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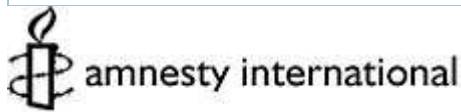
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Amnesty International Report 2016/17 - The State of the World's Human Rights - China

The government continued to draft and enact a series of new national security laws that presented serious threats to the protection of human rights. The nationwide crackdown on human rights lawyers and activists continued throughout the year. Activists and human rights defenders continued to be systematically subjected to monitoring, harassment, intimidation, arrest and detention. Police detained increasing numbers of human rights defenders outside of formal detention facilities, sometimes without access to a lawyer for long periods, exposing the detainees to the risk of torture and other ill-treatment. Booksellers, publishers, activists and a journalist who went missing in neighbouring countries in 2015 and 2016 turned up in detention in China, causing concerns about China's law enforcement agencies acting outside their jurisdiction. Controls on the internet, mass media and academia were significantly strengthened. Repression of religious activities outside of direct state control increased. Religious repression conducted under "anti-separatism" or "counter-terrorism" campaigns remained particularly severe in Xinjiang Uighur Autonomous Region and in Tibetan-populated areas.

Legal, constitutional or institutional developments

Sweeping national security laws and regulations continued to be drafted and enacted, giving greater powers to the authorities to silence dissent, restrict or censor information and harass and prosecute human rights defenders.

The Foreign NGO Management Law was due to come into force on 1 January 2017, creating additional barriers to the already limited rights to freedom of association, peaceful assembly and expression. Although the law was ostensibly designed to regulate and even protect the activities of foreign NGOs, it transferred to the Ministry of Public Security – the state policing agency – the responsibility to oversee the registration of these NGOs, as well as supervise their operations and pre-approve their activities. The wide discretion given to police to oversee and manage the work of foreign NGOs raised the risk of the law being misused to intimidate and prosecute human rights defenders and NGO staff.

On 7 November, the National People's Congress (NPC) passed the Cyber Security Law, which purported to protect internet users' personal data from hacking and theft, but made it obligatory for internet companies operating in China to censor content, store users' data domestically, and enforce a real-name registration system in a way that runs counter to national and international obligations to safeguard the rights to freedom of expression and privacy. The law prohibited individuals or groups from using the internet to "harm national security", "upset social order", or "harm national interests" – terms that were vague and imprecise under existing Chinese law and could be used to further restrict freedom of expression. The law enshrined the concept of "internet sovereignty", which justified broad censorship and extensive surveillance powers in the name of protecting national security.

Also on 7 November, the NPC passed the Film Industry Promotion Law which prohibited the production of films that include content endangering national security, inciting ethnic hatred and violating religious policies.

Justice system

Shortcomings in domestic law and systemic problems in the criminal justice system resulted in widespread torture and other ill-treatment and unfair trials.

The authorities increasingly used “residential surveillance in a designated location”, a form of secret incommunicado detention that allowed the police to hold individuals for up to six months outside the formal detention system, without access to legal counsel of their choice, their families or anybody else from the outside world, and placed suspects at risk of torture and other ill-treatment. This form of detention was used to curb the activities of human rights defenders, including lawyers, activists and religious practitioners.

Human rights defenders

At the end of the year, five people remained in detention awaiting trial on charges of “subverting state power” or “inciting subversion of state power”, and four on charges of “picking quarrels and provoking trouble” or “making arrangements for another person to illegally cross the national border”. Their detention followed the unprecedented government crackdown on human rights lawyers and other activists which started in mid-2015, in which at least 248 lawyers and activists were questioned or detained by state security agents. At least 12 of the individuals detained in the crackdown, including prominent human rights lawyers Zhou Shifeng, Sui Muqing, Li Heping and Wang Quanzhang, had been held in “residential surveillance in a designated location” on suspicion of involvement in state security crimes. Family members of those detained were also subject to police surveillance, harassment and restriction of their freedom of movement. Legal assistant Zhao Wei and lawyer Wang Yu were released on bail in early July and early August respectively, although they remained subject to restrictions on their rights to freedom of movement, expression and association for one year and remained at risk of prosecution.

On 2 August, activist Zhai Yanmin was convicted of “subverting state power” and sentenced to three years’ imprisonment, suspended for four years. Hu Shigen and lawyer Zhou Shifeng were convicted of the same charge and sentenced to seven and a half years’ imprisonment and seven years’ imprisonment respectively on 3 and 4 August.

Lawyer Jiang Tianyong went missing on 21 November. His family was notified on 23 December that he had been placed under “residential surveillance in a designated location” under suspicion of “inciting subversion of state power”. Liu Feiyue and Huang Qi, both human rights defenders and website founders, were detained in November, accused respectively of “inciting subversion” and “leaking state secrets”.

The authorities in Guangdong province, where labour disputes and strikes were on the rise, continued their crackdown on workers and labour rights activists which began in December 2015. At least 33 individuals were targeted; 31 were later released. Labour activist Zeng Feiyang was denied access to lawyers and sentenced to three years’ imprisonment, suspended for four years, in early October. Labour activist Meng Han was sentenced to one year and nine months’ imprisonment on 3 November. In many cases the detention centres initially denied access to lawyers on the grounds that the cases involved “endangering national security”.

Six of the more than 100 people in mainland China detained for supporting the Hong Kong pro-democracy protests in late 2014 were sentenced to prison terms. They included Xie Wenfei and Wang Mo, leaders of the Southern Street Movement, who were sentenced to four and a half years’ imprisonment on charges of “inciting subversion”. Two others, women’s rights activist Su Changlan and Chen Qitang, remained in detention with no dates set for their trials. Zhang Shengyu, who was among those detained for supporting the Hong Kong protests, reported that he was beaten and Su Changlan reported she was denied adequate medical treatment in detention.

The number of carefully choreographed televised “confessions” increased during the year. They included interviews with detained human rights defenders conducted by Chinese state media and, in two cases, by pro-Beijing media outlets in Hong Kong. Although such “confessions” had no legal validity, they undermined the right to a fair trial. Those shown “confessing” on television included lawyers Zhou Shifeng and Wang Yu, activist Zhai Yanmin, Hong Kong bookseller Gui Minhui and Swedish NGO worker Peter Dahlin, who was detained and later deported. Zhao Wei and her lawyer, Ren Quanniu, posted confessions on their social media after they were reportedly released on bail.

Several journalists and activists who went missing outside mainland China were detained or feared to be detained in China. Journalist Li Xin, who revealed in media interviews that Chinese state security officials had put him under intense pressure to act as an informant against his colleagues and friends before he fled China in 2015, went missing in Thailand in January 2016. He telephoned his partner in February and said he had

voluntarily returned to China to assist with an investigation. He was not heard from again and his whereabouts were undisclosed at the end of the year. Tang Zhishun and Xing Qingxian went missing in Myanmar in 2015 while helping the son of two detained Chinese lawyers. Without providing any explanation for the time lag, the authorities charged them with “making arrangements for another person to illegally cross the national border” in notices dated May 2016.

In May, pro-democracy activists Jiang Yefei and Dong Guangping were confirmed to have been detained on suspicion of “subverting state power” and “making arrangements for another person to illegally cross the national border”. They had been granted refugee status by UNHCR, the UN refugee agency, but were repatriated from Thailand to China in 2015. Neither had access to family or lawyers of their choice for at least the first six months after their return and Dong Guangping still had no access by the end of the year.

Miao Deshun, a labour activist arrested after participating in the pro-democracy Tiananmen Square protests in 1989, was reportedly released in October after 27 years’ imprisonment. Activists who commemorated the Tiananmen crackdown continued to be detained, including Sichuan activists Fu Hailu and Luo Fuyu.¹

Freedom of expression

In March, police reportedly detained at least 20 people in connection with the publication of an open letter criticizing President Xi and calling for his resignation. The open letter blamed President Xi for trying to build a “personality cult” and abandoning collective leadership. Those detained included 16 people working for Wujie News, the website which published the letter on 4 March.

On 4 April the government issued guidelines to increase law enforcement of cultural matters in a bid to “safeguard the ‘national cultural and ideological security’”. The guidelines would increase regulation of many “illegal” and unauthorized activities, including: publishing, film and TV distribution, foreign satellite TV broadcasting, artistic performances, and imports and exports of cultural products.

China made further efforts to reinforce its already oppressive internet censorship architecture. Thousands of websites and social media services remain blocked, including Facebook, Instagram and Twitter, and internet service and content providers were required to maintain extensive censorship on their platforms.

Six journalists from Sichuan-based website “64 Tianwang” were detained for covering protests in relation to the G20 Summit in Hangzhou in September. One, Qin Chao, remained in detention.

Freedom of religion and belief

Proposed amendments to the Regulations on Religious Affairs issued on 7 September would extend power to various authorities to monitor, control and sanction some religious practice. The amendments, which emphasized national security with a goal of curbing “infiltration and extremism”, could be used to further suppress the rights to freedom of religion and belief, especially for Tibetan Buddhists, Uighur Muslims and unrecognized churches.

The campaign to demolish churches and remove Christian crosses from buildings in Zhejiang province, launched in 2013, intensified into 2016. According to international media, more than 1,700 crosses had been removed by the end of 2016, prompting a series of protests.

Zhang Kai, a lawyer who offered legal assistance to the affected churches, appeared on state television on 25 February, looking thin and exhausted, to give a videotaped “confession”. He was initially detained in 2015 on suspicion of state security crimes and “disturbing public order” and was later placed under “residential surveillance in a designated location”. He was released without explanation and returned to his hometown in Inner Mongolia on 23 March.

On 26 February, Bao Guohua and his wife Xing Wenxiang, pastors from Jinghua city in Zhejiang province, were sentenced to 14 years’ and 12 years’ imprisonment respectively for embezzling money from their congregation and “gathering a crowd to disturb social order”. Bao Guohua had been vocal in opposing the removal of crosses from churches.

Falun Gong practitioners continued to be subjected to persecution, arbitrary detention, unfair trials and torture and other ill-treatment. Falun Gong practitioner Chen Huixia was detained in June and, according to her daughter, tortured in detention because of her beliefs.²

Death penalty

A white paper issued by the government in September claimed that China “[strictly controlled] the death penalty and employ[ed] it with prudence to ensure that it applies only to a very small number of extremely serious criminal offenders”. Statistics related to the death penalty continued to be classified as state secrets, making it impossible to verify the number of death sentences handed down and executions carried out.

In December the Supreme People’s Court overturned the murder and rape conviction against Nie Shubin, who was executed in 1995. The Supreme People’s Court ordered the retrial and agreed with a lower court finding that there was a lack of clear evidence to prove that Nie Shubin was guilty.

Tibet Autonomous Region and Tibetan-populated areas in other provinces

Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedom of religion and belief, expression, association and peaceful assembly. In August, media reported that Lobsang Drakpa, a Tibetan monk who was detained by police in 2015 while staging a solo protest – an increasingly common form of protest in the Tibetan-populated areas – was sentenced to three years’ imprisonment in a closed trial.³

At least three people set themselves on fire in Tibetan-populated areas during the year in protest against repressive policies by the authorities. The number of known self-immolations since February 2009 rose to 146.

A Tibetan blogger known as Druklo was sentenced to three years’ imprisonment in February for “inciting separatism” for his online posts on religious freedom, the Dalai Lama and other Tibetan issues and his possession of the banned book *Sky Burial*.⁴

Tashi Wangchuk was detained in January and charged with “inciting separatism” for advocating Tibetan language education and giving an interview to the *New York Times*. He remained in detention at the end of the year.⁵

Housing rights – forced evictions

In July, the government began demolishing a large part of Larung Gar, reportedly the largest Tibetan Buddhist institute in the world, located in Seda (Serta) County, in the Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province. Local Chinese authorities ordered the population of Larung Gar to be reduced by more than half to 5,000 in order to carry out “correction and rectification”. Thousands of monks, nuns and lay people were at risk of forced evictions.

Xinjiang Uighur Autonomous Region

In March the Xinjiang Uighur Autonomous Region’s (XUAR) Party Secretary, Zhang Chunxian, announced that progress had been made in maintaining social stability in the region, and that cases of “violent terrorism” had decreased. Nonetheless, the government said that it would continue to maintain indefinitely its “strike hard” stance against “violent terrorism”.

The government continued to detain ethnic Uighur writers and Uighur language website editors. Human rights defender Zhang Haitao, an ethnic Han, was sentenced to 19 years’ imprisonment on charges of “inciting subversion” and “providing intelligence overseas”. His lawyers believed that the severity of his sentence was in part due to his commentary on ethnic issues.

The government continued to violate the right to freedom of religion, and crack down on all unauthorized religious gatherings. Abudulrekep Tumniyaz, deputy director of the Xinjiang Islamic Association, said in March that all underground preaching sites in the XUAR had been shut down.

In October, media reported that several localities within the XUAR had announced that they will require all residents to hand in their passports to the police. Thereafter, all XUAR residents would be required to present biometric data – such as DNA samples and body scan images – before being permitted to travel abroad. The measure came amid a security crackdown and greater travel restrictions targeting ethnic minorities in the XUAR.

Cultural rights

In August, the provincial government announced a large-scale plan to send 1,900 Uighur teachers to schools throughout mainland China to accompany Uighur students living in boarding schools in Han-majority areas. The government pledged to increase the number of such dispatched teachers to 7,200 by 2020.

The move is billed as a way to “resist terrorism, violent extremism and separatism and promote ethnic solidarity”, but Uighur groups overseas have criticized the plan as a means to dilute Uighur cultural identity.

Hong Kong Special Administrative Region

Five booksellers who went missing in Thailand, mainland China and Hong Kong in late 2015 reappeared on television in mainland China in January and February of 2016. Gui Minhai, Lui Por, Cheung Chi-ping, Lee Po and Lam Wing-kee worked for Mighty Current Media, a Hong Kong company known for its books on Chinese leaders and political scandals. Lam Wing-kee returned to Hong Kong in June and held a press conference in which he said he was arbitrarily detained, ill-treated in detention and forced to “confess”.⁶

Students Joshua Wong, Alex Chow and Nathan Law were tried for their part in events outside government headquarters in September 2014 that triggered the pro-democracy Umbrella Movement. In July 2016, Joshua Wong and Alex Chow were found guilty of “taking part in an unlawful assembly” and Nathan Law was found guilty of “inciting others to take part in an unlawful assembly”, vague provisions in Hong Kong’s Public Order Ordinance. Appeals from both parties were pending at the end of the year.

In November the Standing Committee of the NPC issued an interpretation of Article 104 of the Hong Kong Basic Law concerning oath-taking by two pro-independence legislators. This happened before the Hong Kong High Court could rule on a parallel case raised by the Hong Kong government seeking to disqualify the legislators.

1. China: Two more activists detained for “June 4 baijiu” ([ASA 17/4298/2016](#))
2. China: Falun Gong practitioner said to have been tortured in detention: Chen Huixia ([ASA 17/4869/2016](#))
3. China: Tibetan monk imprisoned after protest ([ASA 17/4802/2016](#))
4. China: Tibetan imprisoned for “inciting separatism” ([ASA 17/3908/2016](#))
5. China: Tibetan education advocate detained: Tashi Wangchuk ([ASA 17/3793/2016](#))
6. China: Authorities’ revelations on detained Hong Kong booksellers “smoke and mirrors” ([Press release](#), 5 February)

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