBNs (International Standard Book Numbers), fostering a culture of self-censorship among publishers.

4. Over the last several years, Chinese authorities have also carried out what it calls a “stability maintenance” program, the main feature of which is a comprehensive Internet censorship and surveillance regime that directly violates the right of all China’s citizens to “seek, receive, and impart information through any media regardless of frontiers.”

5. Finally, language plays a vital role in relation to identity, communication, social integration, education and development, and PEN has seen a direct threat to the diversity of language throughout the People’s Republic. Linguistic rights in Tibet and the

Xinjiang Uighur Autonomous Region are of particular concern as Mandarin continues to be implemented as the primary language of instruction in schools.

Repression of Writers

6. On 8 December 2008, authorities arrested former Independent Chinese PEN Center President Liu Xiaobo. He was held incommunicado at an undisclosed location until 23 June 2009, when he was charged with “inciting subversion of state power.” The Beijing No. 1 Intermediate People’s Court tried Liu on 23 December 2009, and on 25 December 2009, convicted him on the charge and sentenced him to 11 years in prison. The verdict cited seven phrases he penned in six essays he published on the Internet and for Charter 08, a declaration calling for political reform, greater human rights, and an end to one-party rule in China that has been signed by over 13,000 individuals from all walks of life throughout the country.

7. When Liu Xiaobo was awarded the Nobel Peace Prize in October 2010, authorities placed his wife, poet and artist Liu Xia, under extrajudicial house arrest at her home in Beijing. But for her family members, Liu Xia is permitted no visitors and she has been incommunicado for nearly two and a half years, but for two visits in December 2012 by AP reporters and then activists who managed to penetrate the network of guards and surveillance that has kept Liu Xia cut off from the world.

8. In addition to Liu Xiaobo, three other Independent Chinese PEN Center members are currently in prison: Shi Tao, arrested in 2004 and serving a 10-year sentence for “illegally divulging state secrets abroad”; Yang Tongyan, arrested in 2005 and serving a 12-year sentence for “subversion of state power”; and Zhu Yufu, arrested in 2011 and serving a seven-year sentence for “inciting subversion of state power.”

9. PEN is also following the cases of at least 30 other Chinese, Tibetan, Uighur, and Mongolian writers currently in prison for their work.

10. Many other writers have faced harassment, arbitrary detention, forced disappearances, and beatings. February 2011 saw a notable rise in the number of writers subjected to these extrajudicial practices as anonymous calls began circulating for an Arab Spring-like revolution in China. On 22 February, for example, authorities detained Independent Chinese PEN Center webmaster Ye Du and held him several blocks from his home, calling it a “vacation”—a euphemism for extrajudicial detention. A week later, on 1 March, police raided his home, confiscating computers, books, and videos, and presented his wife, Wan Haitao, with an official notice stating that Ye Du was being accused of “inciting subversion” and placing him under “residential surveillance.” He was taken to an unknown location in Panyu, where he was subject to abuse and harsh interrogation for 87 days.

Controls over book publishing including ISBNs

11. Traditionally, it has been difficult for writers who are not members of the official China Writer’s Association to be published in the country. It is now possible, though, to be published outside of the state press. Today, state-owned publishers compete with independent presses that scout and publish books with an eye not necessarily to ideology but to popularity. PEN welcomes this important development.

12. However, the General Administration of Press and Publication (GAPP), the government agency responsible for the regulation and distribution of news, print, and Internet publications, still maintains a measure of control by monopolizing ISBNs (International Standard Book Numbers). Private publishers must buy ISBNs from the government, and can have their supply cut dramatically for publishing controversial works. This ensures a level of self-censorship even among the independent presses, and those that become too adventurous can be forced to close. In June 2011, officials shut down Zhuhai Publishing House after it published a memoir by Hong Kong newspaper publisher Jimmy Lai.

13. Meanwhile, writers who publish books on controversial subjects have faced threats and intimidations as well as blacklisting. For example, Liao Yiwu, once a state-subsidized writer on the rise in the late 1980s, was jailed in 1990 for four years for his Tiananmen eulogy poem “Massacre,” and has largely been barred from publishing in the mainland since his release. Although he had authored two internationally-acclaimed works, one recording conversations with Chinese citizens whose lives were being lived in the shadows of China’s economic boom, and the other a collection of interviews with survivors of the 2008 Sichuan earthquake, neither of these books has ever been published on the mainland. When authorities learned of his plans to publish a memoir overseas about his four years in prison, they quickly warned him that he would face “legal consequences” in China if the book was released. Facing arrest or self-censorship, on 2 July 2011, Liao Yiwu fled China and made his way to Germany, where he now lives in exile.

Internet Censorship

14. Chinese authorities continue to carry out a comprehensive Internet censorship and surveillance regime. PEN is deeply concerned that this program 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.”

15. The Great Firewall, the government team dedicated to spotting and removing unacceptable material on the Internet, is the government’s main censorship tool. 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. Since 2004, authorities have also hired undercover, pro-party “commentators” to troll the Internet and sway public opinion by commenting positively on government stories or negatively on “sensitive” topics. These members of what has become known as the “Fifty Cent Party,” so called for the fee each commentator reportedly receives per post, may number as many as 300,000.

16. 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*, which exploded in popularity after Internet company Sina launched its platform in August 2009. China’s citizens are using *weibos* and other digital platforms to comment on topics ranging from everyday life to government malfeasance. However, authorities have sought to exert control over these media by banning words and phrases, blocking users, and enforcing real-name registration; all weibo users must register with their real

names and ID numbers, allowing police to identify a user whose commentary may be disfavored by the government and, at times, leading to arrest.

Linguistic Rights

17. Of serious concern to PEN is the deterioration of linguistic rights for China's minority groups in recent years, specifically in Tibet, Tibetan areas in Qinghai, Sichuan, Yunnan, and Gansu Provinces, and the Xinjiang Uighur Autonomous Region. 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."

18. PEN International's Girona Manifesto on Linguistic Rights, ratified by the PEN International Assembly of Delegates at the 77th Congress in September 2011, states that "Every linguistic community has the right for its language to be used as an official language in its territory," and "[s]chool instruction must contribute to the prestige of the language spoken by the linguistic community of the territory."

19. In June 2012, China's State Council published the 2012–2015 National Human Rights Action Plan, which guarantees "ethnic minorities' right to learn, use and develop their own spoken and written languages," but also calls for the promotion of "bilingual education," which means that Mandarin would be the primary language of instruction. In Tibet, the new measures mean that Tibetan is only taught as a language class.

20. In recent years, teachers and students have begun to register their protest of the new system. In October 2010, more than 300 teachers and students in Qinghai Province signed a letter to authorities supporting bilingual education but calling for Tibetan to remain the primary language of instruction for most subjects. Students and teachers began protesting in Tibetan areas that fall, and by the end of the month, 400 Tibetan university students studying at the Tibetan Studies Department of Minzu University staged a protest on campus in Beijing. The protests were renewed in March 2012, when 700 students from the Rebkong County Middle School of Nationalities in Qinghai Province returned from a holiday break to find their textbooks for the new term written in Chinese.

21. Teachers have lost their jobs as a result of the protests, and many students have been detained by authorities. For example, in November 2012, students from Chabcha, Tsolho Tibetan Autonomous Prefecture, Qinghai Province, demonstrated in front of government offices, calling for Tibetan language rights after a pamphlet which in part encouraged educational instruction in Mandarin was distributed in the area. Eight students were sentenced to five-year prison terms in December 2012 for their role in the protests.

22. The policy restricting cultural expression extends to all areas of Tibetans' lives. Text messages, Internet access, and cell phone service remain blocked in some areas, and are heavily monitored throughout the region. Tibetans are often harassed and detained for listening to pirated foreign radio and television broadcasts or listening to or downloading a number of Tibetan songs and ringtones, which are banned.

23. In the Xinjiang Uighur Autonomous Region (XUAR), the central government has made it a policy to deter use of the Uighur language as well. In 2002, XUAR Party Secretary Wang Lequan declared that the Uighur language was “out of step with the 21st century.” As in Tibet, the government began shifting all classes into Mandarin, replacing Uighur teachers without Mandarin language skills with Han Chinese. The goal, according to a 10-year plan launched in January 2011, is to “[build] a new model of socialist ethnic relations” and “[promote] cohesion and centripetal force toward the Chinese nation.”

24. In October 2010, a number of Uighur students and teachers in Beijing protested in solidarity with Tibetans who were campaigning for linguistic rights, noting that the use of Mandarin in Uighur schools has had a detrimental effect on the entire education system in Xinjiang as well. Teachers without the required language skills have been fired from their positions, and a number who petitioned the government to protest the new plan have been detained for short periods.

Recommendations and solutions

25. PEN International, together with its 145 centers around the world, makes the following recommendations. The government of the People’s Republic of China should:

- Restore and protect the right of all writers, journalists, and bloggers in China to exercise their right to freedom of expression as guaranteed by the Chinese constitution and Article 19 of the ICCPR;
- Immediately and unconditionally release all writers, journalists, and bloggers who are currently imprisoned or detained;
- End all forms of surveillance and harassment of writers, journalists, and bloggers in China;
- End all forms of censorship and allow all citizens the right to seek, impart, and receive information through digital media;
- Respect and protect the right of writers and publishers in China to publish without fear of reprisals or government interference, and foster the creation of domestic and internationally-treasured literature and the growth of a world-class publishing industry;
- 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 native tongue.