

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	713
Land:	Kina
Kilde:	Human Rights Watch
Titel:	Submission to the Universal Periodic Review of China - 45th session
Udgivet:	Juli 2023
Optaget på baggrundsmaterialet:	5. juli 2024



Submission to the Universal Periodic Review of China

Human Rights Watch

July 2023

Introduction

This submission highlights Human Rights Watch's concerns regarding Chinese government human rights violations. Since the previous UPR in 2018, China's authoritarian government under President Xi Jinping—who began an unprecedented third term in 2022—has deepened repression inside the country and sought to undermine human rights abroad. Authorities have arbitrarily detained human rights defenders, tightened control over civil society, media, and the internet, and deployed invasive mass surveillance technology. The government imposes particularly heavy-handed control in Xinjiang and Tibet. Authorities' cultural persecution and arbitrary detention of a million Uyghurs and other Turkic Muslims since 2017 amount to crimes against humanity. In Hong Kong, the government imposed draconian national security legislation in 2020 and systematically dismantled the city's freedoms. The government hindered international efforts to investigate the origins of Covid-19, muzzled critics abroad, and undermined global human rights institutions. People across China and in the diaspora took to the streets in late 2022 to demand human rights and democracy in China.

The Chinese government has taken no action toward ratifying the International Covenant on Civil and Political Rights (ICCPR), despite accepting the recommendations to do so during its previous UPR reviews in 2013 and 2018.¹

China accepted recommendations on combating domestic violence and workplace gender discrimination,² but failed to consistently prosecute and hold people and companies for their abusive and discriminatory conduct.

China accepted recommendations on the protection of freedom of information and expression,³ yet authorities have continued to [arrest journalists](#), writers, and [human rights activists](#) for their peaceful speech. The government has continued to extend its censorship to critics abroad through surveillance and harassment of diaspora communities or their China-based families.

1. Crimes against humanity in the Uyghur region

The Chinese government has committed crimes against humanity against Uyghurs and other Turkic Muslims in the northwest region of Xinjiang since 2017. Under its

¹ A/HRC/40/6/Add.1, some examples of recommendations: 28.212 (Tunisia), 28.219 (Greece), 28.9 (Benin, Estonia, Georgia, Latvia and Malta)

² A/HRC/40/6/Add.1, Recommendation 28.289 (Rwanda) and 28.285 (Guyana)

³ A/HRC/40/6/Add.1, Recommendation 28.208 (Luxembourg)

“Strike Hard Campaign against Violent Terrorism,” the Chinese government has targeted what it calls the “ideological virus” of Turkic Muslims. These ideas include what authorities describe as extreme religious dogmas, any non-Han Chinese sense of identity, and relationships with people abroad.

Under this campaign, authorities are responsible for offenses committed as part of a widespread and systematic attack directed against a population. This includes mass arbitrary detention, torture, enforced disappearances, mass surveillance, cultural and religious erasure, separation of families, forced returns to China, forced labor, and sexual violence and violations of reproductive rights. As many as a million people had been arbitrarily detained in political education camps, pretrial detention centers, and prisons at the height of the crackdown.

Official figures as of September 2022 suggest that an estimated half-million people in Xinjiang remain [incarcerated](#) in the region’s prisons as part of this crackdown.⁴

During its 2018 UPR, the Chinese government accepted a recommendation to guarantee freedom of religion or belief, including in Tibet and in Xinjiang⁵ and a recommendation to prevent and combat all forms of discrimination and violence, especially against ethnic and religious minorities.⁶ Crimes against humanity in Xinjiang fly in the face of such recommendations. Chinese officials repeatedly deny that they have committed abuses in the region and have been unwilling to permit independent international monitors to conduct investigations.

Recommendations:

- End crimes against humanity against Uyghurs and Turkic Muslims in Xinjiang and elsewhere.
- Investigate and appropriately prosecute government officials implicated in serious human rights violations and crimes against humanity.
- Grant access to Xinjiang, as requested by the UN High Commissioner for Human Rights and several UN Special Procedures.

2. Use of surveillance technology

The Chinese government has imposed abusive mass surveillance systems on people across the country; these have become more intrusive and pervasive in recent years as technology has advanced.

⁴ Human Rights Watch, China: Xinjiang Official Figures Reveal Higher Prisoner Count, September 14, 2022, <https://www.hrw.org/news/2022/09/14/china-xinjiang-official-figures-reveal-higher-prisoner-count> (accessed 11 July 2023)

⁵ A/HRC/40/6/Add.1, Recommendation 28.194 (France)

⁶ A/HRC/40/6/Add.1, Recommendation 28.327 (Italy)

These systems, run by the police, are multi-layered and overlapping. The government issues every citizen a national identification card that is essential to accessing many public and private services. It imposes a “real name registration” [requirement](#), which allows the police to collect and compile vast databases of personal profiles linked to an individual’s ID. At the same time, the government has blanketed the country with [sensory systems](#)—including closed-circuit surveillance cameras (CCTVs) and other systems such as wireless packet analyzers—to collect people’s identifying information, including the MAC addresses and IMEI and IMSI numbers of their devices. Some of these systems are equipped with artificial intelligence or machine learning technologies provided by private companies—some with links to the state and the military. Such systems [automatically](#) identify certain important features in the environment, recognizing license plate numbers, colors, shapes, objects, direction of crowd, and identifying people. This allows police to use big data programs to track certain behaviors, characteristics, and people’s relationships. In Xinjiang, the big data system Integrated Joint Operations Platform ([IJOP](#)) alerts the authorities about individuals who exhibit certain behaviors, such as using “suspicious” network tools, including encrypted communication tools like WhatsApp, and those who use “too much” electricity. The IJOP then sends police officers to interrogate these people, who can then be arrested, detained, and imprisoned.

These surveillance systems remain unchallenged because there are few meaningful checks on government powers. The Ministry of Public Security is only accountable to the Chinese Communist Party—it is not required to report surveillance activities to any other government agency, or the public. It is all but impossible for people to know what personal information the government collects; or how the government uses, shares, or stores their data.

Recommendations:

- Shut down the Integrated Joint Operations Platform (IJOP) and all compulsory programs aimed at surveilling and controlling Uyghurs and Turkic Muslims and delete all data these programs have collected.
- Suspend the police’s collection and use of biometrics other than for the investigation of bone fide crimes until there is a comprehensive national law that protects people’s privacy.
- The National People’s Congress Standing Committee to draft and adopt legislation relevant to biometric and personal data to ensure its collection by the police is compliant with international human rights standards.
 - To ensure these standards are enforced, any biometric data program should include: independent authorization for collection and use of the data, public notification that authorities are collecting the data, means of independent oversight of the program, and avenues for people to challenge abuses and obtain remedies.

- To ensure relevant authorities publish information about the collection and use of biometric-based recognition technology, including about databases that have been created and how they are being used.

3. Hong Kong

Prior to Hong Kong's transfer from British to Chinese sovereignty in 1997, people in the territory were promised that rights and freedoms would be ensured under Hong Kong and international law, and that they would eventually enjoy "universal suffrage" in the selection of the city's top leaders. Over the next two decades, people used peaceful means to press for these rights, but the Hong Kong and Beijing governments repeatedly backtracked.

In February 2019, Hong Kong authorities proposed legal revisions allowing criminal suspects to be extradited to mainland China, where due process rights are routinely violated. This prompted massive, largely peaceful protests starting in June. Police used excessive force against protesters, which led to cycles of protests and police suppression that lasted over six months. Following the protests, on June 30, 2020, the Chinese government imposed the draconian National Security Law (NSL) on Hong Kong with devastating consequences for human rights. Basic civil and political rights long protected in Hong Kong—including freedom of expression, association, and peaceful assembly—are being eliminated.

In the past three years, Chinese and Hong Kong authorities have erased Hong Kong's vibrant liberties and freedoms. They have arbitrarily arrested and prosecuted the city's pro-democracy leaders. Hong Kong officials have dismantled its civil society organizations and independent labor unions, shut down its most popular pro-democracy newspaper, throttled the free press, censored films, and imposed "patriotic education." The Hong Kong government has also removed books from libraries and schools, encouraged informants by establishing a "national security hotline," and otherwise sought to intimidate the public. The authorities have also permitted no public assemblies since 2020 on dates that are key to Hong Kong's democracy movement.

Since the Chinese government imposed the National Security Law, police data shows that 260 people, between ages 15 and 90, have been arrested for national security offenses. Dozens have been arrested, prosecuted, and convicted of "sedition" for posting peaceful comments on social media or publishing books critical of the government.

During the last UPR review, the Chinese government accepted a recommendation to guarantee freedom of expression, assembly and association including in Hong Kong,⁷

⁷ A/HRC/40/6/Add.1, Recommendation 28.205 (France)

and another to ensure the right of Hong Kong people to take part in government without distinction of any kind.⁸ The Chinese government has not implemented these recommendations.

Recommendations:

- Abolish the National Security Law.
- Release all detained and imprisoned pro-democracy leaders, activists and former legislators held for exercising their basic human rights.
- China's National People's Congress Standing Committee should reverse its November 2020 decision to disqualify elected Hong Kong legislators and allow the people of Hong Kong to select the candidates they wish for chief executive, and for the Legislative Council.

4. Tibet

In its 2018 review, China accepted multiple recommendations regarding education, including in rural areas, and respect for ethnic communities' rights.⁹ Yet [Human Rights Watch research](#) shows that under the guise of providing "bilingual education," authorities have in fact eroded mother-tongue education. Compulsory "bilingual" kindergartens immerse Tibetan children in Chinese language and state propaganda from age of 3, in the name of "strengthening the unity of nationalities." Authorities in the Tibet Autonomous Region (TAR) have adopted measures that appear designed to pressure local schools to switch to Chinese-medium. These measures include hiring thousands of non-Tibetan speaking teachers from other parts of China under the "Aid Tibet" program and the promotion of ethnically "mixed classes," also for the sake of "nationality unity." These make the adoption of the Chinese language largely inevitable, especially in urban areas, even without direct compulsion. The Committees on the Rights of the Child and on the Elimination of All Forms of Racial Discrimination have repeatedly criticized Chinese government policies denying Tibetan-medium education.

Recommendations:

- Reaffirm the established rights of minorities to mother-tongue instruction in schools.
- Ensure that all Tibetan children are able to learn and use Tibetan in schools.

⁸ A/HRC/40/6/Add.1, Recommendation 28.345 (Canada)

⁹ For example, A/HRC/40/6/Add.1, Recommendation 28.266 (Bahrain)

- End the forced imposition of “ethnic mingling” measures in Tibetan education such as concentrated schooling and “mixed classes.”

5. Women’s Rights

In its 2018 UPR review, China accepted recommendations on combating gender-based violence,¹⁰ yet authorities failed to effectively enforce the 2016 Anti-Domestic Violence Law, and victims faced an uphill battle in seeking authorities’ protection and accountability for their abusers. Despite stringent government censorship, cases involving sexual violence generated nationwide [outrage](#). In 2021, an article by former journalist Ma Jinyu on the violent abuses she suffered by her husband ignited a heated discussion on social media about the government’s persistent failure to prosecute domestic violence. In 2022, a video showing a [woman chained](#) around her neck in a hut in rural Jiangsu province went viral. A government investigation found that the woman was trafficked and sold as a bride twice in the late 1990s. Authorities censored the video and discussions, detained activists who tried to visit the woman’s village, threatened people who did their own online research, and questioned the official findings.

China accepted in the 3rd cycle review recommendations on promoting gender equality at the workplace,¹¹ yet Human Rights Watch research [shows](#) that the two-child policy, in effect from 2016 to 2021, had worsened workplace gender discrimination. In 2021, the Chinese government announced that it would further relax the country’s birth quotas from two to three children after the previous strict “one-child” policy led to a demographic crisis—and human [trafficking](#). Many women expressed concerns that without measures to increase access to equitable parental leave and caregiving, the policy change could further exacerbate gender inequality.

China also supported recommendations to combat human trafficking, including adopting a comprehensive anti-trafficking legislation and providing assistance to victims of cross-border trafficking.¹² Yet, Human Rights Watch research [shows](#) that China failed to stem the trafficking of women and girls, including those from neighbouring countries. Law enforcement made little effort to recover trafficked women and girls. Those who escaped and went to the Chinese police were sometimes jailed for immigration violations rather than being treated as crime victims.

Recommendations:

¹⁰ A/HRC/40/6/Add.1, Recommendation 28.289 (Rwanda), 29.290 (Switzerland), 28.83 (Sweden), 28.286 (Liechtenstein).

¹¹ A/HRC/40/6/Add.1, Recommendation 28.284 (Djibouti), 28.292 (Ethiopia), 28.282 (Colombia).

¹² A/HRC/40/6/Add.1, Recommendation 28.173 (Ukraine), 28.171 (Côte d’Ivoire), 28.172 (Vietnam).

- Cease all forms of harassment, intimidation, and arbitrary detention of women's rights activists.
- Enforce the Anti-Domestic Violence Law, investigate and prosecute domestic violence cases.
- Enact and enforce a comprehensive employment anti-discrimination law that contains a definition of gender discrimination that encompasses the full range of ways in which employers discriminate against women, protecting against both direct discrimination and discriminatory impact.
- Amend relevant laws and regulations to create equal access to caregiving leave for women and men and incentives for men to use this leave.
- Develop measures to encourage reporting of suspected trafficking, including raising the awareness of staff in transportation companies, hotels, markets, and healthcare facilities.
- Provide services for survivors of trafficking, regardless of their nationality or immigration status.

6. Threats to Freedom and Expression Globally

In its 2018 UPR review, China accepted numerous recommendations on the protection of freedom of information and expression, and respecting the rights of human rights defenders,¹³ including their ability to engage in the UPR process and international mechanisms without reprisal. China only "noted" a recommendation to cease the harassment and extraterritorial abduction of human rights defenders and their family members.¹⁴

[Human Rights Watch research](#) shows that Chinese authorities continue to severely restrict the right to freedom of speech of people inside the country, and seek to limit free expression beyond China's borders, ranging from academia to diaspora communities.

Human Rights Watch [research shows](#) Chinese officials monitored and conducted surveillance on students and academics from China and those studying China on campuses around the world. Students from China described threats to their families in China in response to what those students had said in the classroom. Scholars from China detailed being directly threatened outside the country by Chinese officials to not criticize the Chinese government in classroom lectures or other talks. Others described students from China remaining silent in their classrooms, fearful that their speech was being monitored and reported to Chinese authorities by other students from China.

¹³ A/HRC/40/6/Add.1, Recommendation 28.205 (France), 28.195 (Germany), 28.322 (Croatia), 28.337 (Belgium), 28.338 (Costa Rica), 28.207 (Italy), 28.208 (Luxembourg), 28.340 (Ireland), 28.199 (Australia), 28.200 (Norway), 28.201 (Sweden), 28.204 (Estonia).

¹⁴ /HRC/40/6/Add.1, Recommendation 28.336 (United States)

Human Rights Watch research [shows](#) that Chinese authorities have prevented certain communities from leaving the country through tactics such as denying or confiscating their passports, tightening border security to prevent Tibetans and Turkic Muslims from fleeing, and pressuring other governments from Cambodia to Turkey to forcibly return asylum seekers in violation of their obligations under international law. Authorities deemed it criminal for Uyghurs inside China to have contact with family and friends outside of the country. As a result, even individuals who have managed to leave China and obtain citizenship in rights-respecting democracies are reluctant to criticize Chinese policies or authorities for fear of reprisals.

At the United Nations, Chinese authorities continued to push back against criticism of its human rights violations. In 2023, China attempted to block Dolkun Isa, a Uyghur activist based in Germany, from speaking at the UN Human Rights Council, where he called on the body to address allegations of China's human rights violations. Isa's mother had died in a political camp in Xinjiang, and two of his brothers were serving lengthy sentences. As soon as he began speaking, China's representative in the room demanded the floor to object. China repeatedly sought to block the release of and debate on the Office of the High Commissioners' [Xinjiang report](#), which concluded the abuses in the region "may amount to crimes against humanity."

During its 2018 UPR review, China pressured UN officials to remove a UN country team submission from the UPR materials, pressured Organisation of Islamic Cooperation member states to speak positively about China's treatment of Uyghur Muslims and warned other governments not to attend a panel event about Xinjiang.

Recommendations:

- Publicly commit to ending reprisals against human rights defenders, including those who engage in UN processes and other international accountability mechanisms.
- Immediately cease the surveillance, harassment and intimidation of government critics abroad or their China-based families.

7. Threats to Civil Society Participation in UN Mechanisms

In previous UPR cycles, Chinese authorities have denied independent civil society the opportunity to participate in drafting the national report while facilitating engagement by government-backed organizations.

Cao Shunli, a human rights defender, was [wrongfully detained](#) on charges of “picking quarrels” for her efforts in China’s 2013 UPR. She died on March 14, 2014, after becoming gravely ill in detention.

Recommendations:

- Allow independent civil society to operate freely, including participation in China’s national UPR statement.
- Posthumously exonerate Cao Shunli. Investigate and appropriately prosecute government officials responsible for her wrongful detention.