

# China's 'Progress on Paper, Deterioration in Reality'

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The Chinese regime has again failed to

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give concrete answers to human rights abuses, sparking further concern that the regime shows progress on paper yet deterioration in reality. The questions were raised by the United Nations Committee Against Torture review panel recently.

Canadian Lawyer, Clive Ansley, a Mandarin-speaker and specialist in Chinese law, said the Chinese Communist Party (CCP) pays no attention to rule of law, and there will be no real reform in China until the communist party and the one party system is removed.

"You cannot have the rule of law when you have a single party which is above the law and in control of the courts. It's not rocket science but few people seem to address it," Clive Ansley said. (China Photos/Getty Images)

"You cannot have the rule of law when you have a single party which is above the law and in control of the courts. It's not rocket science but few people seem to address it," he said.

Mr. Ansley said he was sceptical about seeing any concrete action from the United Nations, despite the Committee Against Torture's hard-hitting report released 21 November. The report, *Concluding observations of the Committee against Torture*, on China's compliance to the



Convention Against Torture, was heavy in its criticism of widespread torture and abuse, lack of transparency and the use of the 'State secrets law'.

## Law on the Preservation of State Secrets

The Chinese Communist Party introduced the State secrets law in 1988 and uses it broadly and arbitrarily in imprisoning dissidents and covering up information. The Committee Against Torture expressed "grave concern over the use of this law which severely undermines the availability of information about torture, criminal justice and related issues."

The law prevents the disclosure of crucial information, the Committee stated in its report, such as disaggregated statistical information on detainees in all forms of detention and custody and ill-treatment in the state party, information on groups and entities deemed to be "hostile organizations", "minority splittist organizations", "hostile religious organizations", "reactionary sects", as well as basic information on places of detention, information about the "circumstances of prisoners of great influence", violations of the law or codes of conduct by public security organs, and information on matters inside prisons.

One of the 12 submitters to the review, Human Rights in China, also highlighted China's state secrets system as a major concern.

"In many instances, information requested by the Committee is classified as "state secrets." Such information control obstructs the Committee's review process and undermines legislative, administrative, judicial, or other measures aimed at preventing acts of torture," stated the submission.

## **Progress on Paper, Deterioration in Reality**

As a signatory to the UN Convention Against Torture (CAT), which it signed in 1988, China is subject to a compliance review every four years.

China missed the last review in 2004 by ignoring it completely. This year it submitted a report spanning eight years but failed to respond to the 11 pages of questions raised by the UN follow-up committee. The Chinese regime's 38-page report is largely a list of constitutional amendments and penal code reforms, which rights groups say are empty words.

The Conscience Foundation, an affiliate of the Falun Gong Human Rights Working Group, described China's report as "progress on paper, deterioration in reality."

The document states, "The PRC government's deceptive tactic of paper progress, repeatedly used over a long period of time, should no longer be met with any encouraging comment but thoroughly exposed and criticized, for it unequivocally shows that the PRC government knows what international human rights standards are, how to answer questions on human rights correctly, how to establish the legal framework to protect human rights, and how to punish criminals who committed human rights violations, yet the PRC chooses to continue to violate human rights."

Mr. Ansley said the above statement captures the CCP's game precisely. "That is exactly what China does year in and year out."

## **Examples of Non-Reform**

He cited the organ harvesting of living Falun Gong practitioners, as investigated by Canadian lawyers David Kilgour and David Matas, as a recent example.

"When it [organ harvesting] was first exposed, they said 'there isn't any such thing', and then they pass a law against it... The essence was that no organs could be taken from anyone without written agreement—it had to be voluntary—and a lot of other restrictions as well," said Mr. Ansley. "But the point is, that legislation has been in force since 1989 and it hasn't had any effect because the party runs the courts and the courts do what they are told and it really doesn't matter what you have in the way of legislation."

Mr. Ansley said the same thing happened when there was a huge outcry about the execution of people who were proven later that they were innocent. The Chinese regime said they would pass a regulation that required all death sentences to be reviewed by the supreme court. "But that code of criminal procedure has had that requirement in it since 1979," he said.

"They [the CCP] tell the world all the time that they are reforming, that they will pass a new law. And people do tend to take it seriously, even some of the people involved with the protest against organ harvesting have sort of said well we are making progress they passed this new law against organ harvesting but there is no record of them conforming to their laws."

## **UN Frustration**

Felice Gaer, the Committee Expert serving as Rapporteur for the reports of China, expressed frustration at a lack of information or details on individual cases. While hearing China's response to the 11 pages of questions the Committee had asked, Ms. Gaer noted the unwillingness of China to make the required statistics available.

David Matas, co-author of *Bloody Harvest: Revised Report into Allegations of Organ Harvesting From Live Falun Gong Practitioners* attended the meetings in Geneva.

"We all shared the same frustration," said Mr. Matas. "We were pleased to see China held to account but frustrated to see China was basically oblivious to the concerns, not taking them seriously and not giving responsive answers."

"Of course that's the standard Chinese response. When they're dealing with human rights violations it's progress on paper and whereas the violations continue all the same."

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