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China 2020

The year was marked by harsh crackdowns on human rights defenders and people perceived to be dissidents, as well as the systematic repression of ethnic minorities. The beginning of the year saw the start of the COVID-19 outbreak in Wuhan, which killed more than 4,600 people in China. People demanded freedom of expression and transparency after authorities reprimanded health professionals for warning about the virus. At the UN, China was strongly criticized and urged to allow immediate, meaningful and unfettered access to Xinjiang. Stringent restrictions on freedom of expression continued unabated. Foreign journalists faced detention and expulsion, as well as systematic delays to and refusals of visa renewals. Chinese and other tech firms operating outside China blocked what the government deemed politically sensitive content, extending its censorship standards internationally. China enacted its first Civil Code, which received thousands of submissions by the public calling for legalization of same-sex marriage. Hong Kong’s National Security Law led to a clampdown on freedom of expression.

Human rights defenders

Despite constitutional provisions and its international commitments and obligations, China continued its unrelenting persecution of human rights defenders (HRDs) and activists. Throughout the year, they were systematically subjected to harassment, intimidation, enforced disappearance and arbitrary and incommunicado detention, as well as lengthy terms of imprisonment. The absence of an independent judiciary and effective fair trial guarantees compounded such recurrent violations. Many human rights lawyers were denied their right to freedom of movement, as well as to meet and represent defendants and have access to case materials. HRDs and activists were targeted and charged with broadly defined and vaguely worded offences such as “subverting state power”, “inciting subversion of state power” and “picking quarrels and provoking trouble”.

Dozens of prominent HRDs and activists continued to be arbitrarily detained after attending a private gathering in Xiamen, Fujian province, in December 2019. On 23 March, UN human rights experts expressed grave concerns for former human rights lawyer Ding Jiaxi and other HRDs whom they said had been subjected to enforced disappearance. On 19 June, after six months’ incommunicado detention, legal scholars Xu Zhiyong and Ding Jiaxi were formally arrested for “inciting subversion of state power” and placed under “residential surveillance at a designated location” without access to their family and lawyers of their choice.^{1,2} On 24 February, Hong Kong bookseller Gui Minhui was sentenced to 10 years’ imprisonment on charges of “illegally providing intelligence to foreign entities” following his secret trial.³ Anti-discrimination activists Cheng Yuan, Liu Yongze and Wu Gejianxiong were tried in secret between 31 August and 4 September on the charge of “subversion of state power” after more than a year of incommunicado detention. The three men were arbitrarily detained solely for advocating for the rights of marginalized groups and at-risk people.

Huang Qi, founder and director of the Sichuan-based human rights website “64 Tianwang”, was finally allowed to talk to his mother on 17 September, the first time since being detained more than four years previously. Huang’s health had reportedly deteriorated since being sentenced to 12 years’ imprisonment in January 2019 and he appeared to show symptoms of malnutrition. Australian writer and blogger Yang Hengjun, held incommunicado since 30 December 2019 and charged with espionage, was finally able to meet with an Australian consular representative and his lawyer on 31 August. Yang reportedly endured over 300 interrogations and continued to deny all allegations against him.

Five years after the unprecedented crackdown targeting human rights activists and lawyers known as the “709 crackdown”, many lawyers remained in prison or under strict surveillance. On 17 June, human rights lawyer Yu Wensheng was tried in secret and sentenced to four years’ imprisonment for allegedly “inciting subversion of state power” after being held incommunicado for 18 months.⁴ Yu was tortured in detention and his health deteriorated drastically, according to his lawyer. Human rights lawyer Jiang Tianyong, released in 2019 after serving a two-year sentence for “inciting subversion of state power”, remained under strict surveillance along with his parents. Human rights lawyer Wang Quanzhang was released from prison on 4 April after more than four years’ imprisonment for “subverting state power” and reunited with his family in late April. According to his lawyer, Wang had been subjected to torture.

Autonomous regions: Xinjiang, Tibet and Inner Mongolia

Severe and wide-ranging repression of ethnic minorities continued unabated under the pretence of “anti-separatism”, “anti-extremism” and “counter-terrorism” in the Xinjiang Uyghur Autonomous Region (Xinjiang) and the Tibet Autonomous Region (Tibet). Access to and from Tibet remained highly restricted, particularly for journalists, academics and human rights organizations, making it extremely difficult to investigate and document the human rights situation in the region. In Xinjiang, since 2017 an estimated one million or more Uyghurs, Kazakhs and other predominantly Muslim peoples were arbitrarily detained without trial and subjected to political indoctrination and forced cultural assimilation in “transformation-through-education” centres. Documenting the full scope of violations remained impossible due to a lack of publicly available data and restrictions on access to the region. Despite having initially denied the existence of camps, authorities later described them as “vocational training” centres. Nevertheless, satellite imagery indicated that an increasing number of camps continued to be built throughout the year.

Missing since 2017, prominent Uyghur historian and publisher Iminjan Seydin suddenly reappeared and praised the Chinese government in a video published by a state-run English language newspaper in early May. His comments in the video appeared to have been scripted in an attempt to discredit his daughter’s public testimony about his arbitrary detention. Ekpar Asat, a Uyghur entrepreneur and philanthropist, went missing in 2016, after returning to Xinjiang from attending a US State Department leadership training programme. In January, his sister discovered that Asat had been convicted in secret on charges of “inciting ethnic hatred and ethnic discrimination” and sentenced to 15 years in prison. Detained since January, Uyghur model Mardan Ghappar had not been seen or heard from since March when his messages and images describing his poor detention conditions were shared on social media. Mahira Yakub, a Uyghur who worked in an insurance company, was indicted for “giving material support to terrorist activity” in January for transferring money to her parents in Australia. According to her sister, the money was transferred in 2013 to help her parents buy a house. Kazakh writer Nagyz Muhammed was sentenced to life imprisonment in September on charges of “separatism” in connection with a dinner he had with friends on Kazakhstan Independence Day around 10 years ago.

An increasing number of Uyghurs living overseas requested proof of life from authorities for their missing relatives in Xinjiang. Uyghurs living overseas were reportedly told by Chinese diplomatic offices in their countries of residence that they could only renew their Chinese passports if they returned to Xinjiang. Chinese embassies and agents harassed and intimidated members of the Uyghur and other diaspora minority communities across the globe.⁵ To silence and suppress the activities of Uyghurs living abroad, local authorities in Xinjiang reportedly targeted their relatives there. Numerous Uyghurs residing overseas were contacted by Chinese security agents via messaging apps and asked to provide information, such as ID numbers, locations of residence, passport photos and ID information of their spouses. Others reportedly received repeated calls from security police asking them to gather information about and spy on others in overseas Uyghur communities.

In June, 50 independent UN human rights experts strongly criticized China for the repression of religious and ethnic minorities in Xinjiang and Tibet, among others. On 6 October, 39 UN member states issued a joint statement expressing grave concerns about the human rights situation in Xinjiang, Hong Kong and other regions, urging China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the UN High Commissioner for Human Rights and relevant UN special procedure mandate holders. Capitalizing on its rising political and economic influence and expanding role within the UN, China continued to seek ways to challenge established human rights mechanisms.⁶

In Inner Mongolia, there were region-wide protests over a new “bilingual education” policy that would gradually change the teaching medium of several classes from Mongolian to Mandarin Chinese throughout the nine years of compulsory schooling. According to media reports, hundreds of people, including students, parents, teachers, pregnant women and children, were arrested for “picking quarrels and provoking trouble” solely because they participated in peaceful protests or shared information about protests on the internet. Human rights lawyer Hu Baolong was reportedly formally arrested on charges of “leaking state secrets overseas”.

Right to health

Government censorship obstructed the flow of vital information during the earliest weeks of the COVID-19 outbreak in Wuhan. In the early stage of the epidemic, professional and citizen journalists, as well as health workers, were prevented from reporting on the outbreak. The local authorities later admitted that they had withheld information, thus impeding the public’s timely access to necessary information about the virus. By 21 February, there were already more than 5,511 criminal investigation cases against individuals who published information in relation to the COVID-19 outbreak for “fabricating and deliberately disseminating false and harmful information”, according to the Ministry of Public Security. Although health professionals had raised alarms about the virus in late December 2019, the government’s failure to promptly respond and its targeting of those who spoke out delayed a co-ordinated response.⁷

Extensive application of personal and technological surveillance in the name of public health and safety further tightened the state’s grip on society.⁸ Each provincial government assigned hundreds of thousands of community workers to watch over their neighbourhoods under a “grid management system” deployed to enforce lockdowns.

Many residents unable to produce relevant documents or who had recently been out of town were denied entry to their own homes. In April, African residents of Guangzhou and other locations were evicted from their homes and hotels and barred from restaurants, facing discrimination in relation to the COVID-19 pandemic.

Freedom of expression

Internet censorship continued, driven partly by efforts to suppress information about COVID-19 and extreme lockdown measures. Medical professionals and activists were harassed by authorities for “making false comments” and “severely disturbing the social order” in Wuhan, the epicentre of the pandemic. Doctor Li Wenliang, one of eight individuals who tried to sound the alarm before the outbreak had been announced, was reprimanded by local police four days after he sent a warning message in a chat group asking fellow doctors to wear personal protective equipment to avoid infection. His subsequent death from COVID-19 unleashed nationwide outrage and grief on the internet, with demands for freedom of expression and an end to censorship. The authorities blocked hundreds of keyword combinations on social media and messaging apps. Online posts of dissent, sensitive hashtags related to the outbreak and demands for free speech were quickly deleted. Leaked notices indicated that authorities ordered people accused of “spreading rumours” to delete their social media accounts and posts.

Authorities detained or otherwise punished people for revealing details about the COVID-19 outbreak. Numerous journalists and activists were reportedly harassed and subjected to prolonged incommunicado detention solely for sharing information about COVID-19 on social media. Human rights defender Chen Mei, along with two other contributors to a crowd-sourced project known as Terminus2049, were detained by police in Beijing on 19 April and remained out of contact with their families, solely for collecting and archiving public information about the pandemic. Outspoken lawyer and citizen journalist Chen Qiushi and Wuhan resident Fang Bin went missing in early February after reporting on the outbreak and posting footage from hospitals in Wuhan. Their exact whereabouts remained unknown. On 28 December, citizen journalist Zhang Zhan was sentenced to four years’ imprisonment for reporting on COVID-19 in Wuhan. Shackled 24 hours a day for more than three months, Zhang was reportedly tortured and forcibly fed by officials after she began a hunger strike.

During the year, some foreign journalists faced expulsion while others experienced delays to and refusal of visa renewals. The Chinese foreign ministry revoked credentials for and expelled American journalists from multiple US media groups. In August, Australian journalist Cheng Lei was placed in “residential surveillance at a designated location” on suspicion of “endangering national security”. Two other Australian journalists left the country after initially being barred from exiting and interrogated by security officials.

In April, authorities placed new stringent restrictions on academic papers about tracing the origins of COVID-19, requiring them to be submitted to a task force appointed by the State Council for approval. On 13 July, law professor Xu Zhangrun, who published criticism of the government’s response to the COVID-19 outbreak, was released after six days’ detention. Xu was reportedly fired from his job at Tsinghua University one day after his release. On 19 August, Peking University announced a new set of rules for attending online webinars and conferences organized by foreign entities, as well as those in Hong Kong and Macau. The notice demanded that participants apply for and seek approval 15 days before an event.

China’s censorship and surveillance extended beyond its borders during the year. Complying with strict domestic censorship standards, Chinese tech firms operating outside China blocked and censored content deemed to be “politically sensitive”, including topics relating to ethnic minorities, political unrest and criticism of the Chinese government. On 12 June, teleconferencing company Zoom revealed that it had suspended the accounts of human rights activists outside China at the request of the Chinese government and suggested it would block any further meetings that the government considered “illegal”.² TikTok, a video-sharing app, deleted numerous videos shared by Uyghurs living abroad to draw attention to their missing relatives. Leaked internal documents showed that the platform had instructed moderators to censor videos featuring “politically sensitive” topics, such as Falun Gong or the 1989 crackdown in Tiananmen Square.

Freedom of religion and belief

Regulations, effective as of 1 February, stipulated that religious groups must “follow the leadership of the Communist Party of China... persist in the direction of sinicization of religion, and practise core socialist values”. The government sought to bring religious teachings and practices in line with state ideology and to comprehensively strengthen control over both state-approved and unregistered religious groups. Reports documented the destruction of thousands of cultural and religious sites, particularly in the north-west of China. The state’s repression of religion in Xinjiang and Tibet remained severe. People were arbitrarily detained for ordinary religious practices that authorities deemed “signs of extremism” under the “De-extremification Regulations”.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people

On 13 August, Shanghai Pride, China’s largest and longest-running LGBTI festival, announced the cancellation of all future activities amid shrinking space for the LGBTI community. Activists faced harassment for speaking out against discrimination and homophobia. Online platforms, including microblogs and magazines, blocked and removed LGBTI-related content and hashtags. Despite various challenges and mounting pressure, members of LGBTI communities continued to fight for their rights. A university student reportedly filed an official complaint about references to gay and lesbian people as suffering from a “common psychosexual disorder” in a government-

approved textbook. The court rejected the lawsuit in August, even though China had stopped classifying “homosexuality” as a mental disorder in 2001. On 28 May, the National People’s Congress (NPC) adopted its first ever Civil Code, a draft of which had received 213,634 comments from the public regarding the marriage chapter. Although an NPC spokesperson acknowledged a large volume of calls for same-sex marriage, it was still not legalized under the Civil Code, which took effect on 1 January 2021.

Hong Kong Special Administrative Region

China’s top legislature adopted the broadly-worded Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law). The local government escalated its crackdown on pro-democracy activists and opposition leaders and used national security as a pretext to interfere in the media and education sectors. The right to freedom of peaceful assembly was further curtailed by seemingly arbitrary enforcement of physical distancing regulations in the context of the COVID-19 pandemic.

Freedoms of assembly and association

Repression of the right to peaceful assembly persisted following the protests in 2019.¹⁰ Just three hours into a protest on New Year’s Day, police declared an approved demonstration “unlawful” and gave the organizers and tens of thousands of largely peaceful protesters 30 minutes to disperse. The police then started firing tear gas and water cannons at protesters and arrested 287 people, including three human rights monitors.

On 18 April, the authorities arrested 15 prominent pro-democracy leaders and activists for violating the Public Order Ordinance, a law frequently used to prohibit and end largely peaceful protests. They were accused of organizing and joining “unauthorized assemblies” that took place more than six months before their arrests.

The right to freedom of peaceful assembly was further curtailed after the authorities imposed physical distancing regulations in response to the COVID-19 pandemic. In March, the government introduced the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation, banning public gatherings of more than four people. The ban was revised several times and at year’s end applied to gatherings of more than two people.

The authorities subsequently banned at least 14 protests, citing the COVID-19 pandemic. These included totally banning the annual June Fourth Tiananmen commemoration vigil and 1 July protest march, despite pledges to observe physical distancing by organizers of both assemblies, who provided the authorities with detailed plans for preventive measures. It was the first time the government had prohibited either of these two annual protests. Despite the ban, thousands convened to commemorate June Fourth at the historical protest site, and 26 activists were charged with “unauthorized assembly” for joining the vigil.

As of 4 December, the Hong Kong police had issued at least 7,164 fixed-penalty tickets under the public gathering ban. Peaceful protesters were often targeted under the new ban despite having observed physical distancing measures. Journalists covering protests were also fined, despite an exemption under the regulation covering those who were attending as part of their work.

Around 9,000 hospital health workers went on strike in February against the government’s delay in implementing border controls in response to the COVID-19 pandemic. The Hospital Authority later demanded that the individuals involved explain their “absence at work” and threatened to retaliate, adding to a chilling message to doctors not to organize and go on strike.

Freedom of expression

National security was used as a pretext to restrict freedom of expression. Virtually anything could be deemed a threat to “national security” under the extremely vague provisions of the National Security Law adopted on 30 June without any meaningful consultation and coming into effect the next day. Giving the authorities new grounds to prosecute peaceful activities, the law created a chilling effect on free expression.¹¹ By the year’s end, the authorities had arrested 34 individuals for displaying political slogans, establishing overseas organizations to call for Hong Kong independence or supporting various political groups. The authorities also invoked the law’s extraterritorial provision and issued arrest warrants against eight activists residing outside Hong Kong.

On 10 August, Jimmy Lai, owner of the pro-democracy newspaper *Apple Daily*, was arrested for “collusion with a foreign country or external elements”. Police raided the newspaper’s offices and searched through documents, in apparent disregard for journalistic privilege. Lai remained in detention after prosecutors appealed against an earlier grant of bail.

On 6 October the authorities stripped a primary school teacher of his teaching registration for “spreading the idea of Hong Kong independence”, reportedly for giving pupils a worksheet containing questions such as “What is freedom of speech?” and “What is the reason for advocating Hong Kong independence?”

LGBTI rights

On 4 March, the High Court ruled in the first instance that same-sex couples who had married overseas could enjoy equal rights to apply for public rental housing. On 18 September, the High Court granted married same-sex couples equal rights to inheritance and succession if one spouse died without a will. However, in a separate judgment handed down the same day, the court ruled that to deny same-sex couples the right to marry in Hong Kong was constitutional.

1. [China: Prominent legal scholar held incommunicado: Xu Zhiyong \(ASA 17/2738/2020\)](#)
2. [China: Further information: Lawyer charged for inciting subversion: Ding Jiayi \(ASA 17/2645/2020\)](#)
3. [China: Bookseller handed outrageous 10-year sentence must be released \(News story, 25 February\)](#)
4. [China: Wife of detained lawyer Yu Wensheng tells of ongoing fight for justice \(Campaign, 9 July\)](#)
5. [China: Nowhere feels safe: Uyghurs tell of China-led intimidation campaign abroad \(Research, February\)](#)
6. [China: Joint NGO statement on Item 10 and Draft Resolution on "Mutually Beneficial Cooperation" delivered during Item 10 General Debate at HRC43 \(IOR 40/2563/2020\)](#)
7. [Explainer: Seven ways the coronavirus affects human rights \(News story, 5 February\)](#)
8. [How China used technology to combat COVID-19 – and tighten its grip on citizens \(News story, 17 April\)](#)
9. [China: Zoom must not become a tool in state-sponsored censorship \(News story, 12 June\)](#)
10. [Hong Kong: Missing truth, missing justice \(ASA 17/1868/2020\)](#)
11. [Hong Kong's national security law: 10 things you need to know \(News story, 17 July\)](#)

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