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China: Opposition to the state

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Analysis

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1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state due to the person's actual or perceived opposition to, or criticism of, the state.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Assessment of risk

a. Political opponents

- 2.2.1 The Chinese Communist Party (CCP) is the paramount authority in China and whilst minor parties exist they are approved by and subordinate to the CCP. There are no substantial political opposition groups and the government has forbidden the creation of new political parties (see [Political system](#) and [Political opposition](#)).
- 2.2.2 The authorities have punished people who express opposition or criticism of the CCP. Those who seek to create or support unofficial political parties are monitored arrested and detained. Punishments for opposition can also include 'deprivation of political rights' where a person is denied their rights to free speech, association and publication. Those deprived of their political rights are also reported to have difficulties in finding employment, travelling freely and accessing social services. Former political prisoners and their families are also subjected to surveillance, property and body searches, and harassment by the state (see [Treatment by the state](#)).
- 2.2.3 Those who have come to the adverse attention of the authorities for their political opposition or perceived opposition to the state are likely to be at risk of persecution and/or serious harm. Each case, however, must be considered on its facts with the onus on the person to demonstrate that are likely to be at risk.

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b. Human rights defenders

- 2.2.4 Article 35 of the Chinese constitution guarantees citizens the right to enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration but in practice these rights are restricted (see [Legal position](#)).
- 2.2.5 People are generally able to express dissent privately but a person who seeks to openly discuss sensitive issues in public speeches, academic discussions or remarks to the media criticising the state is likely to attract adverse attention from the authorities (see [Treatment by the state](#)).
- 2.2.6 The government has increased the intensity of restrictions imposed on those who seek to openly discuss sensitive issues or criticise the state. Restrictions can include controls on their freedom of movement, arbitrary arrest, surveillance and being discredited by the government who attempts to portray them as criminals or subversives, often charging them under public order offences. Human rights defenders can be subjected to detention and enforced disappearances including 'residential surveillance in a (police-) designated location (RSDL). Detainees have also been subjected to delayed or deprived medical treatment, denial of requests for lawyers and in some cases, have experienced torture (see [Arrests and detention](#)).
- 2.2.7 Those who have come to the adverse attention of the authorities for publicly advocating for greater human or civil rights are likely to be at risk of persecution and/or serious harm. Each case however, must be considered on its facts.

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c. Human rights lawyers

- 2.2.8 The Chinese government views lawyers as civil servants rather than independent practitioners of the law. In March 2017 All-China Lawyers Association issued regulations which put limits on court room behaviour and imposed sanctions on lawyers including the possibility of withdrawal of their registration for taking on cases which 'might endanger national security' (see [Treatment by the state](#)).
- 2.2.9 Lawyers who take on cases which the government considers to be politically sensitive are subjected to adverse attention from the authorities which can include harassment, detention, surveillance and movement restrictions (see [Arrests, detention and punishment](#)).
- 2.2.10 In July 2015, the Chinese authorities arrested and interrogated around 300 human rights lawyers, legal assistants and activists in what has come to be referred to as the '709 crackdown'. Many of those arrested have subsequently disappeared, whilst others were released after their 'confessions' were televised. Some remain in detention with many alleging they have been subjected to torture (see [Arrests, detention and punishment](#)).
- 2.2.11 Human rights lawyers who take on politically sensitive cases may be at risk of having sanctions imposed on them, including having their registration as a lawyer withdrawn by the authorities. In some cases, they may be subjected to harassment, physical assault, criminal prosecution, detention and movement restrictions. Where a person can demonstrate they have come to

the attention of the authorities for their work as a human rights lawyer they are likely to be at risk of persecution and/or serious harm. Each case must be considered on its facts.

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d. Journalists

- 2.2.12 Whilst the constitution guarantees freedoms of speech, assembly, association, and publication; the authorities generally do not respect these rights especially when they conflict with state interests (see [Legal position](#)).
- 2.2.13 The Chinese authorities harass and intimidate journalists reporting on topics which the government deems to be political or sensitive. Journalists practice a high degree of self-censorship to avoid the risk of official harassment (see [Treatment by the state](#) and [Censorship](#)).
- 2.2.14 At the end of 2017 there were at least 41 journalists in prison. Those arrested or imprisoned are often detained on charges such as corruption or illegal business activity (see [Arrests and detention](#)).
- 2.2.15 Decision makers must be satisfied that persons claiming to be journalists are able to demonstrate that their activities have brought, or will bring, them to the adverse attention of the Chinese authorities, bearing in mind that the state heavily monitors media and internet activity. Decision makers should give consideration to all relevant factors, including in particular: the subject matter, language and tone of the material; the method of communication; the reach and frequency of the publication; the publicity attracted; and any past adverse interest by the authorities.
- 2.2.16 Journalists who can show that they have come to the adverse attention of the authorities, or are reasonably likely to do so, are likely to be at risk of persecution or serious harm by the authorities on account of their actual or imputed political opinion. Each case must be considered on its facts.

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e. Internet and social media users/bloggers

- 2.2.17 The Chinese government censors and blocks online activity it deems to be critical of individuals, policies or the state. Many foreign websites remain blocked and the government reportedly employs 2 million people to police the internet and post pro government comments (see [Access to and monitoring of the internet](#)).
- 2.2.18 Online activists and bloggers who stir dissent or criticise the state have been jailed for their activities. Online speech which is critical of the CCP or leading government figures is frequently punished with administrative detention and the author of a post which ends up being reposted, read more than 5000 times or leads to protests, clashes or 'damages the country's image' can face up to 3 years' imprisonment (see [Treatment of bloggers/social media users](#)).
- 2.2.19 Decision makers must be satisfied that persons claiming to be at risk due to their online activity and/or blogs are able to demonstrate that their activities have brought, or will bring, them to the adverse attention of the Chinese authorities, bearing in mind that the state heavily monitors media and

internet activity. Decision makers should give consideration to all relevant factors, including in particular: the subject matter, language and tone of the material; the method of communication; the reach and frequency of the publication; the publicity attracted; and any past adverse interest by the authorities.

- 2.2.20 Bloggers/online activists who can show that they have come to the adverse attention of the authorities, or are reasonably likely to do so, are likely to be at risk of persecution or serious harm by the authorities on account of their actual or imputed political opinion. Each case must be considered on its facts.

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f. Family members of perceived opponents of the state

- 2.2.21 Family members of activists, journalists and former political prisoners have been subject to harassment, arrest, detention, restrictions on freedom of movement and surveillance by the state.
- 2.2.22 In some cases, authorities evicted family members of activists from their apartments and denied their children entry to primary and pre-school education. There have also been claims that the authorities have confiscated ID or hukou cards making it difficult for them to access medical and social services. There are also reports that authorities blocked the travel of some family members (see [Treatment of family members of perceived opponents of the CCP](#) and for more information on Hukou registration see [China country policy and information note: background information, including actors of protection and internal relocation](#)).
- 2.2.23 Close family members of high profile activists, journalists and former political prisoners and those critical of the state who can show that because of their close family relationship with a person who is, or is perceived as opponent to the state, has come to the adverse attention of the authorities which has led to harassment and/or detention are likely to be at risk of persecution and/or serious harm by the authorities on return on account of their imputed political opinion. Each case must be considered on its facts.

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g. Tibetans activists

- 2.2.24 Persons expressing support for independence for Tibet are in danger of arrest and imprisonment. The authorities respond harshly to peaceful protests in support of Tibetan independence, with beatings, arrest and detention. Telephone monitoring and the disruption of internet services were widespread in Tibet (see [Tibet](#)).
- 2.2.25 In assessing the risk to Tibetans on return, decision makers must also take particular care to establish both the circumstances of the person's exit from China (i.e. whether it was lawful), and also, full details of the route to the UK (i.e. whether the person travelled via Nepal or left China by another route).
- 2.2.26 The country guidance case of [SP and Others \(Tibetan – Nepalese departure – illegal – risk\) People's Republic of China CG \[2007\] UKAIT 00021](#) (heard on 18 August 2006 and promulgated 9 February 2007) found that Tibetans

who have made their way to the West having left China unlawfully on the Tibet/Nepal route face a real risk on return of detention and ill-treatment which amounts to persecution (paragraph 119d). This is because the Chinese authorities are concerned with any activity by Tibetans which they consider to be "splittist"- that is, any activity which indicates that a Tibetan might wish Tibet region to break away from China. Any support for the Dalai Lama is seen as "splittist". Those Tibetans who leave China unlawfully on the Tibet/Nepal route are seen as being supporters of the Dalai Lama (paragraphs 119b and c). Of the individual accounts considered in SP and Others, an Immigration Judge had accepted that one of the three Appellants had left Tibet unlawfully. The other two Appellants were not found to be credible but no separate findings were made that they had left lawfully. The Tribunal accepted that all 3 left China unlawfully on the Tibet/Nepal route. Consequently the appeals were allowed as it was accepted that they would be at real risk of being detained at the airport and of suffering abusive detention amounting to persecution on return.

- 2.2.27 Persons who support, or are perceived to support, independence for Tibet and have come to the adverse attention of the authorities or those who can prove they left China unlawfully via the Tibet/Nepal route are likely to be at risk of persecution and/or serious harm. Each case must be considered on its facts.

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h. Uighur activists

- 2.2.28 People and Uighurs who support, or are perceived to support, independence are reportedly arrested, detained, tortured and in some cases executed. Since April 2017 the authorities have detained thousands of Uighurs and other Muslims and forced them to undergo 'patriotic education'. Telephone monitoring and the disruption of internet services are widespread in the XUAR region (see [Xinjiang Uighur Autonomous Region \(XUAR\)](#)).
- 2.2.29 Persons who, or are perceived to, support independence for XUAR and have come to the attention or are likely to come to the attention of the authorities are likely to be at risk of persecution and/or serious harm.
- 2.2.30 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

- 2.3.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.

- 2.4.2 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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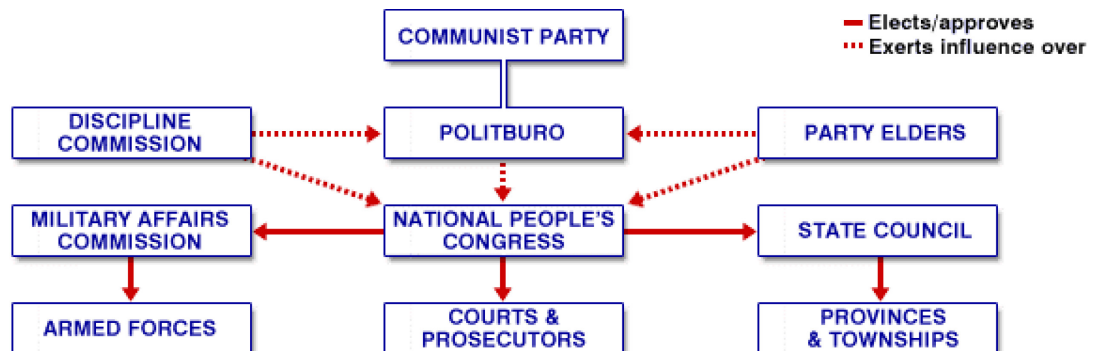
Country information

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3. Political system

3.1 Political parties

- 3.1.1 BBC news 'How China is ruled' provided a graphic of how the political system works¹ :



- 3.1.2 The Australian Government's Department for Foreign Affairs and Trade's (DFAT) 'Country Report for 2017' (the 2017 DFAT report) noted that:

'China is a one-party state governed by the CCP. [...]. The Party's peak leadership body, the Politburo Standing Committee (PBSC), is responsible in practice for making all key decisions on foreign and domestic policy. The head of the Party, General-Secretary Xi Jinping (concurrently President and Chairman of the Central Military Commission) is a member of the PBSC. PBSC members are drawn from the subordinate 25-member Politburo, which in turn is drawn from the Party's central committee. The 2017-2022 PBSC has seven members, the same number as for the 2012-2017 term.

'China's government enacts policy decisions. The government is subordinate to the Party, which is an integral element of the government structure. Senior government officials at all administrative levels concurrently hold Party positions, and in almost all cases the local Party Secretary outranks the most senior government position. These structures are replicated across the country's various administrative levels. The National People's Congress (NPC) is the highest state body, and is China's closest approximation to a parliament. The State Council is the most important administrative body of the central government. It oversees the implementation of policy decisions, as well as regulations and laws adopted by the NPC. The Premier (currently Li Keqiang) is head of the State Council and China's Head of Government. Premier Li is also a member of the PBSC.

¹ BBC News, How China is ruled, undated, [url](#).

‘Governments at the provincial level and below are responsible for the majority of public expenditure on health, education, unemployment insurance, social security and welfare. They have the power to enact their own regulations as a means of implementing laws adopted centrally. Below the provincial level are prefectural-level administrative units, counties and county-level cities, and finally townships and towns.

‘While minor political parties exist, they are approved by and subordinate to the CCP.’²

- 3.1.3 According to the CIA world factbook ‘China has 8 nominally independent small parties ultimately controlled by the CCP. No substantial political opposition groups exist.’³

- 3.1.4 The 2018 US State Department’s report, covering events in 2017 (the 2017 USSD report) stated that:

‘The People’s Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount authority. CCP members hold almost all top government and security apparatus positions. Ultimate authority rests with the CCP Central Committee’s 25-member Political Bureau (Politburo) and its seven-member Standing Committee. Xi Jinping continued to hold the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission. At the 19th Communist Party Congress in October, the CCP reaffirmed Xi as the leader of China and the CCP for another five years.

‘Official statements asserted that “the political party system [that] China has adopted is multiparty cooperation and political consultation” under CCP leadership. The CCP, however, retained a monopoly on political power, and the government forbade the creation of new political parties. The government officially recognized nine parties founded prior to 1949, and parties other than the CCP held 30 percent of the seats in the NPC. These non-CCP members did not function as a political opposition. They exercised very little influence on legislation or policy making and were allowed to operate only under the direction of the CCP United Front Work Department.’⁴

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3.2 Legal position

- 3.2.1 Freedom House, in its ‘Freedom in the press 2017’ report, (the 2017 Freedom House press report) noted that ‘Article 35 of the constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the CCP and its status as the ruling power. Moreover, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by the CCP and generally follow its directives, particularly in politically sensitive cases.’⁵

² DFAT, ‘Country Report’ (section 2.18-2.20), 21 December 2017, [url](#).

³ CIA, ‘World Fact Book’, (government), last updated 22 February 2018, [url](#)

⁴ USSD, ‘Country Report’ (executive summary and section 2), 20 April 2018, [url](#).

⁵ Freedom House, ‘Freedom of the Press 2017’, 1 November 2017, [url](#).

3.2.2 The 2017 USSD report noted that:

'The constitution states that "all power in the People's Republic of China belongs to the people" and that the organs through which citizens exercise state power are the NPC and the people's congresses at provincial, district, and local levels. In practice the CCP dictated the legislative agenda to the NPC. While the law provides for elections of people's congress delegates at the county level and below, citizens could not freely choose the officials who governed them.

'The constitution states citizens "enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration," although authorities generally limited and did not respect these rights, especially when they conflicted with CCP interests.

'While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates that such activities may not challenge "party leadership" or infringe upon the "interests of the state." Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.'⁶

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4. Political opposition

4.1 Treatment by the state

4.1.1 The 2017 DFAT report noted that:

'The government has allowed "grass-roots elections" to take place every three to five years at the local (village) level in some provinces. This administrative level is outside the formal four-tier government system. According to China's Election Law, any citizen can become a candidate as long as they are nominated by the Party or receive ten signatures supporting their candidacy. Party-appointed local election committees must confirm candidates, publish final lists of candidates, set rules for campaigning, and count and announce results. In practice, candidates not put forward by the Party are rarely successful.'⁷

4.1.2 Freedom House, in its 'Freedom in the World 2018' report, (the 2018 Freedom House report) noted that 'Citizens seeking to establish independent political parties and other democracy activists are harshly punished.'⁸

4.1.3 The 2017 USSD report notes that 'the CCP controlled all elections and continued to control appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from standing for local elections. [...] In many politically sensitive trials, courts announced guilty verdicts immediately following proceedings with little time for deliberation.'⁹

⁶ USSD, 'Country Report' (sections 2 and 3), 20 April 2018, [url](#).

⁷ DFAT, 'Country Report' (section 2.21 and 4.24), 21 December 2017, [url](#).

⁸ Freedom House, 'Freedom in the world', 15 March 2018, [url](#).

⁹ USSD, 'Country Report' (sections 1 and 2), 20 April 2018, [url](#).

4.2 Arrests/detention

4.2.1 The 2017 DFAT report noted that:

‘In recent years, several people charged with political offences have appeared on Chinese state television making public confessions to alleged crimes. In some cases, the public confessions have taken place before trial and conviction. [...] Those confessing commonly express regret for having sought to sow instability and work against the authority of the CCP, and have often included alleged admissions of colluding with “foreign forces” to destabilise the country. Some have subsequently claimed their confessions were forced.

‘Political prisoners can legally be deprived of political rights (freedom of speech, assembly, association, procession, demonstration, vote and holding a position in a state organ) after completing a prison term. In many cases, individuals have been placed under house arrest for extended periods of time after official release from prison. Those deprived of political rights can face difficulties finding employment, renting property, travelling freely, and accessing social services. Prisoners and their families have reported harassment or intimidation, including police surveillance, telephone wiretaps, property and body searches.’¹⁰

4.2.2 The 2018 Freedom House report claimed that ‘[...] torture and other forms of coercion are widely used to extract confessions or force political and religious dissidents to recant their beliefs.’¹¹

4.2.3 The 2017 USSD report noted that:

‘No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, remained at the Wuhan No. 2 Detention Center awaiting trial for “subversion of state power.” His wife was still missing.

‘Government officials continued to deny holding any political prisoners, asserting that persons were detained not for their political or religious views but because they violated the law. Authorities, however, continued to imprison citizens for reasons related to politics and religion. Human rights organizations estimated that tens of thousands of political prisoners remained incarcerated, most in prisons and some in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

‘Political prisoners were sometimes held with the general prison population and reported being beaten by other prisoners at the instigation of guards. Some reported being held in the same cells as death row inmates. Authorities did not allow some dissidents supplemental food, medicine, and warm clothing from relatives.

¹⁰ DFAT, ‘Country Report’ (section 3.67/8), 21 December 2017, [url](#).

¹¹ Freedom House, ‘Freedom in the world’, 15 March 2018, [url](#).

‘Political prisoners were granted early release at lower rates than other prisoners. The Dui Hua Foundation estimated that more than 100 prisoners were still serving sentences for counterrevolution and hooliganism, two crimes removed from the criminal code in 1997. Thousands of others were serving sentences for political and religious offenses, including “endangering state security” and “cult” offenses covered under Article 300 of the criminal code, crimes introduced in 1997. The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons jailed for nonviolent offenses under repealed provisions.

‘Criminal punishments included “deprivation of political rights” for a fixed period after release from prison, during which an individual could be denied rights of free speech, association, and publication. Former prisoners reported that their ability to find employment, travel, obtain residence permits and passports, rent residences, and access social services was severely restricted.’¹²

- 4.2.4 CPIT can find no recent information about current activity of the CDP. The official CDP website can be accessed [here](#)¹³.

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5. Human rights defenders

5.1 Treatment by the state

- 5.1.1 The Australian Government’s Department for Foreign Affairs and Trade’s (DFAT) ‘Thematic report on Fujian province of China December 2016’ (the 2016 Thematic DFAT report) noted that:

‘In recent years, freedom of expression has declined across China. While individuals are generally able to express dissent privately, there has been a notable increase in the number and intensity of restrictions on individuals and organisations which seek to openly discuss sensitive issues or criticise the Chinese Communist Party. Authorities are increasingly monitoring and targeting more moderate civic groups and non-government organisations, in addition to their longstanding focus on prominent critics, intellectuals and human rights activists. While activists in largely non-sensitive areas (such as women’s rights, discrimination, public health including HIV/AIDs, labour rights and environmental protection) were previously more or less tolerated by authorities, now even grassroots activists are facing increased scrutiny, intimidation, harassment and arbitrary detention.

‘Individuals who openly discuss sensitive issues or criticise the Chinese Communist Party are likely to attract overt attention from authorities. In practice, this is likely to affect protestors and petitioners, human rights activists (including lawyers) [...]. Credible in-country contacts suggest that should an individual come to the attention of authorities, they may experience intimidation and harassment, restrictions on freedom of movement (both domestically and internationally), arbitrary arrest and

¹² USSD, ‘Country Report’ (sections 1 and 2), 20 April 2018, [url](#).

¹³ CDP, official website, [url](#).

detention, subversion of due process and character assassination by official Party-controlled media outlets.’¹⁴

5.1.2 The 2017 DFAT report noted that:

‘The CCP has little tolerance for public dissent on a wide-range of matters considered politically sensitive, including social stability, the legitimacy of central authorities and one-Party rule and other topics which authorities consider might aggravate social unrest. Examples of issues which authorities deem sensitive include commentary on serious economic, health and environmental concerns, financial risks, land and property issues, ethnic and religious unrest, labour disputes and official responses to natural or anthropogenic disasters. The Party and government may, in limited circumstances, tolerate commentary on corrupt local officials, particularly those already under investigation by the Central Commission for Discipline Inspection (CCDI). What the authorities deem sensitive can change with no warning.’¹⁵

5.1.3 The 2017 USSD report noted that:

‘The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

‘Citizens could discuss many political topics privately and in small groups without official punishment. The government, however, routinely took harsh action against citizens who questioned the legitimacy of the CCP. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Those who made politically sensitive comments in public speeches, academic discussions, or in remarks to media, or posted sensitive comments online, remained subject to punitive measures.

‘The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial and other links overseas. The government took significant steps during the year to bring all domestic NGOs under its direct regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasi-governmental, and government agencies had to sponsor all official NGOs.’¹⁶

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5.2 Arrests and detention

5.2.1 The Human Rights Watch report on ‘The Costs of International Advocacy’ from September 2017 stated that:

¹⁴ DFAT, ‘Thematic Report’ (section 3.18, 3.20), 16 December 2016, [url](#).

¹⁵ DFAT, ‘Country Report’ (section 2.30 and 3.65), 21 December 2017, [url](#).

¹⁶ USSD, ‘Country Report’ (sections 2 and 5), 20 April 2018, [url](#).

‘Chinese Communist Party General Secretary and President Xi Jinping has orchestrated increased repression since his rise to power in 2012 through a crackdown on lawyers and activists engaging in rights protection work and through the passage of a spate of repressive laws. Xi’s crackdown on the weiquan, or “rights defense,” movement began in July 2015 and has since affected over 300 individuals who have been questioned, summoned, forbidden to leave the country, held under house arrest, placed under residential surveillance, criminally detained, or arrested. The government has sought to discredit domestic human rights defenders, portraying them as criminals and subversives. Chinese authorities have further limited the capacity of civil society by ordering the closure of numerous NGOs and the arbitrary arrest, detention, and prosecution of their staff.

‘The government has also used legislation to increase state power to silence activists, denying them their right to freedom of expression under the guise of protecting national security

‘The government has also used legislation to increase state power to silence activists, denying them their right to freedom of expression under the guise of protecting national security.

‘The Chinese government has attempted to obstruct civil society participation at the UN, particularly of members of civil society organizations coming from China and individuals the government perceives as potential critics. The government’s tactics include restricting Chinese civil society activists from departing the country, intimidating and harassing activists on UN premises, hindering NGO advocacy efforts, and presenting the UN with lists of particular individuals who should be blocked from participation in UN events, including Human Rights Council sessions.

‘Some individuals who have attempted to travel to participate in UN human rights-related activities have not only been stopped at the airport in China, but have also been subjected to detention, torture, and harassment. Even those civil society activists who manage to travel to the United Nations in Geneva often face reprisals upon return to China.’¹⁷

- 5.2.2 The 2017 DFAT report noted that ‘Pre-emptive detention of activists and rights defenders is common around sensitive political anniversaries and other high profile political or ‘sensitive’ events. Those publicly advocating greater human or civil rights, [...] have also been detained and charged under public order offenses or accused of state subversion.’¹⁸

- 5.2.3 Human Rights Watch’s world report 2018, covering events in 2017 (‘HRW’s 2018 report’) stated that:

‘Authorities subjected more human rights defenders—including foreigners—to show trials in 2017, airing excerpted forced confessions and court trials on state television and social media. Police ensured the detainees’ compliance by torturing some of them, denying them access to lawyers of their choice, and holding them incommunicado for months.

¹⁷ HRW, ‘The Costs of International Advocacy’ (Background p.10-16), September 2017, [url](#).

¹⁸ DFAT, ‘Country Report’ (section 3.66), 21 December 2017, [url](#).

'In 2017, authorities continued politically motivated prosecutions of human rights activists and lawyers who were rounded up in a nationwide crackdown that began in July 2015.

'A number of those caught in the "709 crackdown" [for more information on the 709 crackdown see HRW article [here](#)] were freed, but they continue to be closely monitored and isolated from friends and colleagues; some revealed that they were tortured and forced to confess while in detention.'¹⁹

- 5.2.1 Amnesty International's annual report for 2017/18 (Amnesty's 2017/18 report) noted that 'Activists and human rights defenders were detained, prosecuted and sentenced on the basis of vague and overbroad charges such as "subverting state power" and "picking quarrels and provoking trouble". Police detained human rights defenders outside formal detention facilities, sometimes incommunicado, for long periods, which posed additional risk of torture and other ill-treatment to the detainees.'²⁰

- 5.2.2 The Network of Chinese Human Rights Defenders (NCHRD) noted in their annual report of 2017 (The NCHRD report) that:

'In 2017, Chinese authorities continued to resort to enforced disappearance to silence and punish HRDs. Police held detainees under "residential surveillance in a (police-) designated location" (RSDL), a legalized type of enforced disappearance, denying requests for lawyer visits and refusing to inform families of detainees' whereabouts. Authorities put under RSDL at least 17 human rights lawyers and activists after rounding them up as part of the "709 Crackdown" in 2015. This form of detention, which is stipulated in Article 73 of China's Criminal Procedure Law (CPL), authorizes police and procuratorial officials to hold detainees in secret locations for up to six months and with access to counsel subject to approval, on the basis that their cases allegedly involve acts that "endanger national security."

'One tactic that police have increasingly used during enforced disappearances is coercing detained HRDs into "dismissing" their lawyers (who were engaged by their families) and to accept government appointed lawyers. According to international human rights norms, detainees have the right to access legal counsel from lawyers of their own choice, and lawyers should be able to work in the best interest of their clients and independently without interference from the state. However, in the cases of "forced firings" documented by human rights lawyers and NGOs, government-appointed lawyers tend not to challenge law-enforcement and judicial authorities for violating their clients' rights. Nor do they defend defendants facing political persecution at trial according to the principle of "presumption of innocence until proven guilty." These government appointed lawyers tend not to request that illegal evidence obtained through alleged torture or coerced confession be thrown out. Instead, they seem to follow an officially dictated script in handling such cases, keep detainees' families in the dark, or even try to pressure families to cooperate with authorities.'²¹

¹⁹ HRW, 'World Report 2018', 18 January 2018, [url](#).

²⁰ AI, 'Report 2017/18', 22 February 2018, [url](#).

²¹ NCHRD, '2017 Annual report' (Chapter 1, p.7), February 2018, [url](#).

5.3 Torture and ill-treatment

5.3.1 The Network of Chinese Human Rights Defenders (NCHRD) noted in their annual report of 2017 (The NCHRD report) that:

‘Chinese authorities continued to persecute HRDs, subjecting them to enforced disappearance, criminal prosecution, torture—including deprivation of proper medical treatment—and other types of mistreatment. The government’s ill-treatment of HRDs in custody may have directly contributed to the deaths of two prominent prisoners of conscience in 2017 including Nobel Prize Laureate Liu Xiaobo.

‘In 2017, Chinese grassroots groups and activists reported on a multitude of rights abuses by authorities, including delayed or deprived medical treatment for detainees and other pervasive forms of torture and inhumane punishment. Their documentation revealed a deliberate pattern of mistreatment, detailing cases of failures to provide proper medical care for incarcerated HRDs and official refusal to grant release on medical grounds.

‘Many Chinese human rights defenders revealed in 2017 that they had been tortured by police during secret detention under “residential surveillance at a designated location.

‘The government’s ill-treatment of HRDs in custody may have directly contributed to the deaths of two prominent prisoners of conscience in 2017.

‘Human rights defenders in China documented other egregious cases of detainees and prisoners suffering from life- threatening health conditions while being denied adequate medical treatment and bail or parole on health grounds.”²²

6. Human rights lawyers

6.1 Treatment by the state

6.1.1 The 2017 DFAT report noted that:

‘The Chinese government views lawyers as civil servants rather than independent practitioners of the law. Lawyers who take on clients and cases the government considers politically sensitive (such as those concerning labour rights, Uighurs, Tibetans, Falun Gong practitioners, or those engaged in ‘anti-government’ activities) can place themselves at risk of adverse treatment by authorities, including through discrimination, harassment, detention, residential surveillance, movement restrictions, the revocation of lawyer licences and ill-treatment. In its most recent report on China, the UN Committee against Torture expressed serious concern over consistent reports indicating torture and ill-treatment was still deeply entrenched in China’s criminal justice system.

²² NCHRD, ‘2017 Annual report’ (Chapter 1 p.4), February 2018, [url](#).

'It is becoming more difficult for human rights lawyers to practise freely in China. In March 2017, the All-China Lawyers Association issued new regulations "to protect the rights of lawyers" that put strict limits on courtroom behaviour and imposed sanctions including withdrawal of registration for "engaging in any activities that might endanger national security, or from making use of their profession to plan, incite or organise individuals to disrupt social order". In August 2017, China's Minister for Justice convened a four-day conference for criminal defence lawyers, where he called on them not to speak publicly about cases outside the courtroom and said lawyers would be subject to "harsh discipline" for contravening regulations.'²³

6.1.2 Human Rights Watch's world report 2018, covering events in 2017 ('HRW's 2018 report') stated that

'In 2017, authorities continued politically motivated prosecutions of human rights activists and lawyers who were rounded up in a nationwide crackdown that began in July 2015 [referred to as the 709 crackdown]. Lawyer Wang Quanzhang and activist Wu Gan remained in police custody, awaiting trial or verdict on baseless charges. In November, lawyer Jiang Tianyong was sentenced to two years in prison on charges of "inciting subversion of state power."

'Authorities also continued to harass and intimidate the lawyers who represent the detainees, ordering them not to speak to media and disbarring several after giving them failing marks in China's annual lawyers' evaluation.'²⁴

6.1.1 The NCHRD report stated that:

'In 2017, the Chinese government continued its persecution of human rights lawyers and obstruction of their efforts to conduct their professional activities independently from government interference. Such lawyers soldiered on in 2017 even as they remained at high risk of losing their licenses and being subjected to harassment, physical violence, detention, and criminal prosecution.

'Between late 2017 and early 2018, authorities took away or suspended several rights lawyers' licenses to practice. Revoking a lawyer's license is an administrative punishment and in effect bans a lawyer from ever practicing law again. Judicial officials apparently issued the administrative penalties in retaliation for the lawyers' online expression, which authorities claimed had "endangered national security," and for their staunch defense in "sensitive" cases.'²⁵

6.1.2 In March 2018 the US Congressional-Executive Commission on China reported that since Zhang Jun's February 2017 appointment as Minister of Justice '[J]ustice bureaus, lawyers associations, courts, and other government bodies reportedly continued to harass or persecute rights lawyers by means including revocation and suspension of licenses, delays in

²³ DFAT, 'Country Report' (section 3.70 and 3.72), 21 December 2017, [url](#).

²⁴ HRW, 'World Report 2018', 18 January 2018, [url](#).

²⁵ NCHRD, '2017 Annual report' (Chapter 1, p.10-11), February 2018, [url](#).

the annual license renewal process, exclusion from courthouses, restrictions on movement, physical assault, and criminal prosecution.’²⁶

6.1.1 The 2017 USSD report noted that:

‘The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area.’²⁷

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6.2 Arrests, detention and punishment

6.2.1 The UN Committee Against Torture (CAT) noted in their ‘Concluding observations on the fifth periodic report of China’ dated 3 February 2016 that they were:

‘[...] deeply concerned about the unprecedented detention and interrogation of, reportedly, more than 200 lawyers and activists since 9 July 2015. Of those, 25 remain reportedly under residential surveillance at a designated location and 4 are allegedly unaccounted for. This reported crackdown on human rights lawyers follows a series of other reported escalating abuses on lawyers for carrying out their professional responsibilities, particularly on cases involving government accountability and issues such as torture and the defence of human rights activists and religious practitioners. Such abuses include detention on suspicion of broadly defined charges, such as “picking quarrels and provoking trouble”, and ill-treatment and torture while in detention. Other interferences with the legal profession have been, reportedly, the refusal of annual re-registration, the revocation of lawyers’ licences and evictions from courtrooms on questionable grounds, as in the cases of Wang Quanzhang, Wu Liangshu or Zhang Keke. The Committee expresses concern at the all-inclusive category of “other conduct that disrupts court order” in various articles of the Law on Lawyers, the Criminal Procedure Law and in the newly amended article 309 of the Criminal Law, which in its view is overbroad, undermines the principle of legal certainty and is open to abusive interpretation and application. The Committee is concerned that the above-mentioned abuses and restrictions may deter lawyers from raising reports of torture in their clients’ defence for fear of reprisals, weakening the safeguards of the rule of law that are necessary for the effective protection against torture.’²⁸

6.2.2 The 2017 DFAT report noted that:

‘Several lawyers and legal assistants disappeared in 2015 during a crackdown on human rights defenders (called the ‘709’ lawyers, as a large number disappeared on 9 July 2015). Some have subsequently been

²⁶ CECC, ‘Article’, 15 March 2018, [url](#)

²⁷ USSD, ‘Country Report’ (sections 2), 20 April 2018, [url](#).

²⁸ UN CAT report (para 18), 3 February 2016, [url](#).

released (some after public confessions); others have been tried and sentenced. In some cases, detainees and their families have made allegations of torture.

'Family members of the '709 lawyers' wrote an open letter to world leaders on 1 March 2017 detailing allegations of mistreatment of their family members while in detention. The allegations include: forced consumption of drugs, marathon interrogation sessions and sleep deprivation; beatings; the application of heavy weights on legs; being almost entirely submerged in water for several days at a time; and threats and detention of family members. Individual lawyers detained during the '709' crackdown have also detailed allegations of mistreatment at the hands of the authorities.'²⁹

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7. Journalists

7.1 Censorship

7.1.1 The 2017 DFAT report noted that

'The Chinese government heavily censor's [sic] news media. The government routinely suppresses reporting of sensitive events, such as disasters – particularly when not naturally caused, or when attributable to or exacerbated by official laxity or corruption. If news gets out (often on social media), official media are quick to revert to a government line. The government has recently targeted even CCP publications that question central policies, changing the management of a liberal magazine in July 2016. The government has told financial journalists and financial analysts to ensure their reporting does not "talk down" Chinese economic conditions or policy measures: one financial journalist was jailed in 2015 for reporting in unfavorable terms on the government's response to a stock market crash.

'DFAT assesses that journalists working for China's domestic media also practise a high degree of self-censorship. Journalists and editors who transgress officially sanctioned lines risk official harassment, which may include loss of employment or imprisonment, depending on the perceived severity of the transgression. State scrutiny of media "loyalty" and, consequently, media self-censorship is particularly intense for significant anniversaries, such as those relating to the 1959 Tibetan uprising, the 1989 Tiananmen protests, and significant events such as meetings of the National People's Congress or the Communist Party Congress.'³⁰

7.1.2 The 2017 USSD report notes that:

'Official guidelines for domestic journalists were often vague, subject to change at the discretion of propaganda officials, and enforced retroactively. Propaganda authorities forced newspapers and online news media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. Self-censorship

²⁹ DFAT, 'Country Report' (section 4.5 and 4.13), 21 December 2017, [url](#).

³⁰ DFAT, 'Country Report' (section 3.86 and 3.87), 21 December 2017, [url](#).

remained prevalent among journalists, authors, and editors, particularly with post facto government reviews carrying penalties of ranging severity.

'The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding various prominent events. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs. [...]. The orders included instructions for media outlets not to investigate or report on their own. The The Cyberspace Administration of China (CAC) and the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT) strengthened regulations over the content that online publications are allowed to distribute, reiterating long-standing rules that only state-licensed news media may conduct original reporting

'Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released. Under government regulations, authorities must authorize each foreign film released in the country, with the total number of films not to exceed 38

'Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts in China. In July the Beijing Municipal Bureau of Culture prohibited Justin Bieber from performing in order to "maintain order in the Chinese market and purify the Chinese performance environment." The government continued to forbid public performances of Handel's Messiah, according to an August report by the Economist. Authorities also scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions.

'Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. The SAPPRFT controlled all licenses to publish. Newspapers, periodicals, books, audio and video recordings, or electronic publications could not be printed or distributed without the approval of the SAPPRFT and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other punishment. The CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.'³¹

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³¹ USSD, 'Country Report' (sections 2), 20 April 2018, [url](#).

7.2 Treatment by the state

7.2.1 The 2017 DFAT report noted that ‘despite constitutional protections for freedom of speech, the CCP controls traditional print and broadcast media.’³²

7.2.2 The 2017 USSD report noted that:

‘The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially, only state-run media outlets have government approval to cover CCP leaders or other topics deemed “sensitive.” While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order that they not be reported at all. In a widely reported 2016 visit to the country’s main media outlets, President Xi told reporters that they were the “publicity front” of the government and the Party and that they must “promote the Party’s will” and “protect the Party’s authority.”

‘The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.

‘Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported that local employees of foreign news agencies were also subjected to official harassment and intimidation and that this remained a major concern for foreign outlets. Almost one-third of the Foreign Correspondents’ Club of China (FCCC) members who responded to FCCC inquiries reported authorities subjected their Chinese colleagues to pressure or violence. In addition FCCC members reported physical and electronic surveillance of their staff and premises

‘Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.” Several FCCC members reported that security officials summoned local assistants for meetings that the assistants found extremely intimidating.’³³

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7.3 Arrests and detention

7.3.1 Freedom House, in its ‘Freedom of the press 2017’ noted that:

³² DFAT, ‘Country Report’ (section 3.84), 21 December 2017, [url](#).

³³ USSD, ‘Country Report’ (sections 2), 20 April 2018, [url](#).

‘China is home to one of the world’s most restrictive media environments and its most sophisticated system of censorship.

‘There is no press law that governs the protection of journalists or the punishment of their attackers. [...] Since 2015, several new laws or amendments have been passed that codify media controls, enable more surveillance, and increase penalties for political or religious expression.

‘Mainstream print journalists are periodically arrested or imprisoned, either explicitly for their work or on trumped-up charges such as corruption or illegal business activity. It is more common for freelance journalists, writers, online activists, and a range of other Chinese citizens to be sentenced to prison or administrative detention, particularly for disseminating information online or sending it to contacts outside China. While many mainstream print journalists were detained or sentenced to prison in 2014 and 2015, internet-based writers and freelancers bore the brunt of prosecutions in 2016, marking a return to the previous pattern.

‘Both Chinese and foreign journalists are subject to violence and harassment in the course of their work. Since 1992, at least two journalists have been killed as a result of their reporting. In 2016, at least 16 were attacked by government officials or hired security guards, but no deaths from injuries were reported.’³⁴

7.3.2 The Committee to Protect Journalists (CPJ) noted in December 2017 that ‘the number of journalists behind bars rose to 41 from 38 a year earlier.’³⁵

7.3.3 A blog post on the CPJ website from January 2018 noted that:

‘China is consistently one of the world’s worst jailers of the press; in 2017 it was the second worst globally, with at least 41 journalists in prison. Most traditional media is controlled by the government, and journalists risk losing their jobs or being banned from traveling if they push the boundaries of censorship directives at their news outlets or in personal blogs. Reporters’ sources and international journalists are also harassed and obstructed. Internet controls include the Great Firewall, human and automated censors, and pressure on technology companies to comply.’³⁶

7.3.4 In a March 2018 submission to the UN Universal Periodic Review Reporters Sans Frontières called for the ‘immediate and unconditional release of the 50 or so journalists and bloggers currently held in Chinese prisons, ten of whom are in a real danger of dying because of a deliberate policy of mistreating detainees and depriving them of medical attention.’³⁷

7.3.5 The same source further noted that:

‘In 2013, the Chinese government agreed to recommendations calling on it to begin the process of ratifying the International Covenant on Civil and Political Rights, which bans torture and guarantees the dignity of detainees.

³⁴ Freedom House, ‘Freedom of the Press 2017’, 1 November 2017, [url](#)

³⁵ CPJ, report, 13 December 2017, [url](#).

³⁶ CPJ, report, 8 January 2018, [url](#).

³⁷ RSF, submission, 29 March 2018, [url](#)

‘China is far from keeping this promise: citizen-journalists are now among the leading victims of a government practice known as “residential surveillance at a designated place,” under which dissidents are abducted, held incommunicado and tortured.’³⁸

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8. Internet, social media and bloggers

8.1 Access to and monitoring of the internet

8.1.1 Freedom House’s report ‘Freedom on the net 2017’ dated 14 November 2017 noted that:

‘The Chinese government maintains a sophisticated censorship apparatus, including both automated mechanisms and human monitors, to block online criticism of individuals, policies, or events considered integral to the one-party system. Several social media and communication apps are inaccessible from inside China without circumvention tools – and a crackdown on those tools was under way during the reporting period.

‘Websites and social media accounts are subject to deletion or closure at the request of Chinese censorship authorities, and internet companies are required to monitor and delete problematic content or face punishment. The cybersecurity law passed during the reporting period requires network operators to “immediately stop transmission” of banned content.’³⁹

8.1.1 The 2017 DFAT Report note that:

‘While the rise of the internet has created a non-traditional space for the expression of political opinion in China, authorities have developed and applied increasingly sophisticated methods to limit on-line expressions of dissent.

‘China’s security apparatus invests heavily in monitoring and controlling the internet, with many foreign websites (including Facebook, Twitter, Google and many foreign media sites) blocked. Recent regulations have also cracked down on the use of virtual private networks, a means by which Chinese citizens and companies have gained access to banned sites by routing their searches through a foreign server. Companies must now apply for permission to use such networks, and must demonstrate a business requirement. The Cybersecurity Administration monitors all use of approved networks. Since the entry into force of China’s Cybersecurity Law in June 2017, all users of Chinese social media accounts must register with their real names. The Chinese government has required real name registration for email and internet users since 2015. Since August 2017, all comments posted on websites or social media must carry real name identifiers, in order to “safeguard national security and the public interest”.

‘The Chinese government reportedly employs up to 2 million people to police the internet and post pro-government comments, and encourages netizens both to post positive comments and to report negative ones. Chinese social

³⁸ RSF, submission, 29 March 2018, [url](#)

³⁹ Freedom House, ‘Freedom on the Net 2017’, 14 November 2017, [url](#).

media accounts operated offshore (WeChat and Weibo) are also censored, although to a lesser extent than on-shore accounts. Censors are quick to block trending words designed to circumvent controls, and satire directed at CCP leaders. Recent examples of prohibited subjects include the death of Nobel Laureate Liu Xiaobo, references to the 1989 suppression of protests in Tiananmen Square in Beijing, and any references to the 2015 crackdown on human rights lawyers ('709' incident). Censored posts have been used in court as evidence of public order and subversion offences.⁴⁰

8.1.2 Amnesty International's annual report for 2017/18 (Amnesty's 2017/18 report) noted that:

'Thousands of websites and social media services remained blocked, including Facebook, Instagram and Twitter. On 1 June [2017], the Cybersecurity Law came into effect, making it obligatory for internet companies operating in China to censor users' content. In August, the Cyberspace Administration of China and the Guangdong Provincial Cyberspace Administration launched an investigation into internet service providers Tencent's WeChat, Sina Weibo and Baidu's Tieba because their platforms contained user accounts which "spread information that endangers national security, public security and social order, including violence and terror, false information and rumours and pornography". In September, China's dominant messaging service WeChat introduced new terms of service to collect a wide range of personal information, and made data on its over 900 million users available to the government.'⁴¹

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8.2 Treatment of bloggers/online activists

8.2.1 Freedom House's report 'Freedom on the net 2017', dated 14 November 2017, noted that:

'Dissidents and members of ethnic or religious minority groups received the heaviest penalties for online speech, but ordinary internet users also felt the impact of the increasingly repressive regime. Multiple administrative detentions were used to punish individuals whose posts challenged local or national officials, even in closed messaging groups.

'[...] Many other citizens have also been jailed for their online activities, including advocates of political reform, human rights workers, members of ethnic and religious minorities, and ordinary users who stir dissent or criticize CCP leaders. A number of long prison sentences were issued during the reporting period, and online speech was also frequently punished with brief administrative detentions. Though the people imprisoned represent a tiny percentage of the overall user population, prosecutions have a chilling effect on activism and encourage self-censorship in the broader public.

'As in past years, known dissidents received the heaviest penalties in 2016 and 2017 [...].

⁴⁰ DFAT, 'Country Report' (section 3.88 and 3.89), 21 December 2017, [url](#).

⁴¹ AI, 'Report 2017/18', 22 February 2018, [url](#).

‘Activists were also newly arrested for operating websites about civil society and human rights issues. [...] Other online speech cases resulted in administrative detentions, which can last up to 15 days. Several resulted from content published in closed WeChat groups. The topics involved ranged from personal criticism of Xi Jinping to current affairs.

‘Internet users also risk being held under house arrest. The conditions and degree of confinement can be adjusted arbitrarily over time.’⁴²

8.2.2 The 2017 DFAT report noted that

‘In September 2013, a court judgement ruled that an author of an internet post could face up to three years in prison if their post was reposted more than 500 times, read more than 5,000 times, led to mass protests, instigated ethnic or religious clashes, damaged the country’s image or caused ‘a bad international effect’. Since then, authorities have detained and tried popular bloggers, particularly where they have drawn attention to abuses of power, including at a local level. In some cases, bloggers have spent up to two years in residential detention.

‘People who post comments contrary to the wishes of the government and the CCP currently face censorship. [...] Censorship of the internet in China is extensive. New regulations make the “creator” of a group chat responsible for its content.’⁴³

8.2.3 HRW’s 2018 report noted that:

‘The government also tried to eliminate the country’s few independent human rights news websites by jailing their founders. In August, a Yunnan court sentenced citizen journalist and protest chronicler Lu Yuyu to four years in prison on charges of “picking quarrels and provoking trouble.” Also in August, authorities charged Liu Feiyue, founder of the website Civil Rights and Livelihood Watch (民生观察) with “leaking state secrets” and “inciting subversion of state power.” Liu could face life imprisonment if convicted. Veteran activist and founder of the human rights website 64 Tianwang, Huang Qi, suffers from kidney disease and has been denied adequate medical care since his detention in November 2016.’⁴⁴

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9. Treatment of family members of perceived opponents of the CCP

9.1.1 The Human Rights Watch report on ‘The Costs of International Advocacy’ from September 2017 stated with regards to reprisals against Chinese activist that:

‘Aside from the fear of arbitrary detention, pressure is also exerted through employers and family members. A human rights defender reported that “the

⁴² Freedom House, ‘Freedom on the Net 2017’, 14 November 2017, [url](#).

⁴³ DFAT, ‘Country Report’ (section 3.90 and 3.92), 21 December 2017, [url](#).

⁴⁴ HRW, ‘World Report 2018’, 18 January 2018, [url](#).

policemen visited my house. My family. My wife ... she had been invited by her boss and her boss's boss for tea," which is a euphemism for being questioned by Chinese police. Another activist noted that retribution could come in many forms, and Chinese authorities could "threaten your family, or your whole village, or whomever you are connected to."⁴⁵

9.1.2 The Congressional Executive Commission on China noted in their 2017 annual report that 'Self-immolations by Tibetans as a form of protest reportedly focusing on religious and political issues continued during this reporting year. [...] This extreme form of protest and expression has become less frequent in recent years, as the Chinese government has continued to impose collective punishment on family members and others close to self-immolators in an apparent effort to deter self-immolations.'⁴⁶

9.1.3 The 2017 DFAT report noted that

'Families of dissidents, including children, have also been subject to movement restrictions, exit bans and other forms of harassment by Chinese authorities. The 16-year-old son of a '709' lawyer was placed under effective house arrest from 2015 until late 2017. Children of other '709' lawyers have been denied entry to primary school and pre-school, and the spouses of some detained lawyers have reported being evicted from their apartments. Chinese authorities have also reportedly harassed family members in China of overseas dissidents. Overseas Uighur activists have reported police harassment of their China-based families, including jail terms. Other high-profile critics of the Chinese government's human rights record have also reported harassment of their China-based families and some have publicly severed ties with their families in order to protect them from further harassment. DFAT is aware of claims that authorities have confiscated ID cards or hukou of families of dissidents, limiting their ability to access medical care, education and social services.'⁴⁷

9.1.4 In March 2018 Amnesty International reported that 'Approximately 20 relatives of Gulchehra Hoja, a Uighur journalist living abroad, have been detained and are at risk of torture. Based in the Xinjiang Uighur Autonomous Region (XUAR) of China, her family members are all thought to have been targeted due to Gulchehra Hoja's work.'⁴⁸

9.1.5 The 2017 USSD report noted that:

'Throughout the year lawyers, human rights activists, journalists, religious leaders, and former political prisoners and their family members continued to be targeted for arbitrary detention or arrest.

Authorities frequently subjected former political prisoners and their families to surveillance, telephone wiretaps, searches, and other forms of harassment or threats. For example, security personnel followed the family members of detained or imprisoned rights activists to meetings with foreign reporters and diplomats and urged the family members to remain silent

⁴⁵ HRW, report (p.17), September 2017, [url](#).

⁴⁶ CECC, '2017 Annual report', (Section v.Tibet p.3) 5 October 2017, [url](#).

⁴⁷ DFAT, 'Country Report' (section 3.69), 21 December 2017, [url](#).

⁴⁸ AI, 'Urgent Action notice', 1 March 2018, [url](#)

about the cases of their relatives. Authorities barred certain members of the rights community from meeting with visiting dignitaries.

'Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad.

'Authorities [...] blocked the travel of some family members of rights activists and of suspected corrupt officials and businesspersons, including foreign family members. [...] Some family members of rights activists who tried to emigrate were unable to do so.⁴⁹

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10. Tibet

10.1.1 The Congressional Executive Commission on China noted in their 2017 annual report that:

'Chinese authorities continued to denounce the Dalai Lama as a "splittist" or "separatist," blaming him and "hostile foreign forces" for "inciting separatism" in Tibetan areas of China, despite the fact the Dalai Lama has stated repeatedly that he seeks genuine autonomy for Tibet, not independence. In May 2017, the secretary of the TAR's [Tibetan Autonomous Region] Commission for Discipline Inspection, Wang Yongjun, alleged that some Party officials had donated funds to the Dalai Lama, and thus "severely undermine[d] the Party's fight against separatism." State media reported in April 2017 that authorities used polygraph tests to assess the capability and "psychological fitness" of 168 leading cadres (lingdao ganbu) in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), an area known as a stronghold of Tibetan identity and culture. The International Campaign for Tibet described the use of polygraphs to assess the political loyalty of Party officials as indicative of "an escalation of the [Party's] efforts to assert its dominance" amid "a climate . . . of fear and mistrust" that the Party created.

'Self-immolations by Tibetans as a form of protest reportedly focusing on religious and political issues continued during this reporting year. As of August 21, 2017, there were 5 known self-immolations in Tibetan autonomous areas of China, 4 of which were confirmed to be fatal, bringing the total number of such self-immolations by Tibetans living in China to 144 since 2009, 127 of which were reportedly fatal. [...] Since 2009, many Tibetan self-immolators have called for the long life of the Dalai Lama, his return from exile, and freedom for Tibet. Chinese authorities responded as they have in other self-immolation cases: Officials threatened and detained family members and supporters, attempted to prevent images and videos of the self-immolations from being circulated, and detained those suspected of sharing information.

⁴⁹ USSD, 'Country Report' (sections 1 and 2), 20 April 2018, [url](#).

‘Chinese authorities continued to detain and imprison Tibetans for exercising their rights to freedom of expression and opinion, and for engaging in solo peaceful protests.’⁵⁰

- 10.1.2 Freedom House’s report ‘Freedom on the net 2017’ dated 14 November 2017 noted that ‘Religious and ethnic minorities face particularly harsh treatment for online activity. [...] Tibetan monks received long prison sentences in 2016 for involvement in a WeChat group about commemorating the Dalai Lama’s birthday.’⁵¹

- 10.1.1 The 2017 DFAT report noted that:

‘In March 2008, on the eve of the 49th anniversary of a Tibetan uprising against Chinese rule, protests by Tibetan monks in Lhasa turned violent with numerous Han Chinese casualties. The International Campaign for Tibet lists 731 Tibetans imprisoned since then, some of whom have been released, some executed, and some of whom have died in custody. The International Campaign for Tibet lists the names of 150 Tibetans who have self-immolated in protest against Chinese government policies in Tibet or in support of the Dalai Lama’s return to Tibet. Tibetan groups report official discrimination against and surveillance of Tibetans travelling in non-Tibetan areas of China. The Chinese government restricts travel by foreigners, particularly foreign diplomats and media, to the TAR, making it difficult to verify the situation on the ground. Foreigners who have travelled to Tibet report a heavy security presence throughout the region.’⁵²

- 10.1.2 The Guardian noted in an article dated 4 January 2018 that:

‘A Tibetan language activist who appeared in a New York Times video has been put on trial for separatism in proceedings dismissed as a “sham” by rights groups, a sign of increasingly hard-line attitudes towards government critics. The activist was detained two years ago after appearing in the video where he criticised policies towards Tibetan language education, attempted to sue the local government and tried to entice China’s state broadcaster, CCTV, to report on his concerns. He faces up to 15 years in prison if convicted, and the judge said he would deliver a verdict at a later date. China’s Communist party-controlled courts have a conviction rate of more than 99%. [...] Many Tibetans view language policies as an attempt by the government to destroy their culture.’⁵³

- 10.1.3 HRW’s 2018 report noted that ‘Authorities in Tibetan areas continue to severely restrict religious freedom, speech, movement, and assembly, and fail to redress popular concerns about mining and land grabs by local officials, which often involve intimidation and arbitrary violence by security forces. In 2017, officials intensified surveillance of online and phone communications.’⁵⁴

⁵⁰ CECC, ‘2017 Annual report’, (Section v.Tibet p.3) 5 October 2017, [url](#).

⁵¹ Freedom House, ‘Freedom on the Net 2017’, 14 November 2017, [url](#).

⁵² DFAT, ‘Country Report’ (section 3.13), 21 December 2017, [url](#).

⁵³ The Guardian, ‘Tibetan activist put on trial in China for inciting separatism’ 4 January 2018, [url](#).

⁵⁴ HRW, ‘World Report 2018’, 18 January 2018, [url](#).

10.1.4 Amnesty International's annual report for 2017/18 ('Amnesty's 2017/18 report') noted that:

'Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedom of religion and belief, of opinion and expression, of peaceful assembly and of association.

'At least six people set themselves on fire in Tibetan-populated areas during the year in protest against repressive policies, bringing the known number of self-immolations since February 2009 to 152. On 18 March, Pema Gyaltsen set himself on fire in Ganzi (Tibetan: Kardze) Tibetan Autonomous Prefecture in Sichuan Province. Tibetan sources said that he was believed to be alive when he was taken away by the police. His relatives were detained and beaten when they approached the authorities asking for his whereabouts. Tibetan NGOs abroad said that Lobsang Kunchok, a Tibetan monk detained after surviving a self-immolation attempt in 2011, was released from prison in March. On 26 December, Tibetan filmmaker Dhondup Wangchen was reunited with his family in the USA, almost 10 years after he was first detained in China for making an independent documentary about the views of ordinary Tibetans ahead of the 2008 Beijing Olympics.'⁵⁵

10.1.5 In March 2018 Human Rights Watch argued that 'The Chinese government's repression of political dissent in Tibetan areas warrants fact-finding visits by United Nations human rights experts', having released a new compilation of 30 cases and sentences against Tibetans.'⁵⁶

10.1.6 The 2017 USSD report noted that 'Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Public security officers maintained checkpoints in most counties and on roads leading into many towns as well as within major cities, such as Lhasa. Restrictions were not applied to Han Chinese migrants or tourists in Tibetan areas.'⁵⁷

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11. Xinjiang Uighur Autonomous Region (XUAR)

11.1.1 Freedom House's report 'Freedom on the net 2017' dated 14 November 2017 noted that 'Religious and ethnic minorities face particularly harsh treatment for online activity. Radio Free Asia reported in 2015 that a Uyghur teenager sentenced to life imprisonment in Xinjiang had "simply watched videos on his cellphone".'⁵⁸

11.1.1 The 2017 DFAT report noted that:

'The government has implemented a zero-tolerance campaign against separatists and terrorists, and boosted its security presence across Xinjiang.

⁵⁵ AI, 'Annual report 2017-18', 22 February 2018 [url](#).

⁵⁶ HRW, China: Allow UN Rights Experts into Tibet, 8 March 2018, [url](#)

⁵⁷ USSD, 'Country Report' (section 2), 20 April 2018, [url](#).

⁵⁸ Freedom House, 'Freedom on the Net 2017', 14 November 2017, [url](#).

‘Authorities continue to cite the need to curb extremism to justify extreme security measures, including monitoring Xinjiang’s ethnic minorities through widespread collection of DNA samples, fingerprints and voice records.

‘The government has carried out high-profile prosecutions of persons with suspected links to violent incidents. These have included mass arrests, mass trials and mass sentencing. Sentences have included the death penalty and executions have been carried out. Some Uighurs have received lengthy sentences for their political views: a prominent Uighur academic, Ilham Tohti, has been serving a life sentence since 2014 for alleged separatism for advocating on social media greater cultural and religious autonomy for Uighur people. Others have received lengthy prison sentences for actions such as circulating passages from the Koran, for praying in groups, and for observing Ramadan (see Muslims). Human rights organisation Duihua estimates there are several thousand Uighurs in prison for political crimes in China. Chinese authorities tightly control access to information about incidents of violence in Xinjiang and related legal cases, and information is difficult to verify.’⁵⁹

11.1.2 HRW’s 2018 report noted that:

‘The Chinese government has long conflated peaceful activism with violence in Xinjiang, and has treated many expressions of Uyghur identity, including language and religion, as threatening. Uyghur opposition to government policies has been expressed in peaceful protests but also through violent attacks. However, details about protests and violence are scant, as authorities severely curtail independent reporting in the region.

‘In 2017, the Chinese government continued its 2014 “strike-hard” campaign in Xinjiang, which vowed to adopt “unconventional tactics” in countering terrorism.

‘In July, authorities forced residents in a district of Urumqi, the capital city of Xinjiang, to install surveillance apps on their mobile phones. In 2017, the Xinjiang government also waged a campaign against “two faced” Uyghur cadres thought to oppose the party’s stance on Uyghurs. In April, 97 officials in Hotan prefecture were reprimanded.

‘Authorities increasingly restricted and punished Uyghurs’ foreign ties. Since October 2016, authorities have arbitrarily recalled passports from residents of Xinjiang. Since about April, 2017 authorities have arbitrarily detained thousands of Uyghurs and other Muslims in centers where they were forced to undergo “patriotic education.”

‘Authorities also ordered Uyghur students studying abroad, including in Egypt, to return to Xinjiang; and in July, Egyptian authorities rounded up those who had failed to return, possibly at China’s behest. By September, about 20 Uyghurs were forcibly repatriated to Xinjiang while 12 were released. Some of those who returned were detained; a Xinjiang court

⁵⁹ DFAT, ‘Country Report’ (section 3.7 and 3.8), 21 December 2017, [url](#).

sentenced Islamic scholar Hebibulla Tohti to 10 years in prison after he returned with a doctorate degree from Egypt's Al-Azhar University.⁶⁰

11.1.3 Amnesty's 2017/18 report noted that:

'Under the leadership of new regional Communist Party Secretary Chen Quanguo, the Xinjiang Uighur Autonomous Region (XUAR) authorities put new emphasis on "social stability" and increased security. Media reports indicated that numerous detention facilities were set up within the XUAR, variously called "counter extremism centres", "political study centres", or "education and transformation centres", in which people were arbitrarily detained for unspecified periods and forced to study Chinese laws and policies.

'In March, the XUAR enacted the "De-extremification Regulation" that prohibits a wide range of behaviours labelled "extremist", such as spreading "extremist thought", denigrating or refusing to watch public radio and TV programmes, wearing burkas, having an "abnormal" beard, resisting national policies, and publishing, downloading, storing or reading articles, publications or audio-visual materials containing "extremist content".

'In April, the government published a list of prohibited names, most of which were Islamic in origin, and required all children under 16 with these names to change them.

'In May, there were media reports that the Chinese authorities in the XUAR had initiated a policy to compel all Uighurs studying abroad to return to China. Six Uighurs who had studied in Turkey but had returned to the XUAR were given prison sentences ranging from 5 to 12 years on undefined charges. In April, Chinese authorities detained relatives of several students in Egypt to coerce them to return home by May. Reports were received that some who returned were tortured and imprisoned. In July, the Egyptian authorities began a massive round-up of hundreds of Chinese nationals in Egypt, mainly Uighurs. Of these, at least 22 Uighurs were forcibly returned to China.

'Buzainafu Abudourexiti, a Uighur woman who returned to China in 2015 after studying for two years in Egypt, was detained in March and sentenced in June to seven years' imprisonment after a secret trial.

'In August, international media reported that education authorities had issued an order in June in the largely Uighur-populated Hotan Prefecture to ban the use of the Uighur language in schools, including for "collective activities, public activities and management work of the education system". Media reports stated that families across the region were required to hand copies of the Qur'an and any other religious items to the authorities or risk punishment.'⁶¹

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⁶⁰ HRW, 'World Report 2018', 18 January 2018, [url](#).

⁶¹ AI, 'Annual report 2017-18', 22 February 2018 [url](#).

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Political system
 - Political parties
 - Legal position (freedom of speech, association etc)
- Political opposition
 - Treatment by the state
 - Arrests/detention
- Human rights activists/defenders
 - Treatment by the state
 - Arrests and detention
 - Trials
 - Human rights lawyers
- Journalists
 - Treatment by the state
 - Arrests and detention
- Family members of perceived political activists
- Tibet
- Xinjiang Uighur Autonomous Region (XUAR)

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **16 May 2018**

Changes from last version of this note

Updated country information and amalgamation of the opposition to the CCP and the journalists CPIN.

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