



Human Rights Watch
Submission to the Conservative Party Human Rights Commission
Inquiry into the Human Rights Situation in China
April 2016

Background

Ruled by the Chinese Communist Party (CCP) for more than six decades, China remains an authoritarian state, one that systematically curtails a wide range of fundamental human rights, including freedoms of expression, association, assembly, and religion. While there have been a few modest positive developments in recent years—authorities, for example, have reduced the number of crimes eligible for the death penalty from 68 to 46, and issued directives guaranteeing students with disabilities “reasonable accommodation” in university entrance exams—human rights conditions under President Xi Jinping have deteriorated in many areas.

Senior Chinese leaders, perceiving a threat to their power, now explicitly reject the universality of human rights, characterizing these ideas as “foreign infiltration,” and penalizing those who promote them. Freedoms of expression and religion, already limited, have been hit particularly hard by several restrictive new measures.

Individuals and groups who have fought hard in the past decade for human rights gains have been the clearest casualties of an aggressive campaign against peaceful dissent, their treatment starkly contrasting with President Xi’s vow to promote “rule of law.” Between July and September 2015, about 280 human rights lawyers and activists were briefly detained and interrogated across the country. About 20 remain in custody, most in secret locations without access to lawyers or family, some beyond the legal time limits; most have been accused of being part of a “major criminal gang” that “seriously disrupts public order.” The government has shut down or detained staff of a number of nongovernmental organizations (NGOs), and arrested and imprisoned many activists.

The government has also proposed or passed laws on state security, cybersecurity, counterterrorism, and the management of foreign NGOs; these laws conflate peaceful criticism of the state with threats to national security. For example, the second draft of the Foreign NGO Management Law imposes an onerous supervisory framework and restrictions on staffing and operations of these organizations, and gives police an expansive role in approving and monitoring their work. Although close scrutiny of NGOs is not new for a government that has long labeled peaceful criticism as a threat to state power, the proliferation of laws authorizing such intrusion provides officials with even more ammunition to intimidate or punish activists.

President Xi's domestically popular anti-corruption campaign continues to feature prosecutions that violate the right to a fair trial. In June 2015, former security czar Zhou Yongkang was given a life sentence following a closed-door trial and months of unlawful and secret detention. At the same time, anti-corruption activists involved in the New Citizens Movement, including legal scholar Xu Zhiyong, continue to languish in jail.

Human Rights Defenders

Activists seeking to defend human rights have faced a surge in reprisals under Xi, at times enduring arbitrary detention, enforced disappearance, politicized prosecutions, and torture by authorities in response to their work.

Various NGOs have been closed and their staff detained on bogus charges. In late 2014, authorities detained Guo Yushan and He Zhengjun, the director and administrative manager of Transition Institute, the prominent Beijing-based public policy think tank, accusing them of "illegal business operations"; they were released on bail in September 2015. In June, two former directors of Zhengzhou Yirenping, a group affiliated with the prominent anti-discrimination organization Beijing Yirenping, were taken into custody. They were subsequently released, but a government spokesperson vowed to "punish" Yirenping for unspecified "unlawful activities." Other NGOs, even lesser-known ones or ones working on subjects considered less politically sensitive, such as the Shenzhen Christian Guan'ai Home for the Homeless, faced closure and arrests.

In addition to the nationwide round-up of about 280 lawyers and activists in 2015, human rights lawyers were increasingly subject to physical assault, including by court officials. In August, lawyer Zhang Kai was detained for providing legal advice to Christians in Zhejiang Province who had resisted the authorities' forced removal of crosses on church buildings. After 19 months in detention, prominent human rights lawyer Pu Zhiqiang was given a three-year suspended sentence in December 2015 on charges of "picking quarrels and stirring up troubles" and "inciting ethnic hatred" over seven postings on social media. In January 2016, lawyer Tang Jingling was sentenced to five years in prison for allegedly inciting subversion; the charges stemmed from Tang's involvement in promoting peaceful civil disobedience.

The government has increasingly used vague public order charges to silence human rights defenders. Guo Feixiong, a prominent Guangdong activist, was sentenced in November 2015 to six years on allegations he had "gathered crowds to disturb social order."

A number of activists, including Pu Zhiqiang, elderly journalist Gao Yu, Uighur scholar Ilham Tohti, and anti-corruption activist Liu Ping, continue to be detained or imprisoned without adequate medical care.

Freedom of Expression

The Chinese government tightly restricts freedom of expression through censorship and punishment. While the Internet has offered a marginally freer space, the government censors politically unacceptable information through means such as the “Great Firewall.” Despite media censorship, journalists and editors have at times pushed the limits of acceptable expression.

Government agencies such as the State Internet Information Office have issued multiple new directives, including tightened restrictions over the use of usernames and avatars, and requirements that writers of online literature register with their real names. The government has also shut down or restricted access to Virtual Private Networks (VPNs), which many users depend on to gain access to content otherwise blocked to users inside the country.

In March 2015, authorities also deployed a new cyber weapon, the “Great Cannon,” to disrupt the services of GreatFire.org, an organization that has worked to undermine China’s censorship. In July, the government published a draft cybersecurity law that will require domestic and foreign Internet companies to practice censorship, register users’ real names, localize data, and aid in government surveillance. In August, the government announced that it would station police in major Internet companies to more effectively prevent “spreading rumors” online. In January 2015, Education Minister Yuan Guiren told universities to ban teaching materials that promote Western values and censor speech constituting “attack and slander against the Party.”

In April 2015, prominent journalist Gao Yu was sentenced to seven years in prison for allegedly leaking an internal CCP document calling for greater censorship of liberal and reformist ideas. She was forced to confess, and the confession was aired on state TV long before criminal investigations against her ran their course. In November 2015 she was granted medical parole and remains under effective house arrest in Beijing.

Financial reporting has often appeared less tendentious than political journalism. But in August, the government took the alarming step of detaining Wang Xiaolu, a financial reporter, for having written about the authorities’ deliberations over withdrawing stabilizing measures in response to the sharp declines in the Chinese stock market crash in June and July.

Also in August, the Urumqi government tried two brothers of Shohret Hoshur of Radio Free Asia, a reporter based in the United States, on state security charges; the brothers likely were being punished for Hoshur’s critical reporting on conditions in Xinjiang, a sensitive minority region in

western China. In September, a computer programmer was sentenced to 12 years in prison for placing anti-CCP slogans on TV.

Freedom of Religion

The government restricts religious practice to five officially recognized religions and only in officially approved religious premises. The government audits the activities, employee details, and financial records of religious bodies, and retains control over religious personnel appointments, publications, and seminary applications.

In 2015, authorities continued their campaign to remove crosses from churches, and in some cases demolished entire churches in Zhejiang Province, considered the heartland of Chinese Christianity. The campaign is publicly described as an effort to remove “illegal structures” that do not comply with zoning requirements, but according to an internal provincial directive, it is designed to reduce the prominence of Christianity in the region.

At least one hundred Christians have reportedly been briefly detained for resisting the demolitions since the start of the campaign in early 2014. At least one church leader, Huang Yizi, was convicted of “gathering crowds to disturb social order,” and in March given one year in jail for speaking out against the removals.

In June 2015, a top CCP official told religious leaders that “hostile forces” are using religion to infiltrate China, and that they must “Sinicize religion” to ensure that religious worship contributes to national unity.

The government classifies many religious groups outside its control as “evil cults,” such as Falungong, and membership alone can lead to criminal and extra-legal punishments. Another group, Buddhist sect Huazang Dharma, has been targeted for arrests, and its leader, Wu Zeheng, was sentenced to life in prison in October for “using cults to sabotage law enforcement,” extortion, and other charges.

In August, the National People’s Congress approved proposed changes to article 300 of the Criminal Law, which punishes individuals for organizing and participating in cults. The potential penalty range has been lengthened to include life imprisonment.

Tibet

The 6th Tibet Work Forum meeting in late August, held to determine central government policy for the region for years to come, emphasized the imperatives of security and “stability,” but authorities failed to address systematic ethnic and religious discrimination and restrictions, or the

profound socioeconomic changes brought by massive re-housing and resettlement campaigns in which Tibetans were compelled to participate.

Central government authorities continue to deploy officials in villages and monasteries and have expanded surveillance mechanisms to the grassroots level, a development which appears to have contributed to more frequent arrests of local community leaders, environmental activists, villagers involved in social and cultural activities, and writers and singers whose works are considered sensitive.

In July, Tenzin Delek Rinpoche—one of Tibet’s highest-profile political prisoners—died in detention. In violation of the relevant regulations, authorities refused to release his body or investigate the circumstances of his death. Also in July, Lobsang Yeshe, a village head imprisoned for his role in a local anti-mining protest in May 2014, died in prison following reports that he had been mistreated. Another high profile prisoner, a young Lhasa NGO worker Tenzin Choedrak, died in December, two days after he was abruptly released early from detention.

Protests, particularly against mining and land acquisition, continue despite threats from local authorities. Security forces beat and arrested peaceful protestors in Chamdo in April 2015 and in Gannan in June. Following mass protests against mining in a supposedly protected part of Qinghai in 2014, mining operations were reportedly closed down, although the reasons for this remain unclear. After public outcry over corruption in the school exam system, authorities in the Tibet Autonomous Region and Qinghai introduced tighter regulations and prosecuted offenders.

Seven more Tibetans self-immolated in 2015, bringing the total since 2009 to 143.

Xinjiang

Xinjiang, home to 10 million Uighurs, continues to be the site of pervasive discrimination, repression, and restrictions on fundamental human rights. Opposition to central and local policies has been expressed in peaceful protests, but also through violent incidents such as bombings, though details about both protests and violence are often scant as authorities keep an especially tight hold over information in Xinjiang.

Chinese authorities in 2015 continued the counterterrorism campaign they launched in Xinjiang in mid-2014, deploying more security forces to the region and implementing new laws and regulations that further criminalize dissent and restrict religious practice for the region’s Muslim ethnic Uighur population. Since mid-2014, authorities have detained, arrested, or killed increasing numbers of Uighurs alleged by police to have been involved in illegal or terrorist activities, but the authorities’ claims are impossible to verify independently. In June, a group of people attacked a

police traffic checkpoint in Kashgar with small bombs and knives. Between 18 and 28 people reportedly died, including 15 suspects killed by police as well as several bystanders.

Xinjiang authorities promulgated comprehensive yet vaguely worded new religious affairs regulations in January. Those prohibit “extremist” attire and ban “activities that damage the physical and mental health of citizens.” In recent years, authorities have used similar official and unofficial directives to discourage or even ban civil servants, teachers, and students from fasting during Ramadan. In March, a Hotan court convicted 25 Uighurs of “endangering state security” for their participation in “illegal” religious studies—in this case, private religious classes.

Hong Kong

Although Hong Kong is guaranteed autonomy in all matters other than foreign affairs and defense, and enjoys an independent judiciary and other civil liberties, Beijing appears to be encroaching on the rights to political participation, expression, and assembly there.

In June 2015, Hong Kong’s legislature rejected a Beijing-backed proposed electoral reform package for the region’s chief executive. The proposal, which would expand the franchise but allow a Beijing-dominated nominating committee to screen out candidates it did not like, was opposed by many Hong Kong residents and in 2014 had sparked the months-long “Umbrella Movement” protests.

About 1,000 people were arrested in connection with the “Umbrella Movement,” though most were released without being prosecuted. Authorities have charged student leader Joshua Wong Chi-fung, among others, with “unlawful assembly, and inciting others to take part in an unlawful assembly,” despite those laws’ incompatibility with international freedom of assembly standards. The Independent Police Complaints Council said it had received 159 complaints from demonstrators alleging police assault and abuse that it deemed “required investigation,” but the only police who had been arrested at time of writing were police caught on film beating pro-democracy protester Ken Tsang.

Concerns about freedom of expression in Hong Kong persist, especially for media seen as critical of Beijing. In January, an attacker threw a Molotov cocktail outside the residence of pro-democracy media owner Jimmy Lai. No one was injured, but no one was arrested. In August, two assailants of former Mingpao editor Kevin Lau Chun-to were sentenced; one admitted that they had been paid to stab Lau to “teach him a lesson.”

In July, Reverend Philip Woo Siu-hok was summoned to Shenzhen by religious affairs authorities to warn him against preaching to mainlanders who come to Hong Kong.

In mid-October 2015, Hong Kong booksellers and residents Lui Por, Cheung Chi Ping, and Lam Wing Kee went missing in the mainland, with virtually no information regarding their whereabouts or the basis of their detention. A fourth bookseller and naturalized Swede, Gui Minhui, and a fifth and naturalized UK citizen, Lee Bo, went missing from Thailand and Hong Kong, respectively. Hong Kong authorities said on February 4, 2016, that mainland authorities had written confirming that “criminal compulsory measures” had been taken against Hong Kong residents Lui Por, Cheung Chi Ping, and Lam Wing Kee for alleged “illegal activities.” In late March 2016, Lui, Cheung, Lam, and Lee reemerged in Hong Kong, but it is unclear whether they are actually free.

Following Lee’s disappearance, Hong Kong authorities expressed “serious concern” about the case, and stated that mainland authorities’ carrying out of law enforcement activities in Hong Kong was “unacceptable and unconstitutional.” Hong Kong’s Chief Executive has also told the public that “no law-enforcement agency outside of the Special Administrative Region has any authority enforce laws in Hong Kong.” The Basic Law, Hong Kong’s functional constitution, stipulates that only China’s Ministry of Foreign Affairs, the People’s Liberation Army, and other mainland offices authorized by the Hong Kong government can carry out official duties in Hong Kong. These abductions and detentions by Chinese authorities have raised concerns about Beijing’s new impulse to snatch people outside its borders.

Recommendations to the United Kingdom Government

While Human Rights Watch welcomes the UK’s support for the unprecedented March 2016 joint statement at the United Nations Human Rights Council, and the solid documentation of serious human rights abuses via the FCO’s six-monthly reports, we urge that the UK give greater priority to human rights in its relationship with China.

To that end, the UK should:

- In light of the recent breach of the Sino-British Joint Declaration, convene internal discussions to devise redress mechanisms that can be proposed to Chinese counterparts.
- Commit to publicly raising specific human rights abuses and individual cases in all meetings between senior Chinese and UK officials, and report publicly on the outcome of these discussions.
- Unequivocally support the right to vote and the right to stand for election in Hong Kong and press for progress toward democratic elections in the mainland.
- Commit to meeting regularly and unapologetically with the Dalai Lama as UK leaders would with the heads of other communities.
- Conduct a review of the detention, deaths, and executions of UK citizens in China.
- Send the UK ambassador in Beijing and other senior diplomats to observe the trials of individuals charged in violation of their right to free expression and other rights.

- Set out specific benchmarks for the UK/China Human Rights Dialogue, so that it is possible to judge the efficacy of this Dialogue in advancing human rights objectives. This also applies to the EU/China Human Rights Dialogue. In both cases, the UK government should insist on civil society input into the process.
- Support EU Foreign Affairs Council (FAC) conclusions on China, so as to provide a strong and coordinated message to China on the importance attached to human rights by EU member states.
- Use the UN Human Rights Council and China's 2017 Universal Periodic Review to press for real progress by China on a range of human rights concerns.

For more Human Rights Watch reporting on China, please visit:

<https://www.hrw.org/asia/china-and-tibet>

One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others

<https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>

Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China

<https://www.hrw.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china>

"As Long as They Let Us Stay in Class": Barriers to Education for Persons with Disabilities in China

<https://www.hrw.org/report/2013/07/15/long-they-let-us-stay-class/barriers-education-persons-disabilities-china>

"They Say We Should Be Grateful": Mass Rehousing and Relocation Programs in Tibetan Areas of China

<https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>

"Swept Away": Abuses against Sex Workers in China

<https://www.hrw.org/report/2013/05/14/swept-away/abuses-against-sex-workers-china>

"China: State Security, Terrorism Convictions Double," March 16, 2016

<https://www.hrw.org/news/2016/03/16/china-state-security-terrorism-convictions-double>

"China: Subversion Charges Target Lawyers," January 14, 2016

<https://www.hrw.org/news/2016/01/14/china-subversion-charges-target-lawyers>

“China: Persecution of Labor Activists Escalates,” January 13, 2016

<https://www.hrw.org/news/2016/01/13/china-persecution-labor-activists-escalates>

“China: New Verdicts a Travesty of Justice,” November 30, 2015

<https://www.hrw.org/news/2015/11/30/china-new-verdicts-travesty-justice>

“EU/China: Rights Dialogues Without Benchmarks Lack Impact,” November 26, 2015

<https://www.hrw.org/news/2015/11/26/eu/china-rights-dialogues-without-benchmarks-lack-impact>

“China: New Ban on ‘Spreading Rumors’ About Disasters,” November 2, 2015

<https://www.hrw.org/news/2015/11/02/china-new-ban-spreading-rumors-about-disasters>

“Britain should stand up to Beijing on human rights,” October 19, 2015

<https://www.hrw.org/news/2015/10/19/britain-should-stand-beijing-human-rights>

“Hong Kong: Investigate Handling of ‘Umbrella Movement,’” September 24, 2015

<https://www.hrw.org/news/2015/09/24/hong-kong-investigate-handling-umbrella-movement>

“China: Scrap Repressive Foreign Organizations Law,” June 1, 2015

<https://www.hrw.org/news/2015/06/01/china-scrap-repressive-foreign-organizations-law>

“China: EU Should Make Rights a Priority on Visit,” April 30, 2015

<https://www.hrw.org/news/2015/04/30/china-eu-should-make-rights-priority-visit>

“China: Hong Kong Political Reform Proposal a Farce,” April 22, 2015

<https://www.hrw.org/news/2015/04/22/china-hong-kong-political-reform-proposal-farce>

“China: Draft Counterterrorism Law a Recipe for Abuses,” January 20, 2015

<https://www.hrw.org/news/2015/01/20/china-draft-counterterrorism-law-recipe-abuses>