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China: Constitutional amendment on human rights must be backed by concrete action

Amnesty International today welcomed the recent announcement by China's National People's Congress that it would enshrine human rights in the Constitution, but cautioned that these steps must be backed up by legal and institutional reforms to ensure the protection of human rights in practice.

"We welcome this amendment as an indication of greater political willingness to address the serious and widespread human rights violations that continue to be perpetrated across the country," Amnesty International said. "But fine words are not enough, they must be backed by concrete action."

China's Constitution already lists a number of freedoms, including freedom of speech, press, assembly, procession, demonstration and religious belief. Yet in practice these freedoms have been seriously restricted throughout the country, leading to widespread abuses, including the detention and imprisonment of hundreds of thousands of people in violation of their fundamental human rights.

"Even as the National People's Congress discussed the human rights clause, hundreds of peaceful petitioners and other activists were reportedly being detained in Beijing for exercising their rights to freedom of expression, association and assembly, freedoms protected in international standards and included in China's own Constitution," Amnesty International said.

The detainees included Hua Huiqi, a house church leader and campaigner against forced evictions, who was reportedly detained by police on 5 March and taken to Fengtai police station in Beijing where he was severely beaten by several police officers.

While the Constitution is an important statement of principle, its role is largely symbolic and its provisions are rarely invoked in court.

"If the amendment is to have any practical effect, it must be reinforced by a fundamental review and overhaul of other laws, including the Criminal and Criminal Procedure Laws, as well as other legal and judicial reforms," Amnesty International said.

The amendment to the Constitution states simply that 'the State respects and protects human rights'. "These rights must be defined and upheld in line with international human rights standards," Amnesty International said, noting that China's record in implementing its international human rights obligations remains extremely poor.

China has ratified several international human rights instruments, including the Convention against Torture; the Convention on the Elimination of All Forms of Discrimination Against Women; and the International Covenant on Economic, Social and Cultural Rights, yet has failed to take the practical measures necessary to implement many of their provisions. Another key human rights instrument, the International Covenant on Civil and Political Rights, has been signed but not ratified by China, although the authorities have indicated their intention to ratify this treaty as soon as possible.

"Ratification of human rights standards is an important first step, but it must be accompanied by practical measures to implement their provisions at the domestic level," Amnesty International said.

To date, the Chinese authorities' cooperation with international mechanisms of human rights monitoring and investigation has been limited and highly selective. Several UN human rights monitoring mechanisms as well as international human rights NGOs, including Amnesty International, continue to be denied access to China to conduct effective research.

"We urge the Chinese authorities to build on this Constitutional reform by showing a greater openness and willingness to engage with independent human rights monitors," Amnesty International said.

"A good start would be to allow the UN Special Rapporteur on Torture; the Working Group on Arbitrary Detention; and the UN Special Rapporteur on Freedom of Religion or Belief to conduct visits to China in line with their own terms of reference."

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