



RESOLUTION ON THE PEOPLE'S REPUBLIC OF CHINA

PEN International has for many years expressed concern about serious and sweeping restrictions on freedom of expression in the People's Republic of China (PRC), including through resolutions adopted at its annual Congresses, most recently at its 82nd World Congress in October 2016.

Despite some welcome releases since then, suppression of the right to freedom of expression in China remains an ongoing and critical concern. Recent crackdowns have taken place not only in Beijing, but in numerous inland provinces including Hubei, Hunan, Jiangxi and Sichuan, the coastal provinces of Guangdong, Fujian, Zhejiang and Shandong, the Autonomous Regions of Tibet, Inner Mongolia and Xinjiang Uyghur, and the Hong Kong Special Administrative Region.

In 2016, PEN International documented over 20 cases of writers held solely for their peaceful exercise of their right to freedom of expression.¹ Many are held under vague national security provisions of the Criminal Law. At least eight members of the Independent Chinese Pen Centre (ICPC) are still imprisoned or detained, while more than 100 members have suffered various forms of harassment and travel restrictions, reflecting increasing persecution of the Centre.

The most shocking and sad incident was the sudden death of Dr. Liu Xiaobo, the 2010 Nobel Peace Prize Laureate who was also the former and honorary president of the ICPC, shortly after his sickness was made known to the public. In June 2017, Dr. Liu was granted medical parole and hospitalised following his diagnosis with terminal liver cancer.² He had served nine-and-a-half years of his 11-year prison sentence for 'inciting subversion of state power' in connection with his involvement in the drafting of Charter 08, a manifesto calling for protection of universal human rights and democratic reform in China. The Chinese authorities rejected his request for medical treatment abroad. A month later, on 13 July, Dr. Liu died in hospital in Shenyang province.³ Concerns remain for the well-being of Dr. Liu's widow, poet and ICPC honorary member, Liu Xia, who has not been seen in public – except in a video – since the funeral ceremony.⁴

In recent years, there have been several cases of prominent political prisoners who have died while in custody or shortly after their release on medical parole, such as Mongolian writer Huuchinhuu Govruud who died in October 2016 while under house arrest.⁵ In August, Yang Tongyan, also an ICPC member and PEN America's 2008 PEN/Barbara Goldsmith Freedom to Write Awardee, was diagnosed with late-stage brain glioma and released on

¹ <http://www.pen-international.org/wp-content/uploads/2013/01/CASE-LIST-2016-Final.pdf>

² <http://www.pen-international.org/newsitems/china-nobel-laureate-and-pen-member-liu-xiaobo-must-be-granted-all-necessary-medical-care/>

³ <http://www.pen-international.org/newsitems/liu-xiaobo-an-exceptional-life-always-remembered/>

⁴ <http://www.pen-international.org/newsitems/china-concerns-for-well-being-of-poet-and-artist-liu-xia/>

⁵ <http://www.rfa.org/english/news/china/pride-10282016133602.html>

medical parole.⁶ Although he was immediately hospitalised and underwent surgery, his condition is not reported to have improved.

Increasingly, free expression is suppressed not only on mainland China but in Hong Kong, previously seen as a bastion of free expression in the region. Media reports suggest that Hong Kong publishers are facing increasing pressure to self-censor as exemplified by the apparent decline of the number of politically sensitive titles displayed at the Hong Kong Book Fair.⁷ Furthermore, reports suggest that several titles to be exhibited by a Taiwanese publisher of LGTBQI publications were banned after they were deemed to be “indecent” in violation of the fair’s regulations.⁸ PEN remains concerned over the imprisonment and detention of three Hong Kong writers and publishers, Yao Wentian, Wang Jianmin and Gui Minhai, on mainland China. Dr. Gui, an ICPC member, was among five booksellers who disappeared from Hong Kong and Thailand under mysterious circumstances in October 2015. He remains detained without formal charge and his whereabouts are unknown.

The PRC is the only permanent member of the UN Security Council not to have ratified the International Covenant on Civil and Political Rights (ICCPR). As a signatory to the ICCPR, which provides for freedom of legitimate expression, the right not to be arbitrarily detained and the right to a fair trial, they are obliged to “refrain from acts that would defeat or undermine the treaty’s objective and purpose”. In spite of this, there remain numerous legal provisions and practices which violate the rights set out in the ICCPR. Recent legislation of concern includes the 2016 Law on the Administration of Activities of Overseas Non-Governmental Organisations’ (NGO) Activities in the Mainland of China⁹ which constrains the work of foreign NGOs—including groups dedicated to literary advancement, journalism, or protection of free expression; and the Cyber-Security Law,¹⁰ which took effect on 1 June 2017 and which further restricts freedom of expression online.

The Assembly of Delegates of PEN International calls on the government of the People’s Republic of China to:

- Stop the harassment and persecution of ICPC members, and lift all restrictions on their freedom to exit and enter mainland China, particularly to attend PEN International conferences and to return home;
- Cease its efforts to censor online expression and to immediately release all internet writers jailed for peacefully expressing their opinions;
- Release all prisoners in the Tibet Autonomous Region and Xinjiang Uyghur Autonomous Region held for their peaceful exercise of their right to freedom of expression, including Tibetan writers and journalists **Kunchok Tsephel Gopey Tsang, Paljor Norbu, Gartse Jigme** and **Shokjang**; Uyghur writers **Nijat Azat, Gheyret Niyaz, Memetjan Abdulla, Gulmira Imin (f)** and **Ilham Tohti**;
- Release all imprisoned publishers from Hong Kong, including **Yao Wentian (Yiu Man-tin), Wang Jianmin** and **Gui Minhai**;
- Release all other writers and journalists imprisoned or detained in China, including ICPC members **Zhu Yufu, Lü Gongsong, Chen Shuqing, Hu Shigen, Qin Yongmin, Liu Feiyue**

⁶ <http://www.pen-international.org/newsitems/china-authorities-must-provide-writer-with-adequate-medical-treatment/>

⁷ <https://www.hongkongfp.com/2017/07/21/publishers-self-censoring-afraid-chinas-banned-books-fade-hong-kong/>

⁸ <https://www.hongkongfp.com/2017/07/24/taiwanese-lgbtq-publisher-slams-hong-kong-book-fair-indecent-book-ban/>

⁹ <http://www.mps.gov.cn/n2254314/n2254409/n4904353/c5548987/content.html>

<http://www.chinalawtranslate.com/2016-foreign-ngo-law/?lang=en>

¹⁰ <http://www.chinalawtranslate.com/cybersecuritylaw/?lang=en>

and **Wu Mingliang**, and honorary members **Liu Xia, Lu Jianhua, Qi Chonghuai, Liu Xianbin, Guo Quan, Li Tie, Chen Wei, Chen Xi, Jin Andi, Li Bifeng, Yang Maodong, Zhao Haitong, Xu Zhiqiang, Su Changlan, Zhang Haitao, Dong Rubin, Zhang Shengyu, Liu Shaoming, Sun Feng, Lu Yuyu and Li Tingyu**;

- Ratify the International Covenant on Civil and Political Rights, which was signed by the People's Republic of China in October 1998;
- Reform or amend the Counter-Terrorism Law to ensure that legitimate free expression is not labelled as 'terrorism';
- Reform or amend the Cyber Security Law to guarantee and uphold free expression online, and that provisions restricting internet use—or defining appropriate internet use—are narrowly tailored to prevent their being used as a tool for censorship;
- Cease the practice of using national security, economic and public order charges to repress writers, internet dissidents, human rights defenders and lawyers, and end the practice of using televised confessions, which contravene an individual's right to a fair trial;
- Undertake a complete and meaningful reform of the Chinese legal system in accordance with international standards and the Chinese Constitution to guarantee fair trials with full rights of defence and appeal, the legal practices of attorneys, and a prison system that protects the health and safety of inmates.