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The human rights situation across China continued to deteriorate. Human rights lawyers and activists reported harassment and intimidation; unfair trials; arbitrary, incommunicado and lengthy detention; and torture and other ill-treatment for simply exercising their right to freedom of expression and other human rights. The government continued a campaign of political indoctrination, arbitrary mass detention, torture and forced cultural assimilation against Muslims living in Xinjiang. Thousands of Uyghur children were separated from their parents. The National Security Law for Hong Kong enabled human rights violations which were unprecedented since the establishment of the Special Administrative Region. There was limited progress in recognizing the rights of LGBTI people in Hong Kong.

Background

On 10 June the National People's Congress Standing Committee passed an anti-sanctions law to counter foreign sanctions amid increasing international pressure against grave human rights violations across the country.

The government called for a reduction in abortions that are not “medically necessary” and promulgated a law allowing married couples to have up to three children, following a further decline in birth rates.

Human rights defenders and activists

Severe crackdowns on human rights defenders continued. The authorities arrested and detained many human rights defenders and activists for lengthy periods under unjustifiable, broadly defined and vaguely worded charges. Without access to family and to lawyers of their choosing, as well as effective fair trial mechanisms, many human rights defenders were reportedly subjected to torture and other ill-treatment while in detention. The authorities often continued to monitor, harass and intimidate individuals after their release and restrict their freedom of movement.

Six years after the unprecedented “709 crackdown” against human rights defenders and lawyers, which involved a series of coordinated raids across China, many lawyers remained in prison or under strict surveillance.

Detained since January 2018 and sentenced to four years' imprisonment in June 2020, prominent human rights lawyer Yu Wensheng was finally permitted a visit at Nanjing Prison on 9 May from his wife and son. According to his wife, he appeared to be malnourished and in deteriorating health.¹

Legal scholar Xu Zhiyong and former human rights lawyer Ding Jiaxi were permitted to speak to their lawyers in January following lengthy incommunicado detention. Both men revealed that they had been tortured by being bound to an iron “tiger chair” with their limbs contorted for more than 10 hours per day for many days. They were indicted for “subversion of state power” in October.²

Xu Zhiyong's partner, the human rights defender Li Qiaochu, was again detained on 6 February. On 15 March, she was charged with “inciting subversion of state power” for demanding Xu Zhiyong's release and better treatment. Her mental health deteriorated during her detention.³

Formally arrested in 2017, human rights lawyer Li Yuhan, who defended other human rights lawyers, stood trial on 20 October charged with “fraud” and “picking quarrels and provoking trouble”.

Former prisoner of conscience and human rights lawyer Gao Zhisheng, who was a vital voice for the vulnerable for many years, remained missing, his exact location and condition unclear since August 2017.

Human rights defender Yang Maodong (pen name Guo Feixiong) went missing on 29 January, the morning after he began a hunger strike at Shanghai's Pudong International Airport to protest against the authorities preventing him from leaving the country to visit his critically ill wife in the USA.⁴

Human rights lawyer Chang Weiping was officially charged with “subversion of state power” on 16 April, six months after police officers detained him for publicly detailing torture he experienced when detained in January 2020. At the end of the year, he was being held incommunicado at Feng County Detention Centre.⁵

Yang Hengjun, a writer and government critic, stood trial behind closed doors in May. A verdict had not been released by the end of the year. Detained for more than 36 months, he continued to deny all allegations of espionage and had endured hundreds of hours of interrogation and ill-treatment.

In August, Cheng Yuan, Liu Yongze and Wu Gejianxiong, the founder and staff members of the NGO Changsha Funeng, were sentenced to between two and five years in prison in a secret trial for advocating for the rights of marginalized groups and vulnerable people.

On 5 November, family members of labour activist Wang Jianbing and #MeToo activist Sophia Huang Xueqin received arrest notices from the Guangzhou Security Bureau stating that they had been detained for “inciting subversion of state power”.

Ethnic Autonomous Regions

The government took extreme measures to prevent free communications, independent investigations and accurate reporting from the Xinjiang Uyghur Autonomous Region (Xinjiang) and Tibet Autonomous Region (Tibet). With a few exceptions for state-orchestrated trips, access and travel to and from ethnic minority regions remained highly restricted, particularly for journalists and human rights organizations. The UN High Commissioner for Human Rights continued to request visits with no tangible progress.

Xinjiang

The government continued to implement far-reaching policies that severely restricted the freedoms of Muslims in Xinjiang. These policies violated multiple human rights, including the rights to liberty and security of person; privacy; freedom of movement, opinion and expression, thought, conscience, religion and belief; participation in cultural life; and to equality and non-discrimination. These violations were carried out in a widespread and systematic manner to the extent that they became an inexorable aspect of daily life for millions of Uyghurs, Kazakhs and other predominantly Muslim ethnic minorities in Xinjiang.

Since 2017, under the guise of a campaign against “terrorism”, the government carried out massive and systematic abuses against Muslims living in Xinjiang. Far from a legitimate response to the purported terrorist threat, the campaign evinced a clear intent to target parts of Xinjiang's population collectively on the basis of religion and ethnicity and to use severe violence, intimidation and arbitrary mass detention to root out Islamic religious beliefs and Turkic Muslim ethno-cultural practices. Hundreds of thousands of men and women from predominantly Muslim ethnic groups were imprisoned. Hundreds of thousands more, by some estimates more than 1 million, were held in internment camps, which the government called “training” or “education” centres. Here, detainees endured ceaseless forced indoctrination, physical and psychological torture and other ill-treatment. Torture methods used during interrogations and as punishment included beatings, electric shocks, stress positions, the unlawful use of restraints, including being locked in a “tiger chair”, sleep deprivation, being hung from a wall, extremely cold temperatures and solitary confinement.

Despite a government announcement in December 2019 that internment camps had been closed and all residents had “returned to society”, there remained credible evidence that many people interned in Xinjiang were transferred and remained in detention. Large numbers of families continued to report their relatives missing, believed to be detained.⁶

Between October 2019 and May 2021 Amnesty International gathered conclusive evidence that the Chinese government had committed at least the following crimes against humanity: imprisonment or other severe deprivation of physical liberty, torture and persecution.

The government prevented millions of Xinjiang residents from communicating freely. People living abroad were often unable to obtain information about family members in Xinjiang. The mass detention campaign combined with the systematic repression prevented Uyghur parents who were studying or working abroad from returning to care for their children. It remained almost impossible for these children to leave China to reunite with their parents abroad. Some parents reported that their children had been taken to “orphan camps”, where they were barred from speaking in their mother tongues or communicating with their families.

In February, former women detainees spoke out about being subjected to or witnessing sexual violence, including rape, in “re-education centres” in Xinjiang. The Chinese authorities did not share details of any investigation into the allegations. Instead, a foreign ministry spokesperson accused the women of lying, of having an “inferior character” and a “chaotic private life”, of being “lazy”, of committing adultery and of having sexually transmitted diseases. The government also shared the women’s private medical data at a press conference.

Uyghur tech entrepreneur Ekpar Asat was convicted without any known trial on charges of “inciting ethnic hatred and ethnic discrimination” and sentenced to 15 years in prison. According to information shared with his family, he had been held in solitary confinement since January 2019 in conditions which caused his health to deteriorate.⁷

Weilina Muhatai, an ethnic Kazakh woman living in Xinjiang, and her two sons, Muheyati Haliyoula and Parisati Haliyoula, remained missing since August 2020. They may have been detained for their activism on behalf of their imprisoned husband and father, Haliyoula Tuerxun. Following their disappearance, other relatives were informed that Haliyoula Tuerxun died in detention in December 2020.

Following a stay in hospital, Uyghur woman Mahira Yakub was returned to Yining Detention Centre in Xinjiang in late November 2020, where she remained without access to her family or a lawyer of her choosing. She went missing in April 2019 and was indicted in January 2020 for “giving material support to terrorist activity” after transferring money to her parents in Australia to buy a house.⁸

The Chinese authorities continued to pressure other governments to return Uyghurs living abroad back to China. Idris Hasan was arrested at Casablanca airport on 19 July after flying to Morocco from Turkey. Detained for more than five months, Idris Hasan remained at risk of extradition to China where he could face lengthy arbitrary detention and torture and other ill-treatment.

Tibet

Tibetan monk Rinchen Tsultrim was sentenced to four years and six months’ imprisonment in a secret trial for “inciting secession” after expressing political views on his social media account. Held incommunicado since 1 August 2019, his family members only learned of his trial, alleged crime and whereabouts through a response from the Chinese authorities to UN human rights experts in August 2021.

Freedom of expression

Tight controls and restrictions on online freedom of expression continued. On 8 February, the Chinese authorities blocked Clubhouse, an audio app used by thousands of people across China and elsewhere to discuss topics including Xinjiang and Hong Kong. The Personal Information Protection Law took effect on 1 November, further regulating cyberspace and enforcing localization of data. Microsoft-owned social network site LinkedIn closed its localized Chinese version due to the “significantly more challenging operating environment and greater compliance requirements in China”.

Human rights defenders, activists and citizen journalists risked their lives reporting on the Covid-19 outbreak and were a vital source of uncensored first-hand information. The government subjected them to harassment and reprisals, including detention. Former lawyer Zhang Zhan, who was sentenced to four years’ imprisonment in December 2020 for reporting on the Covid-19 outbreak in the city of Wuhan earlier that year, began a partial hunger strike to protest against her incarceration. Her health deteriorated and her life was at risk. Citizen journalist Chen Qiushi was released more than 600 days after being detained in February 2020. The whereabouts of citizen journalist Fang Bin, who went missing in February 2020 after reporting on the Covid-19 outbreak, remained unclear.

Death penalty

China remained the world’s leading executioner, although figures on executions and death sentences remained a state secret, preventing independent scrutiny.

On 10 August, Robert Schellenberg, a Canadian national convicted of drug trafficking, had his prison sentence increased to a death sentence during a one-day retrial. The trial coincided with a diplomatic dispute between Canada and China.

As in previous years, Amnesty International’s monitoring suggested that the death penalty was mostly used to punish murder and drug-related offences, out of the 46 offences for which it remained applicable. Among these were many non-violent acts that do not meet the threshold of the “most serious crimes” under international law and standards. Two Uyghur ex-government officials were sentenced to death in Xinjiang, where the death penalty was known to have been used secretly after grossly unfair proceedings in previous years.

LGBTI people's rights

The National Radio and Television Administration, China's main television regulator, ordered broadcasters to ban all so-called “sissy” (effeminate) men from television, a continuation of a nationwide campaign to “clean” the internet of LGBTI representation. The new rules included shutting down content considered “harmful” to young people and encouraging “extreme” fan culture. In July, dozens of LGBTI organizations' social media accounts were shut down by the authorities. In an announcement issued by the National Radio and Television Administration in September, non-traditional gender roles and LGBTI people were described as “abnormal” and “vulgar”.

Hong Kong Special Administrative Region

Throughout the year the authorities rapidly expanded the national security legal regime in Hong Kong, further extending the application of the overly broad definition of “endangering national security” to disproportionately restrict human rights. In March, mainland China's legislature passed a decision to reduce directly elected seats in the Legislative Council elections in Hong Kong and allow national security police to vet all candidates before they run for elections. In October the Legislative Council passed a law allowing the government to censor films deemed to “endanger national security”.

National Security Law

The National Security Law (NSL) introduced in 2020 enabled human rights violations that were unprecedented since the establishment of the Hong Kong Special Administrative Region in 1997. There was a rapid deterioration of freedom of expression, peaceful assembly and association, and other human rights in Hong Kong after the enactment of the law.⁹ At least 61 civil society organizations disbanded in response to the threat generated by the law, including Hong Kong's largest professional union and organizers of major peaceful protests. The political opposition in Hong Kong was effectively obliterated following the arrest of 55 people, mainly pro-democracy lawmakers and activists, under the NSL on 6 January.

There was clear evidence that the human rights safeguards set out in the NSL were effectively useless. Peaceful political expression was disproportionately restricted and even criminalized under the NSL. The prosecution used incidents preceding enactment of the law as evidence when pressing NSL charges, contradicting the legal principle of non-retroactivity. Article 42 of the NSL stipulates that individuals suspected of violating the NSL are to be denied bail “unless the judge has sufficient grounds for believing that they will not continue to commit acts endangering national security”. This effective reversal of the presumption of bail violates core principles of the rights to a fair trial and to liberty and security of person.

Between 1 July 2020 and the end of 2021, police arrested or ordered the arrest of at least 161 people in relation to the NSL. At least 82 people were formally charged, of whom 60 were in pretrial detention at the end of the year.

Freedom of assembly and association

The authorities used other repressive laws, such as the Public Order Ordinance, to prosecute and imprison activists for taking part in peaceful assemblies and exercising their right to freedom of expression. Police continued to use Covid-19 as a pretext to arbitrarily ban peaceful assemblies.

During the year, 24 activists were sentenced to between four and 16 months in prison for “unauthorized assembly” for their participation in Hong Kong's annual vigil to commemorate the Tiananmen Square crackdown of 4 June 1989. Human rights lawyer and activist Chow Hang-tung was charged with “inciting others to knowingly participate in a banned rally” after publishing a social media post asking people to commemorate the date in a private manner. Despite allowing other large-scale open-air events to take place, police banned the June 4th candlelight vigil for the second year running.

The national security police used extensive powers granted by the NSL to investigate activists and civil society organizations. From August onwards, they sent letters to civil society organizations demanding information, including the personal details of their members, staff and partner organizations, as well as their finances and activities. Members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) and the Civil Human Rights Front (CHRF) were charged under the NSL after they refused to comply with these requests.

The authorities targeted those civil society groups which had broad support and the capacity to mobilize people. The city's largest teachers' union, the Hong Kong Professional Teachers' Union, and the largest pro-democracy labour rights group, the Hong Kong Confederation of Trade Unions, ceased operation in August and September respectively in the face of “enormous pressure” from the

authorities. The police accused the Alliance and the CHRF of “being a foreign agent” and “colluding with foreign forces”. The police used the annual June 4th candlelight vigil as evidence of the Alliance “endangering national security”. On 6 September, the Alliance and four of its recently resigned committee members were charged with inciting subversion. The police also froze the assets of the Alliance. In October, Hong Kong’s Chief Executive ordered the Alliance to be struck off the Company Registry on the grounds that the group’s goal to end one-party leadership in China threatened national security.

On 25 October, Amnesty International announced the closure of its two offices in Hong Kong because of risks and restrictions posed by the NSL.¹⁰

Freedom of expression

The Hong Kong government further tightened controls over freedom of expression in the media, online and in schools and universities. From January onwards, the authorities ordered internet service providers to sever access to websites that allegedly “endanger national security”. In July, police arrested five speech therapists for conspiracy to distribute seditious materials after they published children’s books depicting the government’s crackdown since 2019. The government later revoked the registration of the speech therapists’ union. In August, four university students were charged with “advocating terrorism” after passing a motion at a student union council meeting to mourn a man who stabbed a police officer before killing himself.

The authorities continued to arrest, charge and imprison individuals solely for their legitimate peaceful expression and association. On 6 January, police arrested 55 members of the political opposition under the NSL in relation to their organization and participation in self-organized “primaries” in 2020 for the subsequently postponed Legislative Council election. Forty-seven of them were later charged with “conspiracy to subversion”. Under the NSL, the High Court and District Court imposed heavy sentences on individuals peacefully exercising their right to freedom of expression. Activist Ma Chun-man was convicted of “inciting subversion” and sentenced to five years and nine months’ imprisonment for chanting slogans, posting on social media and giving interviews. Student activist Tony Chung was sentenced to three years and seven months’ imprisonment for trumped-up charges of sedition and money laundering.

Media restrictions

Apple Daily, the only pro-democracy daily newspaper in Hong Kong, was forced to cease operation on 24 June after police arrested the paper’s founder Jimmy Lai, five senior executives and two editorial staff under the NSL. Police accused the newspaper of “colluding with foreign forces” by publishing articles relating to sanctions imposed on Chinese and Hong Kong government officials by foreign governments. The authorities subsequently froze HK\$18 million (US\$2.32 million) of assets owned by companies linked to *Apple Daily*. On 29 December, senior executives and board members of Stand News were arrested for “seditious publications”, an archaic colonial-era provision last amended in the 1970s. National security police officers raided the online news outlet and authorities confirmed that they froze more than HK\$61 million (approximately US\$7.8 million) in assets. Stand News ceased operation on the same day.

The government heavily restructured public broadcaster Radio Television Hong Kong (RTHK), removing all the videos in its online archive, dismissing hosts who were critical of the government, and cancelling shows that did not follow official lines.

LGBTI people’s rights

The government failed to grant same-sex couples in Hong Kong equal rights and continued to recognize same-sex partnership rights in a piecemeal manner. In March, a gay widower filed a judicial review against the government after he was not recognized as the next-of-kin of his late husband, preventing him from identifying his spouse’s body or making funeral arrangements. He later withdrew the legal challenge as the government clarified that there was no distinction between same-sex couples and heterosexual couples in policies related to such matters. In June the High Court ruled that the subsidized housing policy constitutes discrimination on grounds of sexual orientation, and that same-sex couples should be allowed to own subsidized housing.

Despite setting up an inter-departmental working group on gender recognition in 2014 and carrying out a consultation in 2017, the Hong Kong government made no progress towards drafting a gender-recognition law.

The Taiwan Gay Sports and Movement Association decided to not send any teams to join the Gay Games to be held in Hong Kong in 2023 because of the risks posed by the NSL.

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