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World Report 2015 - China

China remains an authoritarian state, one that systematically curbs fundamental rights, including freedom of expression, association, assembly, and religion, when their exercise is perceived to threaten one-party rule. Since a new leadership assumed power in March 2013, authorities have undertaken positive steps in certain areas, including abolishing the arbitrary detention system known as Re-education through Labor (RTL), announcing limited reforms of the hukou system of household registration that has denied social services to China's internal migrants, and giving slightly greater access for persons with disabilities to the all-important university entrance exam.

But during the same period, authorities have also unleashed an extraordinary assault on basic human rights and their defenders with a ferocity unseen in recent years—an alarming sign given that the current leadership will likely remain in power through 2023. From mid-2013, the Chinese government and the ruling Chinese Communist Party (CCP) have issued directives insisting on “correct” ideology among party members, university lecturers, students, researchers, and journalists. These documents warn against the perils of “universal values” and human rights, and assert the importance of a pro-government and pro-CCP stance.

Rather than embrace lawyers, writers, and whistleblowers as allies in an effort to deal effectively with rising social unrest, the government remains hostile to criticism. The government targets activists and their family members for harassment, arbitrary detention, legally baseless imprisonment, torture, and denial of access to adequate medical treatment. It has also significantly narrowed space for the press and the Internet, further limiting opportunities for citizens to press for much-needed reforms.

The Chinese government's open hostility towards human rights activists was tragically illustrated by the death of grassroots activist Cao Shunli in March. Cao was detained for trying to participate in the 2013 Universal Periodic Review of China's human rights record at the United Nations Human Rights Council (HRC) in Geneva. For several months, authorities denied her access to adequate health care even though she was seriously ill, and she died in March 2014, just days after authorities finally transferred her from detention to a hospital.

The government continued its anti-corruption campaign, taking aim at senior officials, including former security czar Zhou Yongkang, as well as lower-level officials. But the campaign has been conducted in ways that further undermine the rule of law, with accused officials held in an unlawful detention system, deprived of basic legal protections, and often coerced to confess. The civic group known as the New Citizens Movement, best known for its campaign to combat corruption through public disclosure of officials' assets, has endured especially harsh reprisals.

In response to the Chinese government's decision on August 31 denying genuine democracy in Hong Kong, students boycotted classes and launched demonstrations. Police initially tried to clear some demonstrators with pepper spray

and tear gas, which prompted hundreds of thousands to join the protests and block major roads in several locations.

While senior Hong Kong government officials reluctantly met once with student leaders, they proposed no changes to the electoral process. Hundreds remained in three “Occupy Central” zones through November, when courts ruled some areas could be cleared and the government responded, using excessive force in arresting protest leaders and aggressively using pepper spray once again.

Protests continued in other areas, some student leaders embarked on a hunger strike with the aim of re-engaging the government in dialogue, while other protest leaders turned themselves in to the police as a gesture underscoring their civil disobedience. Despite the waning of street protests, the underlying political issues remained unresolved and combustible at time of writing.

Human Rights Defenders

Activists increasingly face arbitrary detention, imprisonment, commitment to psychiatric facilities, or house arrest. Physical abuse, harassment, and intimidation are routine.

The government has convicted and imprisoned nine people for their involvement in the New Citizens Movement—including its founder, prominent legal scholar Xu Zhiyong—mostly on vaguely worded public order charges. Well-known lawyer Pu Zhiqiang and journalist Gao Yu, among others, were arrested around the 25th anniversary of the Tiananmen Massacre in June 2014. Many activists continue to be detained pending trial, and some, including lawyers Chang Boyang and Guo Feixiong, have been repeatedly denied access to lawyers. Virtually all face sentences heavier than activists received for similar activities in past years. The increased use of criminal detention may stem from the abolition of the RTL administrative detention system in late 2013.

China has 500,000 registered nongovernmental organizations (NGOs), though many are effectively government-run. An estimated 1.5 million more NGOs operate without proper registration because the criteria for doing so remain stringent despite gradual relaxation in recent years. The government remains suspicious of NGOs, and there are signs that authorities stepped up surveillance of some groups in 2014.

In June, a Chinese website posted an internal National Security Commission document that announced a nationwide investigation of foreign-based groups operating in China and Chinese groups that work with them. Subsequently, a number of groups reportedly were made to answer detailed questionnaires about their operations and funding, and were visited by the police. In June and July, Yirenping, an anti-discrimination organization, had its bank account frozen and its office searched by the police in connection with the activism of one of its legal representatives.

Xinjiang

Pervasive ethnic discrimination, severe religious repression, and increasing cultural suppression justified by the government in the name of the “fight against separatism, religious extremism, and terrorism” continue to fuel rising tensions in the Xinjiang Uighur Autonomous Region (XUAR).

In March, at least 30 people were killed when Uighur assailants attacked people with knives at the train station in Kunming, Yunnan Province. In May, 31 people died when a busy market in Urumqi was bombed. In August, official press reports stated that approximately 100 people died in Yarkand (or Shache) County in XUAR when assailants attacked police stations, government offices, and vehicles on a road. The Chinese government has blamed “terrorist” groups for these attacks.

Following the Urumqi attack, the Chinese government announced a year-long anti-terrorism crackdown in Xinjiang. Within the first month, police arrested 380 suspects and tried more than 300 for terror-related offenses. Authorities also convened thousands of people for the public sentencing of dozens of those tried. In August, authorities executed three Uighurs who were convicted of orchestrating an attack in Beijing’s Tiananmen Square in October 2013. Fair trial rights remain a grave concern given the lack of independent information about the cases, the government’s insistence on expedited procedures, the fact that terror suspects can be held without legal counsel for months under Chinese law, and China’s record of police torture.

While there is reason for the government’s concern with violence, discriminatory and repressive minority policies only exacerbate the problem. In January, police took into custody Ilham Tohti, a Uyghur professor at Beijing’s Minzu University critical of the Chinese government’s Xinjiang policy. Tohti remains detained and is charged with “separatism,”

which can result in life imprisonment. In August, Uighur linguist Abduweli Ayup was given an 18-month sentence for “illegal fundraising” after trying to raise money for Uighur-language schools.

Tibet

A series of self-immolations by Tibetans protesting Chinese government repression appeared to have abated by early 2014. The authorities punished families and communities for allegedly inciting or being involved in these protests; punishment of individuals included imprisonment, hefty fines, and restrictions of movement.

Authorities were intolerant of peaceful protests by Tibetans, harshly responding with beatings and arrests to protests against mines on land considered sacred and against detention of local Tibetan leaders. According to press reports, in June, police beat and detained Tibetans for protesting against copper mining in southwestern Yunnan province. In August, police in the Ganzi prefecture of Sichuan province fired into a crowd of unarmed protesters demonstrating against the detention of a village leader. Also in June, Dhondup Wangchen, who had been imprisoned for his role in filming a clandestine documentary in Tibetan areas, was released after six years in prison.

China’s mass rehousing and relocation policy has radically changed Tibetans’ way of life and livelihoods, in some cases impoverishing them or making them dependent on state subsidies. Since 2006, over 2 million Tibetans, both farmers and herders, have been involuntarily “rehoused”—through government-ordered renovation or construction of new houses—in the TAR; hundreds of thousands of nomadic herders in the eastern part of the Tibetan plateau have been relocated or settled in “New Socialist Villages.”

Hong Kong

In January 2013, Hong Kong professor Benny Tai first proposed the “Occupy Central with Love and Peace” movement, designed to pressure Beijing to grant genuine democracy to Hong Kong in accordance with the Basic Law, Hong Kong’s quasi-constitution, which applies the International Covenant on Civil and Political Rights (ICCPR) to the territory. The ICCPR requires that people should have equal rights to vote and to stand for election. In June 2014, nearly 800,000 voted in favor of democracy in an unofficial “referendum” organized by Occupy Central; in July, at least 510,000 people marched for democracy.

On August 31, China’s top legislature announced it would impose a stringent screening mechanism that effectively bars candidates the central government dislikes from nomination for chief executive. In response, students boycotted classes in late September and held a small peaceful protest outside government headquarters. The police responded by dispersing the students with pepper spray and arrests.

These tactics prompted hundreds of thousands to join the students. Organizers of the Occupy Central movement announced that they were officially launching their planned demonstrations and joined the student protest. On September 28, Hong Kong police declared the protest illegal and cordoned off the government headquarters grounds. This decision prompted more protesters to gather in the areas near government headquarters, demanding that police reopen the area. The two groups of protesters—those corralled in the government headquarters and their supporters on the other side—eventually walked out onto the major thoroughfares between them and effectively blocked the roads.

The protests eventually occupied several large key areas in Hong Kong’s business and government centers. After several incidents of excessive force on the part of police against the overwhelmingly peaceful protests, including continued aggressive use of pepper spray and several beatings recorded on video, the government adopted a passive stance, waiting for private groups to win injunctions before moving to clear out protest sites in a strategy of waiting for public opinion to turn against the demonstrators.

When courts handed down the injunctions, police cleared two areas and later thwarted an effort to block access to government offices, but two other smaller sites in the city remained occupied at time of writing with students considering whether to abandon “occupation” as a tactic.

The underlying political issues, however, remained unresolved, with both Chinese and Hong Kong authorities standing firm on Beijing’s August 31 decision. Benny Tai and other Occupy Central leaders tried to turn themselves in to police to underscore both respect for rule of law and their stance of civil disobedience, while student leaders held peaceful hunger strikes in an effort to persuade the government to reengage in dialogue.

Although media has greater freedom in Hong Kong than elsewhere in China, journalists and media owners, particularly

those critical of Beijing, came under increasing pressure in 2014. In February, a prominent editor, Kevin Lau, was stabbed by unidentified thugs; in July, HouseNews, a popular independent news website known for supporting democracy in Hong Kong, was shuttered by its founder, who cited fear of political retaliation from China; throughout 2014, Jimmy Lai and his media businesses, known for critical reporting on China, were repeatedly threatened.

Freedom of Expression

The Chinese government targeted the Internet and the press with further restrictions in 2014. All media are already subject to pervasive control and censorship. The government maintains a nationwide Internet firewall exclude politically unacceptable information.

Since August 2013, the government has targeted WeChat—an instant messaging app that has gained increasing popularity—by closing popular “public accounts” that report and comment on current affairs. Another 20 million accounts were shuttered for allegedly soliciting “prostitutes.” Authorities also issued new rules requiring new WeChat users to register with real names. In July and August 2014, it suspended popular foreign instant messaging services including Kakao Talk, saying the service was being used for “distributing terrorism-related information.”

Authorities also tightened press restrictions. The State Administration of Press Publication, Radio, Film, and Television issued a directive in July requiring that Chinese journalists sign an agreement stating that they will not release unpublished information without prior approval from their employers and requiring that they pass political ideology exams before they can be issued official press cards.

In July, the CCP’s disciplinary commission announced that researchers at the central Chinese Academic of Social Sciences had been “infiltrated by foreign forces” and participated in “illegal collusion” during politically sensitive periods. The party subsequently issued a rule that would make ideological evaluation a top requirement for assessing CASS researchers; those who fail are to be expelled.

Freedom of Religion

Although the constitution guarantees freedom of religion, the government restricts religious practices to officially approved mosques, churches, temples, and monasteries organized by five officially recognized religious organizations; any religious activity not considered by the state to be “normal” is prohibited. It audits the activities, employee details, and financial records of religious bodies, and retains control over religious personnel appointments, publications, and seminary applications. In 2014, the government stepped up its control over religion, with particular focus on Christian churches.

Between late 2013 and early July, the government removed 150 crosses from churches in Zhejiang Province, which is considered to be a center of Christianity. In July, the government handed down a particularly harsh 12-year sentence to Christian pastor Zhang Shaojie. Also in July, Zhuhai authorities raided the compound of Buddhist leader Wu Zeheng and detained him and at least a dozen followers, although no legal reason was given for doing so. The Chinese government also expelled hundreds of foreign missionaries from China, according to press reports, and it failed to publicly respond to Pope Francis’s mid-August statement that the Vatican wishes to “establish full relations with China.”

The government classifies many religious groups outside of its control as “evil cults.” Falun Gong, a meditation-focused spiritual group banned since July 1999, continues to suffer state persecution. In June, authorities in Inner Mongolia detained 15 members of what it called another “evil cult” called the “Apostles’ Congregation” for dancing publicly and “tempting” people to become new members.

Women's Rights

Women’s reproductive rights and access to reproductive health remain severely curtailed under China’s population planning regulations. That policy includes the use of legal and other coercive measures, such as administrative sanctions, fines, and coercive measures, including forced insertion of intrauterine devices and forced abortion, to control reproductive choices.

In September and October, female protestors in Hong Kong alleged that assailants sexually assaulted them, and that police at those locations did little to intervene.

China was reviewed under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in October. The committee expressed concerns over the lack of judicial independence and access to justice for women and retaliation against women rights activists. Chinese authorities prevented two activists from participating in the review: Ye Haiyan, China's most prominent sex worker rights activist, was placed under administrative detention, while HIV-AIDS activist Wang Quinan's passport was confiscated.

In November, the government released for comment the long-awaited law against domestic violence. While a step in the right direction, it falls short of international standards and good practices. The definition of domestic violence is overly narrow, and the protection orders that women can seek are poor and are tied to victims subsequently filing a court case against the abuser.

Disability Rights

Although China ratified the Convention on the Rights of Persons with Disabilities (CRPD) in June 2008, persons with disabilities face a range of barriers, including lack of access to education and forced institutionalization (including as a form of punishment).

In China, one in four children with disabilities is not in school because of discrimination and exclusion. Official guidelines even allow universities to deny enrollment in certain subjects if the applicants have certain disabilities. In April, the Chinese Education Ministry announced that it would allow Braille or electronic exams for national university entrance, but in a landmark case to test this initiative, blind activist Li Jincheng was not provided with the electronic exams he had requested, but a Braille version which he did not know how to read. Li's case highlights the difficulties people with disabilities have in being provided with reasonable accommodation, a right that is still not recognized under Chinese law. New regulations on access to education for people with disabilities drafted in 2013 were not adopted in 2014.

The Mental Health Law, which came into effect in 2013, stipulates that treatment and hospitalization should be voluntary except in cases where individuals with severe mental illnesses pose a danger to, or have harmed, themselves or others. In an important step in November, a patient currently held in a psychiatric hospital invoked the law in a lawsuit brought in Shanghai challenging his confinement. According to Chinese Human Rights Defenders (CHRD), central government rules require local officials to meet a quota of institutionalizing two out of every 1,000 people who allegedly have "serious mental illnesses."

Sexual Orientation and Gender Identity

Homosexuality was decriminalized in 1997, but was remained classified as a mental illness until 2001. To date there is no law protecting people from discrimination on the basis of sexual orientation or gender identity. There is no legal recognition of same-sex partnership.

Despite this lack of legal protection, individuals and organizations brought cases to court to try to better protect their rights. In February, an activist sued the government after the Hunan Province Civil Affairs Department refused to register his organization focused on lesbian, gay, bisexual, and transgender (LGBT) issues, stating that homosexuality had no place in Chinese traditional culture and "the building of spiritual civilization." The court dismissed the case in March on the ground that the government had not defamed homosexuals.

LGBT groups continue to document the phenomenon of "conversion therapy," in which clinics offer to "cure" homosexuality. In March 2014, a man who calls himself Xiao Zhen filed a lawsuit against a clinic in Chongqing, which he said had administered electroshock therapy to him. It was the first time a court in China heard a case involving "conversion therapy."

In November, a man filed a lawsuit in Shenzhen alleging discrimination on the grounds of sexual orientation; if the court accepts the case it will be the first such case heard in China.

During China's October CEDAW review, a state representative noted that: "the rights of all Chinese citizens [are] protected by Chinese law, regardless of their sexual orientation."

Key International Actors

Even as China has taken major steps backwards on human rights under Xi Jinping, most foreign governments have

muted their criticisms of its record, opting to prioritize economic and security issues or trying to win Chinese co-operation on issues like climate change. Few bilateral human rights dialogues were held in 2014, and few governments that had pointed to such dialogues as centerpieces of their human rights strategy developed effective, alternative long-term strategies, such as elevating their engagement with Chinese civil society.

Foreign governments also largely failed to mark the 25th anniversary of the Tiananmen massacre, or to speak up for Hong Kong when China ruled out true universal suffrage for the territory, though several noted the harsh sentences handed down to high-profile human rights defenders and the release of Gao Zhisheng, who, however, remains under heavy surveillance. For the third time in recent years, South African authorities indicated they would not grant a visa to the Dalai Lama.

United Nations Secretary-General Ban Ki-moon similarly failed to criticize the Chinese government's deteriorating rights records during his August visit, instead praising the government for "its contributions to the promotion of ... human rights."

Foreign Policy

China's 2013 leadership change has not yielded fundamental changes in its foreign policy, though it has more aggressively advanced its territorial claims in parts of Asia.

While China engages with various UN mechanisms, it has not significantly improved its compliance with international human rights standards nor pushed for improved human rights protections in other countries, such as North Korea. There are eight outstanding requests by UN special rapporteurs to visit China, and UN agencies operating inside China remain tightly restricted, their activities closely monitored by authorities.

As a member of the UN Human Rights Council, China regularly votes to prevent scrutiny of serious human rights situations around the world. In 2014, China voted down resolutions spotlighting abuses in North Korea, Iran, Sri Lanka, Belarus, Ukraine, as well as Syria.

China repeated its calls for "political solutions" in Syria, Sudan, and South Sudan in 2014, but took steps that prolonged human rights crises in all three. Particularly noteworthy was its veto of a Security Council resolution referring the situation in Syria to the International Criminal Court. The latter was its fourth veto, alongside Russia, of Security Council action to address human rights violations in Syria since 2011.

In September 2014, however, a Chinese embassy official in Juba claimed that Chinese weapons sales to South Sudan had been halted; the change in policy had not been independently verified at time of writing. China also continued to pressure governments to forcibly return Chinese asylum seekers and to deny visas to individuals it dislikes, such as the Dalai Lama.