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The State of the World's Human Rights; China 2023

National security continued to be used as a pretext to prevent the exercise of rights including freedoms of expression, association and assembly. Both on- and offline discussion of many topics was subject to strict censorship. Human rights defenders were among those subjected to arbitrary detention and unfair trials. The human rights situation in the Xinjiang Uyghur Autonomous Region remained grave and there was no accountability for grave human rights violations committed against Uyghurs, Kazakhs and other predominantly Muslim ethnic minorities in the region. UN experts raised new concerns that government policies and programmes were contributing to the destruction of the language and culture of ethnic groups, including Tibetans. Women's rights activists were subjected to harassment, intimidation, arbitrary detention and unfair trials. Civic space in Hong Kong became ever more curtailed as the authorities maintained wide-ranging bans on peaceful protests and imprisoned pro-democracy activists, journalists, human rights defenders and others on national security-related charges. They also sought the arrest of opposition activists who had fled overseas. The Hong Kong courts ruled in favour of some LGBTI people's rights in several landmark cases.

Background

China experienced a serious economic downturn and youth unemployment reached a record high at 21.3% among 16- to 24-year-olds. Labour strikes also reached the highest number in recent years as factory closures and wage cuts drove workers' protests.

The continued lack of transparency of the Chinese Communist Party and the government was demonstrated by the sudden disappearances from public life of foreign minister Qin Gang and minister of national defence Li Shangfu, and the sudden death of former premier Li Keqiang.

Freedom of expression, association and assembly

Chinese authorities continued to severely curtail rights to freedoms of expression, association and peaceful assembly, including through the abusive application of laws often under the pretext of preserving national security.

People who participated in events to commemorate the victims of an apartment block fire in Urumqi, the capital of the Xinjiang Uyghur Autonomous Region, in November 2022 and associated protests against restrictive Covid-19 policies (known as the A4 protests or White Paper Revolution due to protesters holding blank sheets of paper) continued to face harassment. Among the dozens of mainly young protesters believed to have been detained were Cao Zhixin, Li Yuanjing, Zhai Dengrui and Li Siqi, who were released on bail in April after being held for approximately four months.

In June, a foreign ministry spokesperson confirmed that Kamile Wayit, a Uyghur university student, had been found guilty in March of "promoting extremism" ostensibly for posting a video about the A4 protests on the Chinese social media platform, WeChat. Kamile Wayit, who was reported to be suffering from depression and other health problems, was sentenced to three years in prison.¹

In August, China's legislature announced proposed amendments to the Public Security Administrative Law to ban acts, clothing and speech that is "detrimental to the Chinese national spirit or hurts the feelings of the Chinese people". Chinese legal experts raised concerns that the

lack of definition or scope of certain of the proposed revisions would give the authorities excessive powers to restrict freedoms.

Social media users were subjected to further regulation with the introduction in July by China's cyberspace regulator of new guidelines to regulate "self-media" (*zimeiti*) blogs and social media accounts, making account holders responsible for ensuring that posts are factually correct and sources identified when posting about current affairs or international politics. Social media companies subsequently introduced new policies requiring influencers and others with large numbers of followers to disclose their real names, raising concerns about right to privacy.

The targeting of journalists continued, including in connection with geopolitical tensions. In June, India's formal media presence in China ended with the expulsion of a *Hindustan Times* journalist amid tensions between the Chinese and Indian governments. In October, Australian journalist Cheng Lei, who had worked at Chinese state-owned television network CGTN, was released. She had been detained in August 2020 for allegedly "supplying state secrets overseas".

Human rights defenders

The government continued to systematically target human rights defenders amid efforts to crush dissent and stifle civic space. Multiple cases of prosecutions, including of lawyers, scholars, journalists, activists and NGO workers, on vaguely defined national security charges, took place during the year.

Prominent activists were sentenced to long prison sentences, including legal scholar Xu Zhiyong and human rights lawyer Ding Jiaxi who were sentenced to 14 and 12 years' imprisonment respectively in April after being found guilty in 2022 of "subversion of state power". They were among dozens of people targeted after attending an informal gathering in 2019 where the state of civil society and current affairs in China were discussed.²

In June, human rights lawyer Chang Weiping was sentenced to three and a half years' imprisonment for "subversion of state power" after sharing details of torture he said he was subjected to while detained in 2020 in relation to the same gathering. His sentencing took place nearly one year after he was convicted in a closed-door trial.³

In April, police detained human rights lawyer Yu Wensheng and his wife Xu Yan on their way to meet diplomats at the EU delegation in the capital, Beijing. In October, they were charged with "picking quarrels" and "inciting subversion of state power". Yu Wensheng had been previously imprisoned for his human rights work.

Citizen journalist Zhang Zhan, who was detained in May 2020 and later sentenced to four years' imprisonment, was admitted to a prison hospital in Shanghai in July due to the effects of her ongoing hunger strike.

In September, the trial began of prominent #MeToo activist and journalist Sophia Huang Xueqin and labour rights activist Wang Jianbing. The two were arrested in September 2021 and charged with "inciting subversion of state power" in connection with their involvement in trainings on non-violent protest and participation in private gatherings in Wang Jianbing's house to discuss shrinking civil society space.⁴

In October, veteran human rights lawyer Li Yuhan was sentenced to six and a half years' imprisonment for "picking quarrels and provoking trouble" and "fraud". Li Yuhan, aged in her seventies and suffering from poor health, had been detained since late 2017 during which time she was denied regular access to lawyers and medical treatment and allegedly subjected to other forms of ill-treatment.⁵

There were concerns that legal amendments would further facilitate the targeting of human rights defenders. The Counter-Espionage Law, which had been used against human rights defenders in the past, was revised in April to include an expanded scope of espionage activities and provide more powers to investigate espionage-related matters.

Women's rights

In May, the CEDAW Committee raised concerns about reports of intimidation, harassment and sexual and gender-based violence against women human rights defenders, as well as harassment for engagement with the Committee.

In February, authorities permitted women's and health rights defender He Fangmei to meet her lawyers for the first time after nearly two and a half years in detention. She was awaiting the verdict of her May 2022 trial on charges of "bigamy" and "picking quarrels and provoking trouble" in connection with her campaigning for safe vaccines and for justice for children, including her daughter, whose health she believed had been damaged by unsafe vaccines. Following He Fangmei's detention, authorities reportedly placed her two young daughters in a psychiatric hospital and her son in foster care and denied other family members access to them.

Refugees' and migrants' rights

In October, 18 UN experts called on China not to forcibly repatriate North Koreans following reports that China had sent back over 500 people, mainly women, to North Korea, despite previous warnings that the returnees could face harsh punishments including enforced disappearance, torture and other ill-treatment and possible execution (see North Korea entry).

Repression of dissent

There were ongoing concerns about the repression of dissent overseas, including pressure by the Chinese authorities on other countries to forcibly repatriate Chinese nationals who faced arbitrary detention, torture and other human rights violations if returned. In July, human rights lawyer Lu Siwei was detained by police in Laos and forcibly repatriated to China in September where he was detained for several weeks. Although released on bail, Lu Siwei's freedom of movement and expression remained severely restricted.⁶

In July, the family of Yang Zewei were informed that he was detained in a juvenile detention centre in Hunan's Hengyang city. This followed reports that he was arrested in Laos in May after launching an online campaign to end internet censorship in China.

Ethnic autonomous regions

Xinjiang Uyghur Autonomous Region

Amnesty International found no evidence of progress in implementing recommendations contained in the OHCHR's 2022 report which documented possible crimes against humanity against members of Uyghur and other predominantly Muslim groups in the Xinjiang Uyghur Autonomous Region. In September, the UN High Commissioner for Human Rights called again for "strong remedial action". In the meantime, systematic repression of Uyghurs, Kazakhs and those from other predominantly Muslim ethnic minority groups continued and impunity remained entrenched. During a visit to Urumqi in August, President Xi called on local authorities to strengthen curbs on "illegal religious activities".

Up to 1 million people had been arbitrarily detained in internment camps and prisons since the crackdown began in 2017 and there were further detentions and unfair trials in 2023. In June, a court in Urumqi sentenced Uyghur student Zulyar Yasin to 15 years' imprisonment for "separatism". In July, his mother, Rahile Jalalidin, was taken away by the police after protesting about her son's sentence.

In February, state security police detained ethnic Kazakh journalist and artist Zhanargul Zhumatai from her mother's home in Urumqi after she communicated with contacts overseas and spoke out against the appropriation of land from Kazakh herder communities around Urumqi for the construction of roads and hydropower electricity projects. Zhanargul Zhumatai was previously detained for over two years in an internment camp, where she developed heart problems reportedly due to lack of medical care.

The use of forced labour of Uyghurs continued to be reported by independent researchers and media sources. In September, an ILO delegation visited Xinjiang Uyghur Autonomous Region to hold "technical discussions" about the implementation of ILO Conventions 29 and 105 relating to forced labour and ratified by China in 2022.

Tibet

The extent of discrimination against and restrictions of the rights of Tibetans increasingly undermined their cultural identity and language. In February, five UN experts wrote to the Chinese government raising concerns about labour transfer programmes under which millions of rural Tibetans were allegedly removed from their homes and traditional livelihoods and placed in low skilled, low paid manufacturing jobs. The experts noted that the practice may negatively affect Tibetan minority languages, cultural practices and religion, and could amount to trafficking of persons for forced labour.

In March, the UN Committee on Economic, Social and Cultural Rights raised concerns about the negative impact of poverty alleviation schemes and resettlement, ostensibly to enable ecological restoration, on the lives and livelihoods of small-scale farmers and herders, including Tibetan nomads. The Committee urged an immediate halt to non-voluntary resettlement and relocation of these communities. It also raised concerns about reported campaigns to eradicate Tibetan culture and language, the closures of schools teaching in Tibetan and other minority languages, and assimilation programmes including the coerced residential school system imposed on Tibetan children.

LGBTI people's rights

In February, two students filed a lawsuit against the Ministry of Education, seeking to overturn disciplinary action against them "for violating university rules" after they distributed rainbow flags on Tsinghua University campus in 2022. Information about the lawsuit on social media was censored.

The authorities also maintained pressure on LGBTI groups. In May, the Beijing LGBT Center, one of the oldest and largest LGBTI advocacy and support organizations in China, announced that it was closing "due to forces beyond their control". In August, on Qixi – China's Valentine's Day – WeChat banned the accounts of several LGBTI groups including Trans Brotherhood China, Beijing Lesbian Centre and the Beijing branch of Trueself without giving reasons.

Death penalty

Information on the use of the death penalty was limited as figures on the number of sentences and executions remained classified as state secrets. The death penalty remained applicable for 46

offences, including non-lethal offences such as drug trafficking that do not meet the threshold of the “most serious crimes” under international law and standards.

The state media reported some cases in which individuals were sentenced to death. They included Yu Huaying who was sentenced to death in September by the Guiyang Intermediate People’s Court for abducting and trafficking children in the 1990s.

In December, the Philippines government announced that China had executed two Filipinos for drug-trafficking offences after ignoring its appeals for the sentences to be commuted.

Workers’ rights

The UN Committee on Economic, Social and Cultural Rights raised concerns about unsafe working conditions and widespread harassment in the workplace, including sexual harassment of women, and insufficient labour inspection mechanisms to investigate allegations of violations of relevant law and regulations. The Committee also raised concerns about the lack of sufficient accident and medical coverage, especially for informal sector workers, and inadequate social security coverage including for rural to urban migrant workers.

Right to a healthy environment

A report published in February by Global Energy Monitor and the Centre for Research on Energy and Clean Air found that coal power plant construction in China in 2022 was six times higher than in the rest of the world combined. In September, China’s climate envoy Xie Zhenhua said that completely phasing out fossil fuels was “unrealistic”. China resumed the construction of temporarily halted coal-fired power plants and allowed the construction of new plants domestically and abroad, despite a recommendation in February by the UN Committee on Economic, Social and Cultural Rights to suspend permissions and pause financing for coal-fired power plants.

Hong Kong Special Administrative Region

Freedom of expression, association and assembly

The Hong Kong authorities continued to use the 2020 National Security Law (NSL), as well as colonial-era sedition provisions in the Crimes Ordinance and other restrictive laws, against pro-democracy campaigners, journalists, human rights defenders and others.

In the largest national security prosecution to date, the trial of 47 pro-democracy advocates began in February. All were charged with “conspiracy to commit subversion” under the NSL in relation to their involvement in unofficial political party primaries for the 2020 Legislative Council elections that were ultimately postponed. Most were detained for over two years before the start of the trial, and some faced up to life imprisonment if found guilty.⁷

The repeatedly delayed trial on national security and sedition charges of Jimmy Lai, publisher and founder of the now closed pro-democracy newspaper Apple Daily, began in December, one year after it was originally scheduled. He has been detained since August 2020. In March, five UN human rights experts wrote to the Chinese government to express their grave concern about the arrest, detention and multiple prosecutions of Jimmy Lai in apparent connection with his criticism of the Chinese government and support for democracy in Hong Kong.

In March, national security police arrested two men for “sedition” for possessing banned children’s books whose authors and publishers were convicted of sedition in 2022.⁸ Both were released on

bail but could face up to two years in prison.

Prosecutions of members of pro-democracy and human rights groups continued even though most such groups had ceased to operate after the introduction of the NSL in 2020. On 4 March, three members of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China (Hong Kong Alliance) – Chow Hang-tung, Tang Ngok-kwan and Tsui Hon-kwong – were found guilty of failure to comply with a 2021 police request under the NSL to provide information about the group's membership, funding and activities. Chow Hang-tung, former vice-chair of the Hong Kong Alliance, refused to comply with bail conditions that restricted her right to freedom of expression and therefore remained in detention pending the outcome of her appeal. She was subjected to solitary confinement on multiple occasions, amounting to a total of 82 days.

On 1 March, the Hong Kong authorities lifted Covid-19 pandemic-related regulations on public gatherings. However, the right to protest remained highly restricted and an atmosphere of intimidation prevailed. In March, the Hong Kong Women Workers' Association called off a march to mark International Women's Day, apparently due to police concerns that "violent groups" would be present and threats that participants may be arrested.

In June, the Hong Kong government sought a court order to ban the popular pro-democracy protest song "Glory to Hong Kong", and threatened to prosecute anyone who performed, broadcast or published it under the NSL or sedition laws.

On 4 and 5 June, police detained at least 32 people near Victoria Park, where the annual candlelight vigil to commemorate the Tiananmen crackdown was held until it was banned in 2020. The police claimed that those detained were "displaying protest items loaded with seditious wordings, chanting and committing unlawful acts". All were subsequently released without charge.

In June, 10 former staff members and others linked to the 612 Humanitarian Relief Fund (set up to assist participants in the 2019 pro-democracy protests with legal and other costs but disbanded in 2021) were arrested on suspicion of "conspiracy to collude with a foreign country or with external elements" under the NSL and of "inciting a riot". They were accused of accepting donations from foreign organizations in order to provide financial assistance to individuals who had fled Hong Kong or organizations advocating for sanctions against Hong Kong officials.

In July, five UN experts wrote to the Chinese and Hong Kong governments to raise concerns about the human rights implications of the proposed Regulation of Crowdfunding Activities issued in December 2022. They particularly highlighted the risks to the freedoms of association, peaceful assembly and expression of applying vaguely defined national security and counterterrorism grounds as a primary criterion for assessing the nature and purpose of crowdfunding activities.

In September, Zeng Yuxuan, a 23-year-old mainland Chinese postgraduate law student at the Chinese University of Hong Kong, pleaded guilty to sedition and was sentenced to six months' imprisonment for planning to display a banner depicting a sculpture by a Danish artist commemorating the Tiananmen crackdown. Zeng Yuxuan was due to be released in October having served most of her sentence in pretrial detention, but was deported to mainland China where she was believed to be held incommunicado. Her transfer was thought to be the first time someone from mainland China has been deported from Hong Kong after being convicted of sedition.

In December, police arrested seven people and issued arrest warrants for two others who were living overseas for "inciting others not to vote, or to cast an invalid vote" in District Council elections.

Repression of dissent

Targeting of overseas critics of the Hong Kong authorities continued. In July, police issued arrest warrants for eight activists, including three former legislators, who were self-exiled in Australia, the UK and the USA. They were accused of violating the NSL and a reward of HKD 1 million

(approximately USD 128,228) was offered for information leading to their arrest. In October, four UN experts expressed serious concerns about the issuing of the warrants and called for the NSL to be reviewed. In December, five more overseas Hong Kong activists were added to the wanted list with the same rewards offered.

In November, 23-year-old student Yuen Ching-ting was sentenced to two months in prison for posting “seditious” messages on social media while she was studying at a university in Japan. Yuen Ching-ting, who pleaded guilty to posting 13 messages in support of Hong Kong independence, was arrested in March after returning to Hong Kong to renew her identity card.

In December, prominent student activist Agnes Chow posted on Instagram an account of how she was required to travel to mainland China and participate in “patriotic” events and visits to have her passport returned in order to study in Canada. Agnes Chow was imprisoned in 2020 but remained under surveillance after she was released on bail in 2021 and her passport was confiscated. Following her arrival in Canada she said that she feared that she may never be able to return to Hong Kong and would be at risk of human rights violations if she did.

LGBTI people’s rights

There were positive developments for LGBTI people’s rights resulting from court decisions on challenges against discriminatory policies and practices. In February, the Court of Final Appeals found that the government had breached the rights of two transgender people by rejecting their applications to amend their gender on their identity cards because they had not undergone full reassignment surgery.

In August, in a case brought by a lesbian couple, the High Court legally recognized the non-gestational parent as the second female parent of their child. In another landmark ruling in September, the Court of Final Appeals declined to recognize same-sex marriage but ruled that the government had a constitutional duty to provide an alternative legal framework for same-sex relationships to be recognized. The Court set a timeline of two years for the rights of same-sex couples, including access to hospitals and inheritance, to be protected on equal terms with those of opposite-sex couples.⁹

In two other cases in October, the Court of Appeal declared discriminatory the government’s denial of same-sex married couples’ rights to rent and own public housing. It also ruled in favour of granting equal inheritance rights.

1. [“China: Further information: Uyghur student convicted for promoting extremism: Kamile Wayit”, 4 July](#)
2. [“China: Heavy prison sentences for human rights activists ‘disgraceful’”, 10 April](#)
3. [“China: Jailed sentence for lawyer who reported being tortured ‘an outrage’”, 8 June](#)
4. [“China: #MeToo and labour activists facing ‘baseless’ trial must be released”, 21 September](#)
5. [“China: After six years deprived of liberty, human rights lawyer finally sentenced”, 25 October](#)
6. [“China: Human rights lawyer extradited and detained: Lu Siwei”, 27 October](#)
7. [“Hong Kong: Case against 47 pro-democracy figures must be dropped as politically motivated trial begins”, 6 February](#)
8. [“Hong Kong: Arrests for possession of ‘seditious’ children’s books a new low for human rights”, 17 March](#)
9. [“Hong Kong: Same-sex marriage ruling a moment of hope for LGBTI rights”, 5 September](#)