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Human Rights in Asia-Pacific; Review of 2019 - China

The human rights situation continued to be marked by a systematic crackdown on dissent. The justice system remained plagued by unfair trials and torture and other ill-treatment in detention. China still classified information on its extensive use of the death penalty as a state secret.

Repression conducted under the guise of “anti-separatism” or “counter-terrorism” remained particularly severe in the Xinjiang Uighur Autonomous Region (Xinjiang) and Tibetan-populated areas (Tibet). Authorities subjected Uighurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang to intrusive surveillance, arbitrary detention and forced indoctrination.

LGBTI people faced widespread discrimination and stigma in society. Due to inadequate medical services, they took serious risks by seeking unregulated and improper gender-affirming treatments. LGBTI people also faced abuses in the form of “conversion therapy”.

The government continued to intimidate, harass, and prosecute human rights defenders and independent NGOs, including raids on their homes and offices. Human rights defenders’ family members were subjected to police surveillance, harassment, detention and restrictions on their freedom of movement.

Amid huge setbacks for human rights, China made some progress in its environmental protection efforts, both by closing and upgrading polluting factories and passing new restrictions to tackle emissions. According to data prepared by Greenpeace Southeast Asia and IQAir AirVisual, Beijing was no longer among the top 100 most polluted cities in the world.

Justice system

In February, President Xi Jinping emphasized that the legal system should be under the Chinese Communist Party’s absolute leadership. Law enforcement and the judicial system remained largely under the control of the party. China legalized arbitrary and secret detention, such as “residential surveillance in a designated location” and an extra-judicial system of detention (*liuzhi*). These procedures allowed for prolonged incommunicado detention and increased the risk of torture and other ill-treatment and forced “confessions”. The UN Working Group on Enforced or Involuntary

Disappearances sought information on 20 new cases of enforced disappearances in China from February to May alone. A new regulation, implemented since February, increased the powers of law enforcement and security agencies by exempting police officers from legal responsibility for any damage they might cause to the property or interests of individuals or organizations while carrying out their duties.

Freedom of expression – the internet

The government strengthened its restrictions to the rights to freedom of expression, association and peaceful assembly. The authorities rigorously censored all media, from print media to online games. With the assistance of private technology and internet companies, officials mastered the use of facial recognition, real-name registration systems and big data to keep people under indiscriminate mass surveillance and control. In July, a draft regulation on China's social credit system proposed punishing citizens for disseminating information that "violates social morality" or causes "adverse social impacts". In January, Chinese users reported that they had been threatened, detained or warned for being active on Twitter – a social media platform officially banned in the country. China also extended its control of cyberspace beyond its “Great Firewall” by launching powerful malware and denial of service attacks against overseas servers, websites and messaging apps deemed problematic.

Freedom of religion and belief

Beijing continued to tighten its grip on Christians and Muslims as China pushed ahead with the “sanitization of religion”, which Premier Li Keqiang reiterated at the National People's Congress in March. Many Buddhist and Taoist temples and statues, along with mosques and churches, were damaged or destroyed on the direction of the government. The authorities jailed religious leaders who were not recognized by the party for “endangering state security”. On 30 December 2019, pastor Wang Yi of the Early Rain Covenant Church was sentenced to nine years for “illegal business operation” and “inciting subversion of state power”.

Xinjiang Uyghur Autonomous Region

Reports about the detention of Uyghurs, Kazakhs and other predominantly Muslim ethnic groups continued in Xinjiang despite the government's claim that it may eventually phase out purported “vocational training centres”, also known as “transformation-through-education” centres. From early 2017, after the Xinjiang government had enacted a regulation enforcing so-called “de-extremification”, an estimated up to one million Uyghurs, Kazakhs and other ethnic minority people were sent to these internment camps.[1] Many religious figures, intellectuals and academics were detained in Xinjiang merely for exercising their rights to freedom of religion and expression. This includes Ilham Tohti, a Uyghur economist, writer and professor who

was sentenced to life in prison in 2014 and Tashpolat Teyip, former president of Xinjiang University who was sentenced to death with a two-year reprieve in 2017, both on charges of “separatism”.^[2]

In March the UN High Commissioner for Human Rights stated that her office sought to engage the Chinese government “for full access to carry out an independent assessment of the continuing reports pointing to wide patterns of enforced disappearances and arbitrary detentions, particularly in Xinjiang”.^[3]

In July, 25 countries issued a joint statement on Xinjiang at the UN Human Rights Council.^[4] In September, Amnesty International, together with four other human rights organizations published a joint letter to the UN Secretary General, urging the UN to step up pressure on China to end the mass detentions in Xinjiang.^[5]

In November, the New York Times and the International Consortium of Investigative Journalists disclosed two sets of leaked documents from unidentified Chinese officials detailing the crackdown in Xinjiang and the framework for facilities where hundreds of thousands of predominantly Muslim ethnic groups are being subjected to brainwashing and other ill-treatment. The descriptions in these documents matched the testimonies Amnesty International received from former detainees and overseas relatives of those sent to the camps or who went missing in Xinjiang. The documents also further disproved the Chinese government’s claims that these facilities were merely “vocational training facilities”.

Rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI)

LGBTI people continued to face discrimination at home, at work, in schools and in public. The authorities accepted and claimed to have implemented all recommendations on sexual orientation, gender identity and gender expression at the end of the country’s review process in the third cycle of the UN Universal Periodic Review in 2018. Two recommendations requested prohibition against discrimination in legislation, but there is no law that explicitly protects LGBTI people from discrimination.

Following last year’s alleged attempt to remove content related to gay issues, Weibo, one of the biggest social media platforms, took down content on lesbian topics in April. Activists feared that online censorship of LGBTI-related content would intensify.

After an online campaign for legal recognition of same-sex marriage, Yue Zhongming, the spokesperson for the National People’s Congress Legislative Affairs Commission, publicly acknowledged public opinion supporting the recognition of same-sex marriage in the Civil Code. Same-sex couples in China were denied equal partnership rights because of their sexual orientation.

Transgender people were classed as having a “mental illness”, and gender-affirming surgeries required the consent of families. Other criteria to qualify for such surgeries - such as being unmarried or having a clean criminal record - created further barriers to

accessing this treatment. Prevalent discrimination and stigma, restrictive eligibility requirements, and a lack of information resulted in transgender people seeking unregulated and unsafe gender-affirming treatments.^[6]

Transgender people told Amnesty International that they did not receive any advice or guidance on gender-affirming treatments from their doctors when they first started taking hormones. Instead, they learned about treatment options from friends and by searching the internet for information.

Transgender people who had an urgent need to align their body with their gender identity told Amnesty International that due to the lack of accessible and credible health-related information, they had had little choice but to resort to the unsafe and risky black market to obtain hormone medication. Some even attempted to perform surgeries on themselves as they believed that accessing gender-affirming treatments at a hospital was not possible.

Amnesty International also received reports of LGBTI individuals being forced by their families to undergo “conversion therapies” that claim to change their sexual orientation, gender identity and gender expression, in the belief that being LGBTI is a mental disorder requiring treatment. Despite a landmark judgment in 2014 which declared that homosexuality was not a disease and required no treatment, the government did not take any action to ban conversion therapy.

Human Rights Defenders

The space for human rights defenders (HRDs) to freely carry out their work continued to shrink. The authorities systematically subjected HRDs to surveillance, harassment, intimidation, detention and imprisonment. Many activists and HRDs continued to be prosecuted on vague and overly broad charges such as “subverting state power”, “inciting subversion of state power” and “picking quarrels and provoking trouble”. Many were held in “residential surveillance in a designated location” on suspicion of involvement in state security crimes. This form of detention allowed the police to detain individuals suspected of such crimes for up to six months in an unknown location outside the formal detention system, with suspects denied access to legal counsel and families.

The authorities sustained a crackdown on dissent and independent voices. Prominent human rights lawyer Gao Zhisheng, who launched a memoir detailing his experience of enforced disappearance, torture and other ill-treatment, and illegal house arrest, was again forcibly disappeared in August 2017. His whereabouts are unknown. In February Beijing human rights lawyer Yu Wensheng was indicted on charges of “inciting subversion of state power” and “obstructing the duties of public officers” after he had circulated an open letter calling for five reforms to China’s constitution. Chen Jianfang, a grassroots civil and political rights advocate, was formally arrested for “inciting subversion of state power” in June 2019.^[7] Activist Chen Bing was sentenced to three

and a half years’ imprisonment on 4 April after he and three others were convicted of “picking quarrels and provoking trouble” for commemorating the 27th anniversary of the Tiananmen crackdown in 2016.

Authorities retaliated against citizen journalists and NGO workers reporting on human rights violations. Early in the year they detained Wei Zhili, Ke Changbing and Yang Zhengjun, editors of a China labour rights website in Guangzhou.[8] Huang Qi, the co-founder of 64tianwang.com, a website that reports on and documents protests in China, was sentenced to 12 years in prison for “leaking state secrets” and “providing state secrets to foreign entities”. Liu Feiyue, the founder of human rights website Civil Rights and Livelihood Watch, was detained in late 2016 and sentenced to five years in prison for “inciting subversion of state power” on 29 January. Anti-discrimination NGO workers Cheng Yuan, Liu Yongze, and Wu Gejianxiong were held in incommunicado detention since 22 July on suspicion of “subversion of state power”. [9] For the first time, authorities publicly criticized a foreign NGO, Asia Catalyst, for breaching the Foreign NGO Management Law.

Family members of human rights defenders were also subject to police surveillance, harassment and restrictions on their freedom of movement. Li Wenzu, the wife of imprisoned human rights lawyer Wang Quanzhang, said that, for a long time, she had difficulty finding a place to live because police threatened landlords not to sign leases with her. Their six-year-old son Quanquan could not go to school, as police threatened the school’s administrators.[10]

[1] Amnesty International, UN Act to End China’s Mass Detentions in Xinjiang, (Press release (<https://www.amnesty.org/en/latest/news/2019/02/un-act-to-end-china-mass-detentions-xinjiang/>), 4 February 2019).

[2] Amnesty International, China: Uyghur academic faces execution in China: Tashpolat Teyip (ASA 17/1006/2019 (<https://www.amnesty.org/en/documents/asa17/1006/2019/en/>))

[3] Amnesty International, China Joint Statement Calling for Xinjiang Resolution at the United Nations Human Rights Council, (Joint statement (<https://www.amnesty.org/en/documents/asa17/9789/2019/en/>), 4 February 2019)

[4] Amnesty International, Amnesty International welcomes statement at Human Rights Council addressing China’s appalling violations in Xinjiang (IOR 40/0711/2019 (<https://www.amnesty.org/en/documents/ior40/0711/2019/en/>))

[5] Amnesty International, Open letter to UN Secretary General Re: China’s Human Rights Violations in Xinjiang (Joint statement (<https://www.amnesty.org/en/documents/asa17/1079/2019/en/>), 17 September 2019)

[6] Amnesty International, China: “I need my parents’ consent to be myself” – Barriers to Gender-affirming Treatments for Transgender People in China, (ASA 17/0269/2019 (<https://www.amnesty.org/en/documents/asa17/0269/2019/en/>))

[7] Amnesty International, China: Grassroots women activist held incommunicado: Chen Jianfang (ASA 17/0778/2019 (<https://www.amnesty.org/en/documents/asa17/0778/2019/en/>))

[8] Amnesty International, China: Further Information: Labour activists held in secret detention: Wei Zhili and Ke Chengbing (ASA 17/0790/2019 (<https://www.amnesty.org/en/documents/asa17/0790/2019/en/>))

[9] Amnesty International, China: NGO workers detained for ‘subversion’ (ASA 17/0927/2019 (<https://www.amnesty.org/en/documents/asa17/0927/2019/en/>))

[10] Amnesty International, 1413 Days and Counting: Li Wenzu’s fight for her husband’s freedom (Blog (<https://zh.amnesty.org/more-resources/blog/1413-days-and-counting-li-wenzus-fight-for-her-husbands-freedom/>), 12 July 2019)

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