

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	566
Land:	Kina
Kilde:	Freedom House
Titel:	Freedom in the World 2020 – China
Udgivet:	4. marts 2020
Optaget på baggrundsmaterialet:	25. maj 2020

Document #2025907

Freedom House

Freedom in the World 2020 - China

NOT FREE

10 / 100

Political Rights (<https://freedomhouse.org/country/china/freedom-world/2020#PR>) -1 / 40

Civil Liberties (<https://freedomhouse.org/country/china/freedom-world/2020#CL>) 11 / 60

LAST YEAR'S SCORE & STATUS

11 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology. (<https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology>)

Note

The numerical ratings and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports.

Overview

China's authoritarian regime has become increasingly repressive in recent years. The ruling Chinese Communist Party (CCP) is tightening its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms. The CCP leader and state president, Xi Jinping, has consolidated personal power to a degree not seen in China for decades, but his actions have also triggered rising discontent among elites within and outside the party. The country's budding human rights movements continue to seek avenues for protecting basic rights despite a multiyear crackdown.

Key Developments in 2019

- The fourth plenary meeting of the CCP's current Central Committee in late October featured a strong show of support for Xi Jinping despite the country's

slowing economy, a political crisis in Hong Kong, and earlier speculation that the plenum’s delayed timing reflected internal challenges to Xi’s leadership.

- Internet censorship and surveillance reached new extremes during the year, driven in part by the CCP’s determination to suppress discussion of the 30th anniversary of the June 1989 military crackdown on prodemocracy protesters in Beijing’s Tiananmen Square. Restrictions were placed on apolitical social media platforms, and more ordinary users faced account closures and criminal prosecutions for political, social, religious, and humorous speech. Advancements in artificial intelligence and facial recognition technologies were incorporated into the regime’s apparatus for information control and public surveillance.
- The government’s persecution of predominantly Muslim ethnic minorities in Xinjiang remained severe, with an estimated one million or more individuals subjected to extralegal detention in “political reeducation” centers and tens of thousands sentenced to prison terms by the courts. Credible reports of abuse and deaths in custody emerged during the year, even as authorities shifted some focus from mass detention to forced labor. Leaked documents shed light on the role of Xi and regional leaders in driving the campaign, and on the inner workings of Xinjiang’s advanced surveillance systems.
- The authorities continued a years-long crackdown on independent civil society, with new arrests and criminal prosecutions of website editors, labor rights activists, and human rights lawyers, as well as greater scrutiny of foreign NGOs. Authorities also increased restrictions on religious practice by Chinese Buddhists, Christians, and Muslims throughout China under 2018 regulations on religious affairs, and persecution of the banned spiritual movement Falun Gong continued unabated two decades after its launch.
- The space for independent academic discussion and research reached new lows, with professors and students facing reprisals—in the form of censored writings, travel restrictions, demotions, arrests, or imprisonment—for expressing views that were deemed critical of CCP governance.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority 0 / elected through free and fair elections? 4

There are no direct or competitive elections for national executive leaders. The National People’s Congress (NPC) formally elects the state president for five-year terms and confirms the premier after he is nominated by the president, but both positions are decided in advance by the top party leadership and announced at the relevant CCP congress. The CCP’s seven-member Politburo Standing Committee (PSC), headed by Xi

Jinping in his role as the party's general secretary, sets government and party policy in practice. Xi also holds the position of state president and serves as chairman of the state and party military commissions.

Xi was awarded a second five-year term as general secretary at the 19th Party Congress in October 2017, and at the NPC session in March 2018 he was confirmed for a second five-year term as state president. Also at that session, the NPC approved amendments to China's constitution that abolished the two-term limit for the state presidency and vice presidency. Combined with the absence of a designated successor for Xi on the new PSC, the move reinforced predictions that he planned to break with precedent and remain China's paramount leader for at least three terms.

A2 0-4 pts

Were the current national legislative representatives elected through free 0 / and fair elections? 4

The 3,000 NPC members are formally elected for five-year terms by subnational congresses, but in practice all candidates are vetted by the CCP. Only the NPC's standing committee meets regularly, with the full congress convening for just two weeks a year to approve proposed legislation; party organs and the State Council, or cabinet, effectively control lawmaking decisions. The current NPC was seated in March 2018.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented 0 / impartially by the relevant election management bodies? 4

Political positions are directly elected only at the lowest levels. Independent candidates who obtain the signatures of 10 supporters are by law allowed to run for seats in the county-level people's congresses, and elections for village committees are also supposed to give residents the chance to choose their representatives. In practice, however, independent candidates for these posts are often kept off the ballot or out of office through intimidation, harassment, fraud, and in some cases detention. Only a very small number of independent candidates have gained office in elections, though some attempt to do so in each election cycle.

Elections are not administered by an independent body. The indirect elections that populate people's congresses at various levels are conducted by those congresses' standing committees, while village-level elections are conducted by a village electoral committee that answers to the local party committee.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free 0 / of undue obstacles to the rise and fall of these competing parties or 4 groupings?

The CCP seeks to monopolize all forms of political organization and does not permit any meaningful political competition. Eight small noncommunist parties are allowed to play a minor role in China's political system, and are represented on the Chinese People's Political Consultative Conference (CPPCC), an official advisory body. However, their activities are tightly circumscribed, and they must accept the CCP's leadership as a condition for their existence.

Citizens who seek to establish genuinely independent political parties or otherwise advocate for democracy are harshly punished. In September 2019, activist Wang Meiyu died in custody in Hunan Province, and family members reported signs of abuse on his body; Wang had been detained in July after holding a placard in public that called for Xi Jinping's resignation and free elections. In late December, authorities carried out a wave of detentions, rounding up at least a dozen activists and lawyers who had met earlier that month in Fujian Province and reportedly discussed the prospects for a democratic transition in China.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

China's one-party system rigorously suppresses the development of any organized political opposition, and the CCP has ruled without interruption since winning a civil war against the Nationalist Party (Kuomintang) in 1949. Even within the CCP, Xi Jinping has steadily increased his own power and authority since 2012, pursuing a selective anticorruption campaign that has eliminated potential rivals. He personally heads an unusually large number of "leading groups" that give him direct supervision over a variety of policy areas. Xi's official contributions to party ideology were formally added to the CCP and national constitutions in October 2017 and March 2018, respectively, elevating his status above that of his immediate predecessors. The CCP Central Committee's plenary meeting in October 2019 reaffirmed the primacy of "Xi Jinping Thought" and stressed the need to consolidate CCP power and extend its control over all levels of Chinese society.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The authoritarian CCP is not accountable to voters and denies the public any meaningful influence or participation in political affairs.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Societal groups such as women, ethnic and religious minorities, and LGBT+ people have no opportunity to gain meaningful political representation and are barred from advancing their interests outside the formal structures of the CCP. Nominal representatives of ethnic minority groups—such as Tibetans, Uighurs, and Mongolians—participate in party and state bodies like the NPC, but their role is largely

symbolic. Women are severely underrepresented in top CCP and government positions, and the situation has grown slightly worse in recent years. Just one woman was named to the 25-member Politburo at the 19th Party Congress in 2017, down from the previous two. No woman has ever sat on the PSC.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

None of China's national leaders are freely elected, and the legislature plays a minimal role in policymaking and the development of new laws. The continuing concentration of power in Xi Jinping's hands, an emerging cult of personality, and Xi's calls for greater ideological conformity and party supremacy have further reduced the limited space for policy debate even within the CCP.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Since becoming CCP leader in 2012, Xi has pursued an extensive anticorruption campaign. Well over a million officials have been investigated and punished, according to official figures, including senior state and party officials from the security apparatus, the military, the Foreign Ministry, state-owned enterprises, and state media. The campaign continued to ensnare high-profile targets during 2019. In March, for example, Lu Wei, the former head of China's powerful internet regulator, was sentenced to 14 years in prison on charges of bribery. The previous month, Fang Fenghui, a top general and former chief of the joint staff on the Central Military Commission, was sentenced to life in prison by a military court on charges of bribery. The anticorruption effort has generated a chilling effect among officials and reduced ostentatious displays of wealth, but corruption is believed to remain extensive at all levels of government. Moreover, the initiative has been heavily politicized, as many of the elites targeted were seen as Xi's former or potential rivals, and a 2017 change to party regulations shifted the focus of disciplinary inspections to enforcing party ideology and loyalty.

The authorities have failed to adopt basic reforms that would address corruption more comprehensively, such as requiring officials to publicly disclose their assets, creating genuinely independent oversight bodies, and allowing independent media, courts, and civic activists to function as watchdogs. Instead, in 2018 the NPC established the National Supervisory Commission (NSC), a powerful new agency that merges the anticorruption functions of various state and party entities, has an expanded jurisdiction covering a broader swath of public-sector employees, and is meant to enforce political and ideological discipline in addition to compliance with the law. The new commission is headed by a Politburo member and shares personnel and a website with the CCP's internal disciplinary agency, further blurring the lines between party rules and institutions and the state legal system.

In one of the NSC's most high-profile cases, Meng Hongwei, formerly the president of Interpol and China's vice minister of public security, confessed during a trial in Tianjin in June 2019 that he had accepted bribes worth more than \$2 million. Meng had disappeared into custody during a 2018 visit to China from his Interpol posting in France and was placed under investigation by the NSC for "alleged violations of laws."

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

The Chinese government and the CCP are notoriously opaque. Since open-government regulations took effect in 2008, more official documents and information have been made available to the public and posted on official websites. However, resistance on the part of government organs to providing specific information requested by citizens has dampened initial optimism, and budgetary information available to the public is minimal.

The scope for public input and consultation on laws and policies has narrowed further in recent years as policy advocacy NGOs and intellectuals came under intensified pressure, including those working in areas that were previously not considered sensitive, such as the environment, public health, women's rights, and the economy. In August 2019, the Unirule Institute of Economics, a respected Beijing-based think tank founded in 1993, announced its closure under orders from the municipal government after years of official harassment.

Add Q

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION -3

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

The government has aggressively pursued policies—including large-scale resettlement, work-transfer programs, and mass internment—that are altering the demography of ethnic minority regions, especially Xinjiang, Tibet, and Inner Mongolia, by contributing to a steady increase of Han Chinese as a proportion of the regions' populations. Leaked official documents and speeches published by the *New York Times* in November 2019 illustrated the role of Xi Jinping and other senior leaders in directing these policies. New initiatives and incentives to promote interethnic marriages, such as an advantage on the university entrance exam for children from such marriages, were reported during 2019.

Conditions in Xinjiang had deteriorated sharply since 2017, when human rights groups estimated that more than one million ethnic Uighurs, Kazakhs, and Hui were detained in an expanded network of "reeducation" centers to undergo political and religious indoctrination. The number and size of orphanages and boarding schools have also been expanded to absorb minority children who have been sent away for immersive Chinese-language education or whose parents are being detained indefinitely. Han Chinese officials throughout the region have reportedly stayed in the homes of Uighur families to monitor and indoctrinate them, and it is evidently common for male officials to reside in close quarters with women and children whose adult male family members

are in detention. Cases of torture, forced abortions, sexual abuse, and deaths in custody at the reeducation camps and other detention facilities were reported during 2019. Evidence also emerged that more than 230,000 Xinjiang residents—most of them believed to be Uighurs and Kazakhs—had been sentenced to prison since 2017, with many transferred to facilities in other provinces. [Note: Tibet is examined in a separate report.]

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 0 / 4

China is home to one of the world's most restrictive media environments and its most sophisticated system of censorship, particularly online. The CCP maintains control over news reporting via direct ownership, accreditation of journalists, harsh penalties for public criticism, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of smartphone applications from the domestic market, and mass deletion of microblog posts, instant messages, and user accounts that touch on banned political, social, economic, and religious topics. Thousands of websites have been blocked, many for years, including major news and social media hubs like the *New York Times*, YouTube, Twitter, and Facebook.

The already limited space for media freedom shrank further during 2019. Online controls were particularly evident in the run-up to the 30th anniversary of the military's crackdown on protesters in Beijing in June 1989 and as prodemocracy protests in Hong Kong stretched from summer into the fall. Within the first week of June, the websites of 12 major international news outlets from five different countries were blocked, including Cable News Network (CNN), the *Washington Post*, the *Guardian*, and the *Toronto Star*, with many remaining blocked weeks later. Increased controls extended to apolitical spaces such as online music stores and platforms for live streaming, dating, celebrity gossip, and blockchain technology, with authorities suspending or tightening scrutiny of features that enable real-time communication. Economic news remained more heavily censored than in the past amid an escalating trade war with the United States and a slowing domestic economy.

Continued implementation of the 2017 Cybersecurity Law, along with other regulations and increased pressure on private technology companies, has also resulted in greater and more sophisticated internet censorship. The multipurpose social media tool WeChat increasingly employed artificial intelligence to scan and delete images that were deemed to include banned content. Throughout 2019, large-scale deletions of posts and accounts occurred on both WeChat and the Sina Weibo microblogging platform.

According to the Committee to Protect Journalists (CPJ), 48 journalists were jailed in China as of December 2019, although the actual number of people held for uncovering or sharing newsworthy information is much greater. Several moderators of human

rights websites and smaller social media groups were jailed for their online activities. In July 2019, Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years in prison for "intentionally leaking state secrets." The previous month, Liu Pengfei, the moderator of a popular WeChat account that posted news from outside China, was sentenced to two years in prison. State media had warned that WeChat group administrators could be held responsible for the content in their group under regulations in effect since 2017. Chinese users of Twitter also faced an increase in reprisals for their activities on the blocked platform, including detention, interrogation, job dismissal, and forced deletion of messages. Foreign journalists continued to encounter various forms of harassment during the year, including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, the withholding of or threats to withhold visas, and surveillance.

Despite heavy restrictions on media freedom, Chinese journalists, grassroots activists, and internet users continue to seek out and exploit new ways to expose official misconduct, access uncensored information, and share incisive political commentary, although they risk reprisals when doing so. Tens of millions of people use circumvention tools like virtual private networks (VPNs) to reach the uncensored global internet or accessed blocked overseas broadcasts via satellite, but a number of activists have been sentenced to prison in recent years for selling VPN services. In January 2019, a man in Guangdong Province was fined 1,000 yuan (\$145) simply for using a VPN to reach the international internet.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief 0 / 4 in public and private?

The CCP regime has established a multifaceted apparatus to control all aspects of religious activity, including by vetting religious leaders for political reliability, placing limits on the number of new monastics or priests, and manipulating religious doctrine according to party priorities. The ability of believers to practice their faith varies dramatically based on religious affiliation, location, and registration status. Many do not necessarily feel constrained, particularly if they are Chinese Buddhists or Taoists. However, a 2017 Freedom House report found that at least 100 million believers belong to groups facing high or very high levels of religious persecution, namely Protestant Christians, Tibetan Buddhists, Uighur Muslims, and Falun Gong practitioners.

During 2019, the government increased restrictions on a range of religious communities, including Chinese Buddhists, state-sanctioned Christian congregations, and Hui Muslims. New regulations on religious affairs that took effect in 2018 strengthened controls on places of worship, travel for religious purposes, placement of religious statues, and children's religious education. In 2019, the online magazine *Bitter Winter* reported several cases of outdoor Buddhist statues being destroyed or covered up in Liaoning, Hubei, Hebei, and other provinces. Minarets at mosques throughout Hui Muslim majority areas such as Ningxia have been removed or renovated, and some mosques have been shuttered, as part of a broader CCP effort to forcibly "sinicize" Islam and other religions.

The Vatican and the Chinese government reached an agreement in 2018 on the appointment of Catholic bishops that would reportedly allow the government to nominate bishops and the Vatican to exercise a veto. The Vatican also recognized seven government-approved bishops who had previously been excommunicated; the status of dozens of existing bishops recognized by the Vatican but not by the government remained unclear. In 2019, clergy who lacked state recognition complained of intimidation and pressure to sign registration forms; at least three priests were detained, and one bishop went into hiding. Nevertheless, in August the Vatican announced that it had approved a bishop for Jining in Inner Mongolia, the first such ordination under the new agreement. Persecution of unofficial Protestant groups continued during the year. Wang Yi, the pastor of the prominent Early Rain Covenant Church in Chengdu, Sichuan Province, was sentenced in December 2019 to nine years in prison on charges of "inciting subversion of state power." Wang and dozens of congregants had been detained a year earlier when authorities shut down the unregistered church. His wife and other church members were eventually released, though they remained under police scrutiny.

The especially intense and intrusive curbs on the practice of Islam in Xinjiang, which are apparently aimed at breaking down the religious identity of Muslims in the region, have affected the wearing of religious attire, attendance at mosques, fasting during Ramadan, choice of baby names, and other basic forms of religious expression. In 2019, the authorities continued to punish peaceful religious practices under charges of "religious extremism," resulting in detention and indoctrination for many Uighur, Kazakh, and Hui Muslims. A series of leaked official documents published by the International Consortium of Investigative Journalists in November revealed a points-based system for measuring the effectiveness of ideological "reeducation" efforts and determining detainees' eligibility for release.

The regime's 20-year campaign to eradicate the Falun Gong spiritual group continued in 2019. Hundreds of Falun Gong practitioners have received long prison terms in recent years, and many others are arbitrarily detained in various "legal education" facilities. Detainees typically face torture aimed at forcing them to abandon their beliefs, sometimes resulting in deaths in custody.

D3 0-4 pts

Is there academic freedom, and is the educational system free from 0 / extensive political indoctrination? 4

Academic freedom is heavily restricted, and the space for academic discussion and research that departs from CCP guidelines reached new lows in 2019, even regarding what were previously less sensitive topics, such as labor rights, constitutional law, or economics. Efforts to police classroom discussions have increased at all levels of education, including via installation of surveillance cameras in some classrooms, large-scale recruitment of student informants, and the creation of special departments to supervise the political thinking of teaching staff. The CCP controls the appointment of top university officials, and many scholars practice self-censorship to protect their careers and personal safety.

Political indoctrination—including the study of “Xi Jinping Thought”—is a required component of the curriculum at all levels of education. Increased government funding to support research promoting party ideology has spurred the establishment of dozens of centers dedicated to “Xi Jinping Thought.” Official speeches and new training plans for teachers that were announced in 2019 increased pressure on educators to toe the party line.

Professors and students from a range of academic disciplines faced reprisals during the year—ranging from censored writings, travel restrictions, and demotions to arrest and imprisonment—for expressing views that were deemed critical of the CCP’s governance and of Xi Jinping’s slogans, whether in class, in academic writings, online, or in interviews with overseas media. In March, law professor Xu Zhangrun of Tsinghua University in Beijing was stripped of his teaching duties, placed under investigation, and had his wages reduced in apparent retribution for an article criticizing Xi’s authoritarian policies. In April, retired economics professor Zi Su was sentenced to four years in prison after he published a letter online that referred to Xi’s rule as a “dictatorship.” Mongolian historian Lhamjab A. Borjigin was sentenced in July to one year in prison with a two-year reprieve in connection with his book on the Cultural Revolution. Ethnic Uighur scholars faced particularly harsh penalties: a March 2019 report by a US-based human rights project documented 386 intellectuals who had been confirmed detained or disappeared since 2017. Two foreign scholars—Yang Hengjun from Australia and an unnamed professor from Japan—were arrested while visiting China in 2019 on dubious charges of spying. Cases of student detentions also emerged during the year, including ethnic Kyrgyz in Xinjiang and labor rights supporters from Beijing universities.

Score Change: The score declined from 1 to 0 due to a multiyear pattern of growing restrictions on academic freedom, including greater indoctrination in schools and universities, mass detention of Uighur scholars, punishments for outspoken professors and student activists, and surveillance in classrooms.

D4 0-4 pts

Are individuals free to express their personal views on political or other 1 / sensitive topics without fear of surveillance or retribution? 4

The government’s ability to monitor citizens’ lives and communications has increased dramatically in recent years, inhibiting online and offline conversations. Social media applications like WeChat are known to closely monitor user discussions so as to conform with government content restrictions and surveillance requests. Surveillance cameras, increasingly augmented with facial recognition software, cover many urban areas and public transportation, and are expanding into rural regions. Pilot programs for a Social Credit System—expected to become mandatory and nationally operational in 2020—rate citizens’ trustworthiness based not only on financial responsibility or debt records, but also on purchasing behavior, video gaming habits, social acquaintances, and adherence to rules in public spaces. Devices used by police to quickly extract and scan data from smartphones, initially deployed in Xinjiang, have spread nationwide. Databases with the personal details of certain categories of individuals—including users of drugs, petitioners, members of ethnic minorities, religious believers, foreigners, and migrant workers—have been purchased by police throughout the country. The 2017 Cybersecurity Law requires companies to store Chinese users’ data in China and submit

to potentially intrusive security reviews. As of December 2019, telecommunications companies were required to obtain facial scans of new internet or mobile phone users as part of the real-name registration process.

Electronic surveillance is supplemented with offline monitoring by neighborhood party committees, "public security volunteers" who are visible during large events, and an especially heavy police presence in places like Xinjiang.

Court verdicts have cited private social media communications, public surveillance video, and personal meetings as evidence in cases where citizens were punished for expressing their views on political or religious topics. In addition to legal penalties, a growing number of internet users have faced account closures, job dismissals, and police interrogation because of politically sensitive or even humorous comments made on social media platforms.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

China's constitution protects the right of citizens to demonstrate, but in practice protesters rarely obtain approval and risk punishment for assembling without permission. Spontaneous demonstrations have thus become a common form of protest. Some are met with police violence, and organizers often face reprisals, even in cases where local officials ultimately concede to protesters' demands. Armed police have been accused of opening fire during past protests in Xinjiang.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The ability of civil society organizations to engage in work related to human rights and governance is extremely constrained and has decreased under a 2017 law on foreign NGOs and 2016 legislation governing philanthropy, which significantly reduced civic groups' access to funding from foreign sources and increased supervision and funding from the government. The space for organizations to operate without formal registration, a previously common practice, has also shrunk, although some continue to do so. Several prominent NGOs that focused on policy advocacy, including in less politically sensitive areas like public health or women's rights, have been shuttered in recent years under government pressure. In July 2019, state security agents in Hunan Province detained three staff members of Changsha Funeng, an NGO that advocates for people with stigmatized diseases, on charges of "subverting state power." Hundreds of thousands of NGOs are formally registered, but many operate more as government-sponsored entities and focus on service delivery.

The foreign NGO law that took effect in 2017 restricts the operations of foreign NGOs in China, requires them to find a Chinese sponsor entity and register with the Ministry of Public Security, and gives police the authority to search NGOs' premises without a warrant, seize property, detain personnel, and initiate criminal procedures. Hundreds of

foreign NGOs have registered offices or temporary activities, though the vast majority are trade and agricultural associations, or groups involved in issues such as cultural exchange, public health, education, or the rights of people with disabilities. A list of sponsoring Chinese entities documented by the ChinaFile NGO Project indicated a heavy presence of state and CCP-affiliated organizations. During 2019, at least 11 foreign NGOs chose to deregister, an increase over two that had done the same in 2018. In November 2019, Chinese officials announced that US-based public health NGO Asia Catalyst had been formally investigated for violating the law and would face penalties, though the facts behind the accusation were in dispute.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor 1 / organizations? 4

The only legal labor union organization is the government-controlled All-China Federation of Trade Unions (ACFTU), which has long been criticized for failing to properly defend workers' rights, but has reportedly become even less of an ally to workers in recent years. The authorities intensified a multiyear crackdown on labor activists and NGOs during 2019. Expanding on a 2018 campaign of reprisals against workers at Shenzhen Jasic Technology in Guangdong Province who had tried to establish a union and elect their own leaders, by July 2019 security forces had detained and harassed at least 130 factory workers, labor rights activists, NGO staff, and social workers throughout the province and in Beijing, according to a list compiled by the China Labor Crackdown Concern Group. Three editors of iLabour, an online workers' rights advocacy platform, were also detained by police in early 2019; they were later charged with "picking quarrels and provoking trouble" after providing legal advice to workers and publicizing cases of abuse; their trial was pending at year's end.

Despite the constraints on union activity, strikes and labor protests continued to be reported across the country, particularly over wage arrears. Nearly 1,400 such incidents were documented by the China Labour Bulletin during 2019.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 1 / 4

The CCP dominates the judicial system, with courts at all levels supervised by party political-legal committees that have influence over the appointment of judges, court operations, and verdicts and sentences. CCP oversight is especially evident in politically sensitive cases, and most judges are CCP members. In March 2019, the annual work report of Supreme People's Court president Zhou Qiang emphasized that judges should conform to CCP ideology and uphold the party's "absolute leadership" of the courts.

Incremental reforms aimed at improving judicial performance, while maintaining party supremacy, have been introduced since 2014. The changes focused on increasing transparency, professionalism, and autonomy from local authorities. Many judges complain about local officials interfering in cases to protect powerful litigants, support important industries, or avoid their own potential liability.

F2 0-4 pts**Does due process prevail in civil and criminal matters? 1 / 4**

Broader judicial reforms introduced in recent decades have sought to guarantee better access to lawyers, allow witnesses to be cross-examined, and establish other safeguards to prevent wrongful convictions and miscarriages of justice. However, limitations on due process—including excessive use of pretrial and incommunicado detention—remain rampant, and a multiyear crackdown on human rights lawyers has weakened defendants' access to independent legal counsel. Rights attorney Wang Quanzhang was sentenced in January 2019 to four and a half years in prison on charges of "subversion" due to his defense of activists and persecuted religious believers.

Criminal trials are frequently closed to the public, and the conviction rate is estimated at 98 percent or more. While adjudication of minor civil and administrative disputes is considered more fair, cases that touch on politically sensitive issues or the interests of powerful groups are subject to decisive "guidance" from political-legal committees.

In recent years, dozens of human rights lawyers, activists, and other high-profile detainees have been presented in the media giving what are widely assessed as forced confessions, undermining their right to due process. In November 2019, Chinese state media published a "confession" video of Simon Cheng, a Hong Kong resident employed by the British consulate and detained on the mainland in August. Authorities said he was given 15 days of administrative detention for soliciting prostitutes, but Cheng alleged that he was tortured in custody and interrogated about the prodemocracy protests in Hong Kong.

Despite the abolition of "reeducation through labor" camps at the end of 2013, large numbers of people—particularly petitioners, grassroots rights activists, Falun Gong adherents, and Uighur Muslims—are still held in other forms of arbitrary detention. A new form of extrajudicial detention for targets of anticorruption and official misconduct investigations, known as *liuzhi*, was introduced in 2018, in tandem with the establishment of the NSC. Individuals can be held in *liuzhi* for up to six months without access to legal counsel.

F3 0-4 pts**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4**

Conditions in places of detention are harsh, with reports of inadequate food, regular beatings, and deprivation of medical care. The law encourages judges to exclude evidence obtained through torture, but in practice, torture and other forms of coercion are widely used to extract confessions or force political and religious dissidents to recant their beliefs. Security agents routinely flout legal protections, and impunity is the norm for police brutality and suspicious deaths in custody. An unusually high number of well-documented cases of political and religious prisoners dying in custody or shortly after release due to denial of proper medical attention emerged in 2019, with examples from across China. Citizens who seek redress for abuse in custody or suspicious deaths of family members often meet with reprisals and even imprisonment.

The government has gradually reduced the number of crimes that carry the death penalty, which totaled 46 as of 2019, but it is estimated that thousands of inmates are executed each year; the true figure is considered a state secret. The government claims it has ended the transplantation of organs from executed prisoners. However, the scale of the transplantation industry and the speed with which some organs are procured far exceed what is feasible via the country's nascent voluntary donation system. Evidence of data falsification related to that system emerged in 2019. Rights activists, journalists, medical professionals, and an independent tribunal of experts sitting in London reiterated concerns during the year regarding unethical and illicit organ sourcing from prisoners, including religious and ethnic minorities such as Falun Gong adherents and Uighurs.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? **0 / 4**

Chinese laws formally prohibit discrimination based on nationality, ethnicity, race, gender, religion, or health condition, but these protections are often violated in practice. Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade. Nevertheless, bias remains widespread, including in job recruitment and college admissions. The #MeToo movement against sexual harassment and assault, which began in the United States and has spread to China, helped to raise awareness of the problem during 2019. New reports of sexual harassment or assault and efforts by victims to seek legal redress were widely discussed online during the year, even as the hashtag itself and a prominent feminist Weibo account were censored and victims were harassed online for coming forward.

Ethnic and religious minorities, LGBT+ people, people with disabilities, and people with illnesses such as HIV/AIDS and hepatitis B also face widespread discrimination in employment and access to education. Religious and ethnic minorities are disproportionately targeted and abused by security forces and the criminal justice system. Official figures published during 2019 showed that courts in Xinjiang, where Muslim minorities make up a majority of the population, sentenced more than 230,000 people to prison or other criminal punishments in 2017 and 2018, a higher per capita rate than other parts of China; a much larger percentage of convicts were sentenced to terms of more than five years in Xinjiang than elsewhere.

Despite China's international obligation to protect the rights of asylum seekers and refugees, Chinese law enforcement agencies continue to repatriate North Korean defectors, who face imprisonment or execution upon return. During 2019, observers noted an increase in the number of North Koreans being detained in China and subjected to repatriation, possibly due to bilateral security agreements and enhanced facial recognition technologies.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? **1 / 4**

China's *hukou* (household registration) system prevents roughly 290 million internal migrants from enjoying full legal status as residents in cities where they work. The government has announced plans to gradually reform the system, expanding the benefits of urban residency to 100 million migrants based on their education, employment record, and housing status, with the most stringent requirements in major cities like Shanghai and Beijing and much looser standards applied in smaller municipalities. The plan would still leave a large majority of migrants without equal rights or full access to social services such as education for their children in local schools. In April 2019, the National Development and Reform Commission introduced the next stage of these reforms, requiring cities with one to three million residents to abolish all restrictions for migrants wishing to obtain a local *hukou*, and for cities with three to five million residents to ease restrictions for certain categories of migrants, especially those with higher education levels.

Many other Chinese citizens also face obstacles to freedom of movement within the country. Police checkpoints throughout Xinjiang limit residents' ability to travel or even leave their hometowns. Elsewhere in China, as initial stages of a Social Credit System were introduced during 2019, millions of citizens reportedly encountered restrictions on air and train travel due to their low scores. While China's constitution gives individuals the right to petition the government concerning a grievance or injustice, in practice petitioners are routinely intercepted in their efforts to reach Beijing, forcefully returned to their hometowns, or extralegally detained in "black jails," psychiatric institutions, and other sites.

Millions of people are affected by government restrictions on their access to foreign travel and passports, many of them Uighurs and Tibetans. Overseas Chinese nationals who engage in politically sensitive activities are at risk of being prevented from returning to China, or choose not to return for fear of being arrested.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The authorities dominate the economy through state-owned enterprises in key sectors such as banking and energy, and through state ownership of land. Chinese citizens are legally permitted to establish and operate private businesses. However, those without strong informal ties to powerful officials often find themselves at a disadvantage in legal disputes with competitors, in dealings with regulators, or in the context of politicized anticorruption campaigns. Foreign companies and executives can face arbitrary regulatory obstacles, debilitating censorship, demands for bribes, travel restrictions, or negative media campaigns. Many private companies in China have internal party organizations or committees.

Property rights protection remains weak. Urban land is owned by the state, with only the buildings themselves in private hands. Rural land is collectively owned by villages. Farmers enjoy long-term lease rights to the land they work, but they have been restricted in their ability to transfer, sell, or develop it. Low compensation and weak legal protections have facilitated land seizures by local officials, who often evict

residents and transfer the land rights to developers. Corruption is endemic in such projects, and local governments rely on land development as a crucial source of revenue.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? **2 / 4**

A legal amendment allowing all families to have two children—effectively abolishing the one-child policy that had long applied to most citizens—took effect in 2016. While the authorities continue to regulate reproduction, the change means that fewer families are likely to encounter the punitive aspects of the system, such as high fines, job dismissal, reduced government benefits, and occasionally detention. Abuses such as forced abortions and sterilizations are less common than in the past but continue to occur. Ethnic minorities are still permitted to have up to three children.

Muslims in Xinjiang face restrictions and penalties related to aspects of their appearance with religious connotations, such as headscarves on women or beards on men. Forced abortions and sterilization have been reported by Muslim women who escaped detention camps.

The country's first law designed to combat domestic violence came into effect in 2016, but domestic violence continues to be a serious problem, affecting one-quarter of Chinese women, according to official figures. Activists have complained that the new law fails to provide support for victims and does not criminalize spousal rape, and that it remains extremely difficult for victims to win court cases or even obtain protection orders against their abusers.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? **2 / 4**

While workers in China are afforded important protections under existing laws, violations of labor and employment regulations are widespread. Local CCP officials have long been incentivized to focus on economic growth rather than the enforcement of labor laws. Exploitative employment practices such as wage theft, excessive overtime, student labor, and unsafe working conditions are pervasive in many industries. Forced labor and trafficking are also common, frequently affecting rural migrants, and Chinese nationals are similarly trafficked abroad. Forced labor is the norm in prisons and other facilities for criminal, political, and religious detainees. Since 2018, according to research by scholar Adrian Zenz, authorities in Xinjiang have begun to place minority populations in different forms of forced or low-paid labor, including workshops linked to internment camps and large industrial parks or village-based factories for those not detained.

ecoi.net summary:

Annual report on political rights and civil liberties in 2019



Country:

China

Source:

Freedom House [\(/en/source/11154.html\)](/en/source/11154.html)

Original link:

<https://freedomhouse.org/country/china/freedom-world/2020>
(<https://freedomhouse.org/country/china/freedom-world/2020>)

Document type:

Periodical Report

Language:

English

Published:

4 March 2020

Document ID:

2025907

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

