

PEOPLE'S REPUBLIC OF CHINA

ISSUE

Over the past year, improvements in the standard of living of most Chinese have been notable and have been accompanied by significant legal reforms. However, the human rights environment in China and in particular the apparent inability to cope with dissent continue to be of concern to the Canadian Government.

BACKGROUND

The Constitution of the People's Republic of China (PRC) guarantees in principle a wide range of rights and freedom, including freedom of opinion and expression, as well as freedom of association and assembly (including demonstrations). However, article 51 of the Constitution also states that all legal rights are subsumed to interests of "state, society and collective", which in practice severely curtails individual rights.

Due to its phenomenal economic growth, China has been able to reduce the number of its citizens living in absolute poverty and has opened its society to business. This openness in the economic sphere has allowed for greater individual freedoms though not in the political arena. Economic growth and openness has lessened the power of the central government in certain aspects of Chinese life. Considerable autonomy is given to the provinces and major cities. In certain areas of China, direct elections by secret ballot have taken place to select village councils.

Despite the fact that the leadership transition from Deng Xiaoping to the collective headed by Jiang Zemin is well advanced, the leadership is still wary about threat to political stability and national unity and is particularly sensitive to potential catalysts for unrest.

During the past year, the Chinese showed little tolerance for political dissidents. Illustrative of this is the sentencing of Wang Dan to 11 years imprisonment by a legal apparatus which lacks transparency and remains highly politicized. Despite international expression of concerns (Canada made two demarches), the Chinese Court upheld the sentence.

Canada is concerned that the launching of the "strike hard" (*yanda*) anti-crime campaign in March 1996, with the attendant high level of executions by the Chinese state, has involved pressure on the police and the justice system to speed up prosecutions leading to distortions of the judicial process. While the campaign appeared principally aimed at cracking down on serious and violent crimes, which have given rise to genuine concerns amongst the Chinese population, it has also been extended to petty and economic crimes, and is used in some cities to intimidate ethnic, religious and political activists.

In Tibet, Xinjiang, and Inner Mongolia, the campaign is characterized as an "antiseperatism struggle", leading to the arbitrary arrest and mistreatment of hundreds of monks and civilians for alleged support to nationalist movement. The freedom enjoyed by Muslims and Tibetan Buddhists have been seriously curtailed as the line separating the practice of religion and the expression of nationalism is being blurred.