



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 83rd World Congress in September 2017.

Despite some welcome releases since then, including that of Liu Xia¹, Gartse Jigme² and Druklo,³ suppression of the right to freedom of expression in China remains an ongoing and critical concern. In 2017, PEN International documented 33 cases of writers held solely for their peaceful exercise of their right to freedom of expression.⁴ Many are held under vague national security provisions of the Criminal Law. At least nine 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 the ongoing persecution of the Centre. Most recently, on 13 July 2018, ICPC member Qin Yongmin was sentenced to 13 years imprisonment for "subversion of state power." Qin has already served over 22 years in prison since 1981.

Crackdowns continue across the country's provinces and administrative regions. Since Xi Jinping became President of China in 2013, the overall situation of the Uyghurs in Xinjiang Uyghur Autonomous Region has rapidly deteriorated and has now reached crisis point; an estimated 11 per cent of the 12 million Uyghur population are now detained in China's so-called "re-education camps," among them writers, journalists, translators, artists and academics held for their peaceful exercise of their right to freedom of expression.⁵

Uyghur writers and intellectuals, face harassment, arbitrary detention and flawed trials for publishing anything related to current political concerns in the region, including Uyghur ethnic identity, language, culture, beliefs, and history. The crackdown on Uyghur intellectuals has intensified; the number of sentences handed down to Uyghur intellectuals convicted of so-called "separatism" is alarming. Currently, at least a dozen Uyghur writers are reportedly detained in "re-education camps" or in prison, while others' whereabouts remain unknown. Poet and academic, Abduqadir Jalalidin of Xinjiang Pedagogical University was arrested on 29 January 2018, and is thought to be administratively detained in a re-education camp.⁶

The Chinese authorities have also intensified their attempts to suppress free expression in Hong Kong, previously seen as a bastion of free expression in the country.⁷ In June 2018, ten LGBT-themed children's books were removed from the shelves of Hong Kong's public libraries after heavy campaigning by an anti-gay rights group⁸. Most recently, Haruki Murakami's latest novel *Killing Commendatore* was reportedly declared 'indecent' by censors, meaning that it can only be sold in

¹ <http://pen-international.org/news/china-poet-and-pen-member-freed-from-unofficial-house-arrest-at-last>

² <http://tchrd.org/tibetan-writer-imprisoned-for-inciting-separatism-released-after-more-than-five-years/>

³ <https://pen.org/press-release/release-tibetan-poet-shokjang-overdue-welcome-development/>

⁴ http://www.pen-international.org/app/uploads/PEN-Caselist_2017-FULL-v2-1UPI.pdf

⁵ the precise number is unknown as information is tightly controlled.

⁶ <https://www.rfa.org/english/news/uyghur/scholar-04252018140407.html>

⁷ <https://pen-international.org/app/uploads/Hong-Kong-UPR-2018.pdf>

⁸ <https://www.scmp.com/news/hong-kong/community/article/2151705/and-tango-makes-three-among-10-childrens-books-same-sex>

bookshops with a notice warning about its contents, with access restricted to those over the age of 18.⁹ 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.

As emphasised in the resolution on China at the last Congress, several prominent political prisoners have died while in custody or shortly after their release on medical parole. Since the sudden death of Dr. Liu Xiaobo on 13 July 2017, Yang Tongyan, an ICPC member and PEN America's 2008 PEN/Barbara Goldsmith Freedom to Write Awardee, died on 5 November 2017 after he was diagnosed with late-stage brain tumour. He had been released on medical parole in August and underwent surgery soon after.¹⁰ In mid-January 2018, Muhammed Salih Hajim, an 82-year-old Islamic scholar and advocate of Uyghur cultural and religious rights, died after being detained on unspecified charges for approximately 40 days.¹¹ On 26 February 2018, Dr. Li Baiguang, another ICPC member as well as a well-known human rights lawyer, died suddenly of liver failure, shortly after his release from brief detention earlier in the month. Suspicions have arisen because he was reportedly in good health and did not drink.¹² These deaths increase fears for the well-being of other long-term detainees who are commonly reported to be ill-treated in prison and denied medical parole, including Uyghur PEN member Ilham Tohti, ICPC members Qin Yongmin, Lü Gengsong, Hu Shigen, Xu Lin, Gui Minhai, and ICPC honorary members Yao Wentian, Lu Jianhua, Zhang Haitao, Lu Yuyu and Wu Gan.

The People's Republic of China 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 Cyber-Security Law,¹³ which further restricts freedom of expression online, and Heroes and Martyrs Protection Law,¹⁴ which took effect on 1 May 2018 and which extends the charge of criminal defamation to the restriction of the negative information or comments on the dead.

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

- Release all prisoners held for their peaceful exercise of their right to freedom of expression in the Tibet Autonomous Region, including **Kunchok Tsephel Gopey Tsang**, and **Jo Lobsang Janyang**;
- Release all writers and journalists imprisoned or detained in the Xinjiang Uyghur Autonomous Region, including **Nijat Azat**, **Gheyret Niyaz**, **Memetjan Abdulla**, **Gulmira Imin (f)**, **Ilham Tohti**, **Abduqadir Jalalidin**, **Abdurehim Heyit**, **Ablajan Awut Ayup**, **Omerjan Hasan Bozqir**, and **Tursunjan Hezim**;
- Release all imprisoned or detained publishers from Hong Kong, including **Yao Wentian**, **Wang Jianmin** and **Gui Minhai**;

⁹ <https://www.theguardian.com/books/2018/jul/25/haruki-murakami-novel-indecnt-hong-kong-censors-killing-commendatore>

¹⁰ <https://www.rfa.org/english/news/china/dissident-11082017112540.html>

¹¹ <https://uhrp.org/press-release/uyghur-human-rights-project-condemns-death-custody-scholar-muhammad-salih-hajim.html>

¹² <https://www.reuters.com/article/us-china-rights/death-of-chinese-rights-lawyer-raises-suspensions-idUSKCN1GA0TP>

¹³ <http://www.chinalawtranslate.com/cybersecuritylaw/?lang=en>

¹⁴ <https://www.chinalawtranslate.com/%E4%B8%AD%E5%8D%8E%E4%BA%BA%E6%B0%91%E5%85%B1%E5%92%8C%E5%9B%BD%E8%8B%B1%E9%9B%84%E7%83%88%E5%A3%AB%E4%BF%9D%E6%8A%A4%E6%B3%95/?lang=en>

- Release all other writers and journalists imprisoned or detained in the People's Republic of China, including ICPC members **Qin Yongmin, Lü Gongsong, Chen Shuqing, Hu Shigen, Liu Feiyue, Huang Xiaomin, Zhou Yuanzhi** and **Xu Li**, and honorary members **Lu Jianhua, Liu Xianbin, Guo Quan, Li Tie, Chen Wei, Chen Xi, Jin Andi, Li Bifeng, Yang Maodong, Zhao Haitong, Xu Zhiqiang, Zhang Haitao, Dong Rubin, Liu Shaoming, Sun Feng, Lu Yuyu, Tang Jingling, Jiang Tianyong** and **Wu Gan**;
- Ratify the International Covenant on Civil and Political Rights, which was signed by the People's Republic of China in October 1998;
- Stop the harassment and persecution of Independent Chinese PEN Centre (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;
- Stop targeting Uyghur intellectuals including writers, journalists, and web editors, and immediately close down all 're-education camps' which have been built on a large scale in the Xinjiang Uyghur Autonomous Region.
- Cease the ill treatment and torture of jailed writers, journalists and all other political prisoners.
- Cease its efforts to censor online expression and to immediately release all internet writers jailed for peacefully expressing their opinions;
- Repeal or amend all laws that unduly restrict citizen's ability to exercise their right to freedom of expression, bringing them into line with international standards, including the Cyber Security Law;
- 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.