Home Office

Country Information and Guidance
China: Opposition to the Chinese Communist Party

Version 1.0

October 2015

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

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 make recommendations to him about the content of the Home Office's COI material. 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.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

Contents

Preface **2**
Guidance **5**
1. Introduction 5
1.1 Basis of Claim 5
2. Consideration of Issues 5
2.1 Is the person's account credible? 5
2.2 Is a person at risk of persecution or serious harm in China due to their actual or perceived political opposition to the Chinese Communist Party? 5
2.3 Tibetans 6
2.4 Uighurs 7
2.5 Are those at risk able to seek effective protection? 7
2.6 Are those at risk able to internally relocate? 7
2.7 If refused, is the claim likely to be certifiable as 'clearly unfounded'? 7
Country Information **9**
3. Legal position 9
4. Arbitrary and unlawful killings 12
5. Arbitrary arrest and detention 14
5.1 The current situation 14
5.2 Human rights activists 16
5.3 Tiananmen Square and other sensitive issues 18
5.4 Human rights defenders co-operating with UN bodies 19
5.5 Human rights lawyers 21
5.6 NGOs 24
5.7 Petitioners 25
5.8 Charges made against political detainees 26
5.9 Trial procedures and due process 27
5.10 Forms of detention 29
5.11 Misuse of mental health facilities 30
5.12 Use of torture and degrading treatment against political detainees 31
5.13 Deprivation of medical care 32
5.14 Treatment following release from detention 33
5.15 Family members of perceived political activists 33
5.16 Chinese Communist Party members 34
6. Monitoring by the state 35

7. Tibet 37
8. Xinjiang Uighur Autonomous Region (XUAR) 40
Version Control and Contacts 46

Guidance

Updated: 23 October 2015

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 political opposition to the Chinese Communist Party.

Back to Contents

2. Consideration of Issues

2.1 Is the person's account credible?

2.1.1 For information on assessing credibility, see sections 4 and 5 of 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).

Back to Contents

2.2 Is a person at risk of persecution or serious harm in China due to their actual or perceived political opposition to the Chinese Communist Party?

2.2.1 China is an authoritarian state that systematically curbs fundamental rights, including freedom of expression, association and assembly when it is perceived to threaten the rule of the Chinese Communist Party (CCP) (see Legal position). Political activists and human rights defenders may be at risk of persecution or serious harm if they are known, or can be identified, by the State.

2.2.2 The law grants police broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges. State officials may be prosecuted, but prosecutions are rare.

2.2.3 Tens of thousands of political prisoners and human rights defenders, including 'grassroots' activists and petitioners, are reported to be incarcerated in prison, RTL [re-education through labour] camps or administrative detention, or placed under house arrest. Political prisoners are held with the general prison population and are reported to be at particular risk of torture and abuse. There have been incidences of medical treatment being withheld from political detainees and human rights defenders, which has led to a significant deterioration in the health, or even the death, of detainees. There are also reports of political activists and petitioners being committed to mental health facilities and subjected to psychiatric treatment against their will. There are further reports of petitioners being detained in illegal, 'black' jails and subjected to violence, including sexual violence. The

authorities place numerous dissidents, activists, and petitioners under house arrest, particularly around sensitive anniversaries, such as that of the Tiananmen Square incident (see Arbitrary arrest and detention).

2.2.4 Human rights defenders who wish to co-operate with UN bodies have been interrogated, detained and prevented from travelling, and received punishments such as the loss of their job or the confiscation of their passport. Their families of those activists able to travel have been harassed whilst they have been away, and activists themselves have been harassed upon their return to China. (See Arbitrary arrest and detention.)

2.2.5 The Chinese Communist Party controls the judiciary and a fair trial cannot be guaranteed for political prisoners (see Trial procedures).

2.2.6 Political prisoners are subjected to 'deprivation of political rights' for a fixed time following their release from prison. This includes a denial of the rights to free speech, association and publication which is above and beyond the general restrictions which are imposed on the population. Former prisoners reported severe restrictions to their ability to find employment, travel, obtain residence permits, rent a home, and access social services (see Arbitrary arrest and detention).

2.2.7 Family members of political prisoners and human rights defenders, including children, are at risk of arbitrary arrest, detention and harassment (see Family members of perceived political activists). Former political prisoners and human rights defenders and their families are also subjected to police surveillance, telephone tapping, searches and other forms of harassment and threat (see Arbitrary arrest and detention).

2.3 Tibetans

2.3.1 Persons who support, or are perceived to support, independence for Tibet are at risk of similar ill-treatment by the authorities.

2.3.2 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).

2.3.3 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).

2.3.4 The country guidance case of SP and Others (Tibetan – Nepalese departure – illegal – risk) People's Republic of China CG [2007] UKAIT 00021 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. This is because evidence was found to indicate strongly that the Chinese authorities perceive Tibetans who left Tibet via Nepal as supporters of the Dalai Lama – particularly those who left without authority [paragraph 119d]. Of the individual accounts considered in SP and Others, two were not found to be credible. The appeals were only allowed because the Tribunal accepted that the appellants had left Tibet

illegally via Nepal and, on this basis alone, there would be a real risk of treatment amounting to persecution on return. The Tribunal found that unless it can be shown that exit from China was lawful, and not on the Tibet/Nepal route, Tibetans returned to Beijing or Shanghai are reasonably likely to face persecution on return [paragraph 119g].

2.4 Uighurs

2.4.1 As with persons who support, or are perceived to support, independence for Tibet, those who support, or are perceived to support, independence for Xinjiang Uighur Autonomous Region (XUAR) are at risk of ill-treatment by the authorities.

2.4.2 Uighurs who support, or are perceived to support, independence are reportedly sentenced to long prison terms, and in some cases executed without due process, on charges of separatism and endangering state security. Individuals in favour of separatism for the XUAR region also risk house arrest and other forms of arbitrary detention. Telephone monitoring and the disruption of internet services were widespread in the XUAR region. Freedom of assembly was severely limited. The possession of materials discussing independence and other sensitive subjects was not permitted. The discussion of separatism on the internet was against the law (see Xinjiang Uighur Autonomous Region (XUAR)).

2.4.3 For further information on assessing risk, Asylum Instruction on Assessing Credibility and Refugee Status

Back to Contents

2.5 Are those at risk able to seek effective protection?

2.5.1 As the person's fear is of ill treatment/persecution at the hands of the state, it is unreasonable to consider that they would be able to avail themselves of the protection of the authorities.

2.5.2 For further information on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.6 Are those at risk able to internally relocate?

2.6.1 As the person's fear is of ill treatment/persecution at the hands of the state, it is neither relevant nor realistic to expect them to relocate to escape that risk.

2.6.2 For further information on the factors to consider regarding internal relocation, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.7 If refused, is the claim likely to be certifiable as 'clearly unfounded'?

2.7.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further information on certification, see the Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002.

Back to Contents

3. Legal position

3.1.1 In its 'World Report 2015,' Human Rights Watch noted, 'China remains an authoritarian state, one that systematically curbs fundamental rights, including freedom of expression, association, assembly, and religion, when their exercise is perceived to threaten one-party rule.' [1] In its report, 'Freedom in the World 2015,' Freedom House awarded China a score of 7 for political freedom in 2014. Ratings range from 1 to 7, with 1 representing the greatest degree of freedom and 7 the least degree of freedom.[2]

3.1.2 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, stated:

'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 25-member Political Bureau (Politburo) of the CCP and its seven-member Standing Committee. China completed its once-in-a-decade leadership transition in March 2013, and Xi Jinping held the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission. Civilian authorities generally maintained control of the military and internal security forces.'[3]

3.1.3 The Freedom House report, 'Freedom in the World 2015,' noted:

'Chinese Communist Party (CCP) general secretary Xi Jinping, who had assumed his post as part of a broader leadership rotation in November 2012, continued to consolidate his power in 2014. He headed a growing list of new coordinating bodies, or "leading small groups," that gave him direct supervision over policy areas including domestic security, internet management, and ethnic relations, emerging as the most powerful CCP leader since Deng Xiaoping.'[4]

3.1.4 The US Department of State's Country Report on Human Rights Practices for 2014 stated: 'No laws or regulations specifically govern the formation of political parties. The Chinese Democracy Party (CDP) remained banned,

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[1] Human Rights Watch. 'World Report 2015;' China. Published 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china Date accessed: 3 June 2015.
[2] Freedom House. 'Freedom in the World 2015;' China (Overview). Published 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.
[3] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Executive summary). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.
[4] Freedom House. 'Freedom in the World 2015;' China (Overview). Published 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.

and the government continued to monitor, detain, and imprison current and former CDP members.'[5]

3.1.5 The US Department of State's Country Report on Human Rights Practices for 2014 further stated:

'…Official statements asserted, "The political party system [that] China has adopted is multi-party 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 policymaking. Activists attempting to create or support unofficial parties were arrested, detained, or confined.'[6]

3.1.6 A report published by Freedom House in January 2015 stated:

'Chinese law criminalizes unauthorized demonstrations and those gathering to "disturb public order." Unauthorized assemblies are met with brutal force, arrests, detentions, and criminal penalties of up to five years in prison. In… China…no children, young adults, or foreigners are allowed to protest…

'There are several regulations in China that guarantee the right to freedom of assembly… These laws are generally in compliance with international standards formulated in Article 20 of the UN Declaration of Human Rights securing the right to freedom of peaceful assembly and association.

'In reality, however, applications to hold demonstrations are only very rarely approved, with the exception of very highly controlled demonstrations that are politically useful for the Communist Party (such as anti-Japanese protests in front of the Japanese Embassy and other Japanese venues in China).

'When unauthorized demonstrations are held, Chinese police and security forces often use brutal force, detentions, and arrests to remove demonstrators and stop the protest. In the criminal law, the crime of unlawful assembly can be punished with up to five years in prison. The law is often used as an excuse to take action against critics of the government, including protesters. According to the Congressional-Executive Commission on China Annual Report 2013, authorities "made ample use of vague crimes such as 'unlawful assembly' and 'gathering people to disturb public order' to suppress rights advocates and civil society activists." The report said that

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[5] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 2. Respect for Civil Liberties, including b. Freedom of Peaceful Assembly and Association. Freedom of Association). Published June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[6] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government. Elections and political participation. Political parties). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

public security officers arrested prominent rights activist Xu Zhiyong on August 22, 2013, on suspicion of ‘‘gathering people to disturb public order.’’’[7]

3.1.7 The US Department of State’s Country Report on Human Rights Practices for 2014 stated:

‘The law stipulates that [freedom of peaceful assembly] 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.

‘Citizens throughout the country continued to gather publicly to protest evictions, relocations, and compensation, often resulting in conflict with authorities or other charges...

‘All concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Although peaceful protests are legal, police rarely granted approval. Despite restrictions there were many demonstrations, but those with broad political or social themes were broken up quickly, sometimes with excessive force. According to an international NGO, a former leading member of the CCP’s Politics and Law Commission stated that the country experienced 30,000 to 50,000 mass incidents every year. According to a 2012 Blue Book published by the Chinese Academy of Social Sciences, such mass incidents numbered anywhere from the tens of thousands to more than 100,000 each year. As in past years, the vast majority of demonstrations concerned land disputes; housing problems; industrial, environmental, and labor matters; government corruption; taxation; and other economic and social concerns. Others were provoked by accidents or were related to personal petitions, administrative litigation, and other legal processes.’[8]

3.1.8 The US Department of State’s Country Report on Human Rights Practices for 2014 stated:

‘The law 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 truly autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority.

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[7] Freedom House. ‘Voices in the Streets; Mass Social Protests and the Right to Peaceful Assembly,’ dated January 2015 (Overview, page 4 and China: Freedom of Assembly in Law and Practice, page 13). Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1426149352_02042015-updated-freedomofassembly-report.pdf Date accessed: 3 July 2015.

[8] US Department of State. ‘Country Reports on Human Rights Practices for 2014;’ China (Section 2. Respect for Civil Liberties, Including: b. Freedom of peaceful assembly and association). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

'The government maintained tight controls over civil society organizations.'[9]

3.1.9 For further information on the police and judiciary see the country information and guidance on China: Background Information, including actors of protection and internal relocation.

Back to Contents

4. Arbitrary and unlawful killings

4.1.1 The US Department of State's Country Report on Human Rights Practices for 2013, published in February 2014, stated:

'During the year security forces reportedly committed arbitrary or unlawful killings. In many instances few or no details were available. It was not clear to what extent police impunity was a problem. Often following cases of killings by police, authorities announced an investigation would be conducted; however, it remained unclear whether investigations resulted in findings of police malfeasance or disciplinary action.

'In January, Xue Fushun's family members disputed official accounts that Xue jumped to his death from a government building after he was detained in Shandong Province. On January 23, Xue Fushun, father of prodemocracy activist Xue Mingkai, had been detained by local authorities and taken to a black jail. Six days later, Xue fled to a public prosecutor's office where he allegedly leaped to his death after police confronted him…

'According to the NGO Dui Hua Foundation, in May a court in Harbin convicted seven defendants of coercing confessions through torture in connection with seven separate incidents, all committed in March 2013... In one instance a suspect named Liang was handcuffed to a chair, and a towel was stuffed in his mouth. Liang lost consciousness and died before the interrogators realized that something was wrong. Only three of the alleged torturers were police officers. Most were what was commonly known as "special informants," citizens compensated to perform prescribed police duties.'[10]

4.1.2 Human Rights Watch stated the following in the World Report 2015, which covered events of 2014:

'The Chinese government's open hostility towards human rights activists was tragically illustrated by the death of grassroots activist Cao Shunli in March. Cao was detained for trying to participate in the 2013 Universal Periodic Review of China's human rights record at the United Nations Human Rights

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[9] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 2. Respect for Civil Liberties, Including: b. Freedom of peaceful assembly and association). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper Date accessed: 2 July 2015.

[10] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: a. Arbitrary or unlawful deprivation of life.). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

Council (HRC) in Geneva. For several months, authorities denied her access to adequate health care even though she was seriously ill, and she died in March 2014, just days after authorities finally transferred her from detention to a hospital.'[11]

4.1.3 Radio Free Asia published the following in May 2015:

'Three police officers in the northern Chinese province of Shanxi went on trial on Monday for the killing of a woman during a dispute over unpaid wages, although at least one has denied any responsibility for her death, lawyers and family members said.

'Wang Wenjun, Guo Tiewei and Ren Haibo stood trial for "intentional injury" and "abuse of power" in connection with the death of Zhou Xiuyun…Zhou, 47, was found unconscious after being thrown to the ground at a construction site in Zhoukou city in the central province of Henan on Dec. 13, 2014, after clashes between police and her family. She died the next day in hospital. The policemen also stand accused of breaking the ribs of her husband Wang Youzhi.

'Wang Wenjun faces both charges, while Guo is charged with "abuse of power" and Ren with "intentional injury."

'However, Wang Daogang, legal representative for Zhou's son Wang Kuilin, said the family's lawyers had been denied entry to the courtroom. "I and attorney Cheng Hai were instructed on Dec. 30 to render legal assistance, and this has been going on for five months," Wang Daogang told RFA on Monday. "After negotiations, we asked a different lawyer to act as representative, and we continued to act as legal advisers, and there should be no problem under the law with us being allowed to attend the trial," Wang Daogang said. But he said neither he nor Cheng had been allowed inside the courtroom, adding that the family was unlikely to get justice under such circumstances.

'"There are clearly some problems here," Wang Daogang said. "The only way there would be a just outcome would be if this trial was held in open court." He said invisible "influences" are clearly at work behind the scenes in such a politically sensitive case, which comes amid growing public anger over widespread abuses of power by China's law enforcement agencies…

'Last July, China executed police officer Hu Ping for shooting dead a pregnant woman in the southwestern region of Guangxi, in a rare case of official retribution over growing police violence.'[12]

4.1.4 The US Department of State's Country Reports on Human Rights Practices for 2014 stated:

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[11] Human Rights Watch. 'World Report 2015: Events of 2014;' China, dated 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china-and-tibet Date accessed: 16 July 2015.
[12] Radio Free Asia. 'China tries three police officers for beating death of woman in pay dispute,' dated 18 May 2015. http://www.rfa.org/english/news/china/three-police-officers-tried-for-beating-death-of-woman-in-pay-dispute-05182015110630.html?searchterm:utf8:ustring=china+police+killing+of+her+son Date accessed: 16 July 2015.

'Although legal reforms in recent years decreased the use of the death penalty and improved the review process, authorities executed some defendants in criminal proceedings following convictions that lacked due process and adequate channels for appeal. In May [2014], three individuals were sentenced in Xinjiang to death in a mass rally where 55 defendants were prosecuted on terrorism charges.'[13] Human Rights Watch similarly noted:

'In August [2014], authorities executed three Uighurs who were convicted of orchestrating an attack in Beijing's Tiananmen Square in October 2013. Fair trial rights remain a grave concern given the lack of independent information about the cases, the government's insistence on expedited procedures, the fact that terror suspects can be held without legal counsel for months under Chinese law, and China's record of police torture.'[14]

4.1.5 See also Tibet and Xinjiang Uighur Autonomous Region (XUAR) for information about police brutality in these areas. See Trial procedures and due process for further information on this subject. See Arbitrary arrest and detention, which includes a sub-section on Deprivation of medical care, for further information on these topics.

4.1.6 For further information on the police and judiciary see the country information and guidance on China: Background Information, including actors of protection and internal relocation.

Back to Contents

5. Arbitrary arrest and detention

5.1 The current situation

5.1.1 The US Department of State's Country Report on Human Rights Practices for 2014, published in June 2015, stated: 'Arbitrary arrest and detention remained serious problems. The law grants police broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges… There were multiple reports of individuals detained by authorities and held at undisclosed locations during the reporting period.'[15]

5.1.2 The Congressional-Executive Commission on China produced an Annual Report 2014, published in October 2014, which stated:

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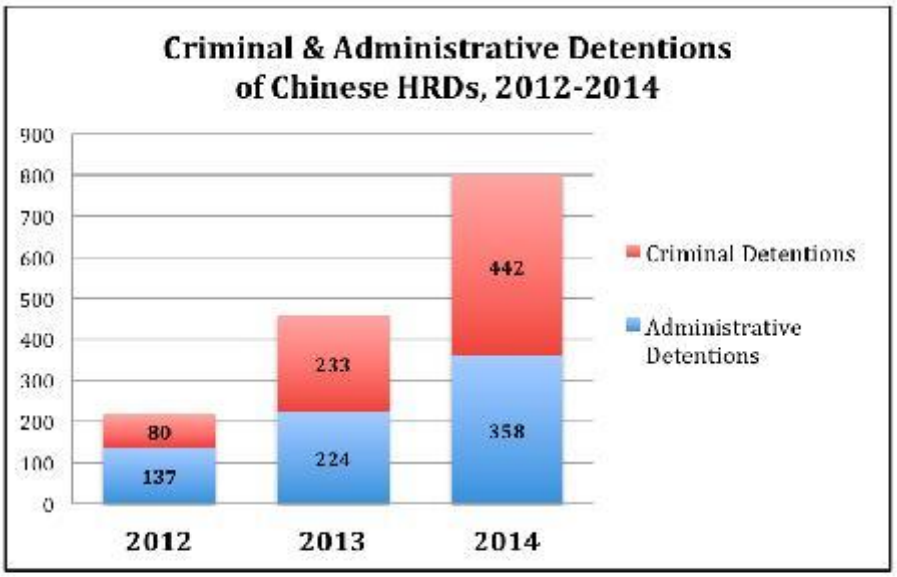
[13] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: a. Arbitrary or unlawful deprivation of life.). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[14] Human Rights Watch. 'World Report 2015;' China. Published 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china Date accessed: 3 June 2015.

[15] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: b. Disappearance and d. Arbitrary arrest or detention). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

‘Authorities continued to detain or harass rights and democracy advocates, Internet writers, human rights lawyers, citizen journalists, and others who exercised their right to freedom of speech in a crackdown that some international media and individuals in China described as the worst in recent decades. Authorities used vaguely worded criminal charges and extralegal harassment to punish citizens for free expression.’[16]

5.1.3 The Network of Chinese Human Rights Defenders stated the following in March 2015: ‘Those who demanded to exercise their fundamental rights or challenge the increasingly repressive system faced government retaliation, including the use of torture, arbitrary detention, enforced disappearance, intimidation, and other forms of mistreatment. …. Based on data tracked over the years, CHRD finds that there were nearly as many confirmed cases of arbitrary detention of HRDs [human rights defenders] in 2014 (955) as in the previous two years combined (1,160).’[17] CHRD published the following table[18] in March 2015, which indicated criminal and administrative detentions of Chinese human rights defenders in 2012, 2013 and 2014:



The alarming rise in criminal and administrative detentions of Chinese HRDs from 2012 to 2014—and particularly since President Xi Jinping came to power in March 2013—is a strong indication of escalating suppression.

[16] Congressional-Executive Commission on China. ‘Annual Report 2014,’ published 9 October 2014 (Freedom of Expression, Findings, page 16). Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

[17] The Network of Chinese Human Rights Defenders. ‘Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,’ dated 15 March 2015 (Press release). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[18] The Network of Chinese Human Rights Defenders. ‘Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,’ dated 15 March 2015 (Press release). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

5.1.4 The Freedom House report, 'Freedom in the World 2015,' stated:

'More than 190 political reform activists were detained during 2014, many for attempting to commemorate the 25th anniversary of the 1989 crackdown on prodemocracy demonstrators in Tiananmen Square, or for expressing support for protesters in Hong Kong…

'In addition to advocates of democracy and political reform, tens of thousands of grassroots activists, petitioners, Falun Gong practitioners, Christians, Tibetans, and Uighurs are believed to be in prison or extrajudicial forms of detention for their political or religious views, although complete figures are unavailable. In October 2014, the U.S. Congressional-Executive Commission on China published a partial list of over 1,200 current political prisoners.'[19]

5.1.5 For further information on the police and judiciary see the country information and guidance on China: Background Information, including actors of protection and internal relocation.

Back to Contents

5.2 Human rights activists

5.2.1 The Freedom House report, 'Freedom in the World 2015,' stated:

'Several activists connected to the New Citizens Movement—a loosely organized network of individuals seeking to promote the rule of law, transparency, and human rights—who had been detained in 2013 received prison terms of up to 6.5 years during the year. One of the movement's leaders, Beijing lawyer Xu Zhiyong, was sentenced to four years in prison in January on charges of "gathering a crowd to disturb public order," having organized small protests to urge officials to disclose their assets and circulated photographs of the demonstrations online.'[20]

5.2.2 The US Department of State's Country Report on Human Rights Practices for 2014 stated: 'New Citizens Movement associates detained for peaceful advocacy of good governance included Yang Maodong, Sun Desheng, Liu Ping, Wei Zhongping, Li Sihua, Ma Xinli, Zhang Baocheng, Hou Xin, Li Wei, Wang Yonghong, Ding Jiaxi, Sun Hanhui, Zhao Changqing, Qi Yueying, Zhang Xiangzhong, Li Gang, Li Huanjun, and Song Guangqian.'[21]

5.2.3 The Congressional-Executive Commission on China produced an Annual Report 2014, published in October 2014, which stated:

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[19] Freedom House. 'Freedom in the World 2015;' China (Section B). Published: 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.
[20] Freedom House. 'Freedom in the World 2015;' China (Section B). Published: 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.
[21] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention. Arrest procedures and treatment of detainees. Arbitrary arrest). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

‘The Party constricted the already narrow space for tolerable dissent as it intensified its crackdown against individuals and groups of citizens calling for improved government policies and greater public participation. Participants in the New Citizens’ Movement, for example, held peaceful, small-scale demonstrations and meetings to press the government for reforms that included increased transparency of officials’ assets and educational equality for the children of migrant workers—concerns that the government has said it shares. Noteworthy for its intolerance of even modest calls for reform, the crackdown began in early 2013 with scores of detentions and continued this year with courts meting out harsh prison sentences to key figures, including rights advocates Xu Zhiyong, Liu Ping, and Wei Zhongping.’[22]

5.2.4 The US Department of State’s Country Reports on Human Rights Practices for 2014 stated:

‘Tens of thousands of political prisoners remained incarcerated, some in prisons and others in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

‘Many political prisoners remained in prison or under other forms of detention at year’s end [2014], including rights activists Wang Bingzhang and Liu Xianbin; Ablikim Abdureyim, son of Uighur activist Rebiya Kadeer; former Tiananmen student leader Zhou Yongjun; labor activist Kong Youping; Roman Catholic bishops Ma Daqin and Su Zhimin; pastor Zhang Shaojie; and Tibetan Buddhist reincarnate lama Tenzin Delek Rinpoche, who was reportedly in poor health.

‘Nobel Peace Prize Laureate Liu Xiaobo, coauthor of the Charter ’08 manifesto that called for increased political freedoms and human rights, remained in Jinzhou Prison in Liaoning Province…In August 2013 a Beijing court sentenced Liu Hui, Liu Xiaobo’s brother-in-law, to 11 years’ imprisonment on charges, widely seen as politically motivated, of contract fraud.

‘In September prodemocracy activist Zhang Lin was sentenced to three and one-half years in prison for “gathering a crowd to disrupt public order” for his role in an April 2013 protest against an elementary school that prevented his 10-year-old daughter from attending class... The Anhui court had delayed the trial for more than a year.’[23]

5.2.5 World Organisation Against Torture (OMCT) published the following on 15 April 2015:

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[22] Congressional-Executive Commission on China. ‘Annual Report 2014,’ published 9 October 2014 (Strengthening Authority in Key Areas, page 3) Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

[23] US Department of State. ‘Country Reports on Human Rights Practices for 2014;’ China (Section 1. Respect for the integrity of the person, including freedom from: e. Denial of fair public trial. Political prisoners and detainees). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

‘On April 13, 2015, the Chinese authorities approved the release “upon guarantee pending further investigation” of five prominent women's rights and gender equality defenders: Ms. Li Tingting (also known as “Li Maizi”), Manager of the LGBT program at the Beijing Yirenping Center; Ms. Wu Rongrong, Founder and Executive Director of the Weizhiming Women’s Center in Hangzhou; Ms. Zheng Churan **(**also known as “Datu”), staff member of Yirenping based in Guangzhou; Ms. Wei Tingting, Director of LGBT rights organization Ji’ande in Beijing; and Ms. Wang Man, Beijing-based coordinator for the Global Call to Action Against Poverty (GCAP). They were all arbitrarily detained since March 6 and 7, 2015.

‘However, the five activists are still subject to travel restrictions, police surveillance, and may be summoned for further interrogation at any time.’[24]

Back to Contents

5.3 Tiananmen Square and other sensitive issues

5.3.1 The US Department of State’s Country Reports on Human Rights Practices for 2014 stated, ‘Observers believed that persons remained in prison for convictions in connection with their involvement in the 1989 Tiananmen prodemocracy movement, although the number was unknown because related official statistics were never made public.’[25]

5.3.2 The US Department of State’s Country Report further stated:

‘Authorities placed numerous dissidents, activists, and petitioners under house arrest during the October National Day holiday period and at other sensitive times, such as during the visits of senior foreign government officials or preceding the annual plenary sessions of the NPC [National People’s Congress] and the Chinese People’s Political Consultative Conference, the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR.’[26] The Network of Chinese Human Rights Defenders stated: ‘During two “politically sensitive” periods in 2014, around the 25th anniversary of June Fourth [Tiananmen Square incident] and as pro-democracy protests took place in Hong Kong in the fall, police detained more than 200 rights defenders over two successive crackdowns.’[27]

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[24] OMCT, FIDH, OBS, et al. ‘Conditional release of women's rights defenders Li Tingting, Wu Rongrong, Zheng Churan, Wei Tingting and Wang Man,’ dated 15 April 2015 (published by OMCT) http://www.omct.org/files/2015/04/23088/20150415_china_women_activists_pr_final.pdf Date accessed: 10 September 2015.

[25] US Department of State. ‘Country Reports on Human Rights Practices for 2014;’ China (Section 1. Respect for the integrity of the person, including freedom from: e. Denial of fair public trial. Political prisoners and detainees). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[26] US Department of State. ‘Country Reports on Human Rights Practices for 2014;’ China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[27] The Network of Chinese Human Rights Defenders. ‘Silencing the Messenger: 2014 Annual Report

5.3.3 The US Department of State's Country Report on Human Rights Practices for 2014, published in June 2015, stated:

'According to international human rights NGOs, authorities detained, disappeared, or questioned more than 150 lawyers, activists, journalists, and dissidents before the 25th anniversary of the Tiananmen Square protests. Various international media outlets reported that authorities arrested 20 activists, placed 44 under house arrest, and sentenced 15 to administrative detentions. Beijing authorities removed Ding Zilin from her home and placed her under soft detention. Ding had campaigned for truth and accountability for her son and others who were killed in the violent suppression of the Tiananmen protests in 1989.'[28]

5.3.4 The Congressional-Executive Commission on China produced an Annual Report 2014, published in October 2014, which stated:

'Authorities…targeted individuals who sought to commemorate the 1989 Tiananmen protests in private meetings, memorial services, or online spaces. Examples include leaders of the advocacy group Tiananmen Mothers Ding Zilin and You Weijie; filmmaker He Yang; Internet users Gu Yimin and Zhang Kunle; journalist Gao Yu; commemoration participants Chen Wei, Yu Shiwen, Shi Yu, Fang Yan, and Hou Shuai; and university student Zhao Huaxu.'[29]

Back to Contents

5.4 Human rights defenders co-operating with UN bodies

5.4.1 Chinese Human Rights Defenders stated the following in an Annual Report covering 2014, which was published in March 2015:

'For nearly a decade, the Chinese government has persecuted activists seeking to contribute to reviews of China's human rights record by UN human rights bodies. Authorities have blocked many HRDs from traveling abroad to attend trainings on UN human rights mechanisms. Such HRDs have been interrogated, detained, or subjected to various punishments: they have lost their jobs, been suspended from teaching, had renewal of their lawyers' licenses delayed, and had their passports confiscated.

'In 2014, one incident of such reprisal turned lethal, with the tragic death in custody of activist Cao Shunli in March after months of her being deprived of medical treatment in Beijing…On September 14, 2013, weeks before the

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on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Press release). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[28] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[29] Congressional-Executive Commission on China. 'Annual Report 2014,' published 9 October 2014 (Freedom of expression, findings, page 16) Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

second UPR [UN Universal Periodic Review (of China)], border control police seized Cao at Beijing Capital International Airport and held her incommunicado for five weeks. She was on her way to Geneva to attend a human rights training course and a session of the HRC [UN Human Rights Council]. Cao had been managing a liver condition before being taken into custody, but authorities confiscated her medication…

‘Close associates of Cao’s in the UPR-related campaigns also faced repercussions from authorities in 2014. Liu Xiaofang, a Beijing activist, went missing on March 11 after visiting Cao in the hospital. CHRD later confirmed that she had been put under criminal detention (though on unknown charges). She was subsequently released on bail and put under police monitoring. In addition, Peng Lanlan was locked up in a psychiatric facility in Hunan in January, and forced to undergo medical tests and take drugs before she was let go later that month. She had been transferred to that institution after initially being seized in Beijing in December 2013, on the heels of her release from detention for her UPR-related activities in the late 2000s. In Beijing, she was beaten and also held in a psychiatric hospital, where she was stripped naked, tied down, and forcibly given psychiatric medication.

‘Despite widespread condemnation of the persecution of Cao and general scrutiny of reprisals against HRDs, Chinese authorities in 2014 retaliated against other activists who called on the government to live up to its international rights commitments. Henan authorities blocked HIV/AIDS activist Wang Qiuyun from travelling to Geneva to attend the CEDAW [Committee on the Elimination of Discrimination Against Women] review, which took place on October 23. Local authorities confiscated her passport after the Swiss Consulate granted her a visa, later telling Wang that they did so due to “orders from higher up.” Authorities also tried to force Wang to check into a hospital, claiming that she was too sick to travel, but she refused.

‘In addition, one week after the CEDAW review, police in Hubei Province seized women’s rights activist Ye Haiyan and put her under administrative detention for “intentionally exposing her body in a public place.” Ye had tried to draw attention to the review—and its lack of civil society participation—by posting a naked photo of herself online with other activists, with all of them holding up signs with messages about the review.

‘Several other HRDs also faced various obstacles to traveling to attend trainings on UN human rights or were subjected to harassment after they returned from such activities. In some instances, police visited their families or workplaces during the trips to ask about their whereabouts and deliver warnings that their activities abroad should not “harm national security” or “defame the country,” lest they face serious consequences. In 2014, a number of activists or lawyers who had in the past attended UN human rights trainings found themselves under criminal detention, facing trial, or in prison, though authorities had seized or convicted them under other pretexts.

(Out of security concerns, CHRD is withholding their names and specific case details from this report.)'[30]

Back to Contents

5.5 Human rights lawyers

5.5.1 The 2014 US Department of State's Country Report stated:

'Human rights lawyers reported that authorities did not permit them to defend certain clients or threatened them with punishment if they chose to do so. The government suspended or revoked the licenses of lawyers or their firms to stop them from taking sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney … Authorities arrested several prominent defense attorneys during the year … Government officials continued to harass lawyers for their involvement in high-profile, rights-related cases. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented attorneys from organizing an effective defense. Tactics employed by court and government officials included unlawful detentions, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.'[31]

5.5.2 IB Times published the following on 31 August 2015:

'On July 9 [2015], Wang Yu, a celebrated human rights lawyer in Beijing with a history of defending religious minorities and political dissidents in China, sent a text message to her friend. Her electricity had been cut off and her phone line was dead: "People are trying to break in," she said… Wang has not been heard from since, even by her lawyers, who have claimed that not only had they been forbidden from seeing their client but they still hadn't been told what she had been charged with. Her husband and son were arrested at Beijing airport but later released.

'Her arrest came ahead of a crackdown in China that saw 200 lawyers detained in just seven days. As of this week, activists say, most of those that were detained a month ago have been released, but Wang and at least six other lawyers have not. Albert Ho, the chairman of the China Human Rights Lawyer Concern Group in Hong Kong, said that the current crackdown is China's worst yet. "The crackdown is on the widest scale that we have ever seen. At least 270 lawyers were arrested, detained, intimidated. Up to now at

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[30] Chinese Human Rights Defenders. 'Silencing the Messenger; 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated March 2015 (page 24). http://chrdnet.com/wp-content/uploads/2015/03/Silencing-the-Messenger_CHRD-2014-Annual-Report-on-the-Situation-of-Human-Rights-Defenders-in-China2.pdf Date accessed: 9 September 2015.

[31] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: e. Denial of Fair Public Trial). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

least seven are still detained under the pretext of violation of the law relating to the protection of national security," Ho said.

‘In Wang's case, according to an August 10 letter from her lawyers to the Tianjin Public Security Bureau, which is believed to be responsible for her arrest, the charge appears to relate to a court case in the north-eastern city of Shenyang City, when Wang is accused of branding the police "animals and thugs". Her lawyers argue that not only is it unusual to classify a loss of temper as a national security issue, but rather that it is Wang's record of defending religious minorities including the Falun Gong, Christians and political dissidents against the government and local officials that is behind her arrest.

‘She has been handling political cases for almost five years, and has defended scholar Ilham Tohti, who was sentenced to life imprisonment in January 2014 for his role in the Uighur movement in western China, and five LGBT activists who were jailed in January for "creating a disturbance" when they organised an anti-sexual harassment campaign for International Women's Day…

‘A few days after Wang's arrest in July, state-owned Xinhua news agency published an article attacking the law firm that she worked for, Fengrui, which is known for handling human rights cases. Immediately following Wang's arrest, 100 of her colleagues had signed a petition calling for her release and many were then arrested themselves.

‘In the article, Xinhua compared Fengrui to "a major criminal gang" that "aim[s] to create disturbances and disturb order" in the name of "defending [human] rights." A week later, the state media arm carried a confession by one of the firm's directors, Zhou Shifeng, in which he said that the firm "had broken the law" and "brought great risks to social stability."

‘It is believed that the crackdown was provoked after Chinese state security shot dead a young man in the northern Heilongjiang province in late June, claiming that he had been resisting arrest. A video was later uploaded to the internet by human rights lawyers that called into question the police account of events. A protest was held at the train station by the victim's family and claims of a cover-up spread.

‘"I think this was the straw that broke the camel's back because the human rights lawyers had been causing a great deal of problems for the government for years," said Ho, most controversially a campaign against illegal detention of political activists in so-called "black jails". "For years, the number of lawyers in the movement has been increasing. I am seeing young faces coming in," he said.’[32]

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[32] IB Times. ‘China: Mass round-up of human rights lawyers casts shadow over President Xi Jingping's Washington visit,’ dated 31 August 2015. http://www.ibtimes.co.uk/china-mass-round-human-rights-lawyers-casts-shadow-over-president-jingpings-washington-visit-1517354 Date accessed: 10 September 2015.

5.5.3 The Network of Chinese Human Rights Defenders stated the following in an Annual Report published in March 2015:

'In an indication of authorities' determination to rein in the growing community of human rights lawyers, the government put an unusually high number of rights lawyers under criminal detention or in prison in 2014—likely the highest number of any given year since the rights defense movement began in the early 2000s. Police and security guards continued to resort to physical violence to intimidate such lawyers and block them from carrying out their basic work duties, such as visiting clients at detention centers.

'In 2014, a total of 11 human rights lawyers were confirmed to be serving prison time, under criminal detention, or formally arrested and facing prosecution. While putting rights lawyers in jail in China has almost been routine in recent years, there have not been this many lawyers in prison or detention at the same time since human rights lawyers came to the scene more than a decade ago… Violence against lawyers by police and detention center guards has become pervasive, and perpetrators have not been investigated nor held accountable.'[33]

5.5.4 In July 2015 United Nations human rights experts called on the Chinese authorities to stop what appears to be targeted police harassment and intimidation of lawyers and those working closely with them. The UN Office of the High Commission for Human Rights stated: 'The independent experts expressed dismay at the ever growing number of lawyers and persons associated with their work, including law firm personnel, legal assistants and human rights defenders, who have been arrested and detained, including incommunicado, or summoned and questioned since 9 July 2015.'[34]

5.5.5 The Freedom House report, Freedom in the World 2015, stated: 'Prominent lawyer Gao Zhisheng was released in August [2014] after several years in prison or arbitrary detention, showing signs of torture and psychological trauma from his time in custody; he remained under tight surveillance and was barred from leaving the country to join his family in the United States.'[35]

5.5.6 See Trial procedures and due process for further information about human rights lawyers. See Treatment following release from detention for further references to medical care.

Back to Contents

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[33] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Human Rights Lawyers Criminally Prosecuted in Unprecedented Numbers, page 20). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[34] UN Office of the High Commissioner for Human Rights. '"Lawyers need to be protected not harassed" – United Nations experts urge China to halt detentions,' dated 16 July 2015. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16241&LangID=E Date accessed: 3 September 2015

[35] Freedom House. 'Freedom in the World 2015;' China (Section F). Published : 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.

5.6 NGOs

5.6.1 In an Annual Report covering 2014, which was published in March 2015, Chinese Human Rights Defenders noted:

‘2014 saw several independent groups shut down or suspend operations under intense government pressure, after operating with limited space and under surveillance. … With Xi Jinping in power, organizations have faced elevated levels of harassment, from detentions of key leaders to police raids on their offices and further restrictions on civil liberties. Affected groups include those working on rights issues involving public health, anti-discrimination, equal education, migrants, laborers, and women’s rights.

‘In 2014, state suppression netted even more independent groups than before, as authorities snuffed out NGOs that had been surviving, albeit under restrictive conditions, while working on what the government considers “politically sensitive” matters. As one activist interviewed for this report told CHRD, state security authorities began to look more carefully in 2014 into overseas funds going to NGOs and universities, and went so far as to demand that these institutions refuse to cooperate with foreign entities.

‘In June, police in Henan froze the bank account of the Zhengzhou office of Yirenping, which promotes public health and social justice, and effectively shuttered the organization after harassing several staff members and others associated with it. Police pressured staff to cooperate with an investigation of Chang Boyang, a human rights lawyer detained in May who was the group’s legal representative and a board member.

‘In April, China’s largest NGO assisting domestic violence victims, the Anti-Domestic Violence Network of China Law Society, abruptly closed down. Though the NGO stated that it had “basically completed” its mission, many believe that its growing influence led the group to encounter trouble from authorities.

‘From September to November, in coordinated police operations, authorities went after two other independent institutions that for years had been able to operate, though under pressure and harassment—the Liren Group and the Transition Institute of Social Economic Research. This time, police did not simply look to curb the groups’ activities, but detained a number of leaders and staff members on the pretext of investigating their involvement in supporting the Hong Kong demonstrations.

‘In October, the Guangzhou Municipal Government Office put out draft regulations prohibiting “illegal” non-governmental organizations in the city, leading to protests. Labor rights activists feared that, under the new rules, many independent groups already facing restrictions would be forced to close. The regulations proposed stricter requirements for registration and inspection, and less time for authorities to bring criminal charges against groups that the government regards as “illegal.”’[36]

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[36] Chinese Human Rights Defenders. ‘Silencing the Messenger; 2014 Annual Report on the Situation of Human Rights Defenders in China,’ dated March 2015 (page 16). http://chrdnet.com/wp-

5.7 Petitioners

5.7.1 The US Department of State's Country Reports on Human Rights Practices for 2014 stated:

'The law protects an individual's ability to petition the government, but persons petitioning the government faced restrictions on their rights to assemble and raise grievances... Most petitions addressed grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial "letters and calls" offices… Petitioners faced harassment, illegal detention, and even more severe forms of punishment when attempting to travel to Beijing to present their grievances.'[37]

5.7.2 The report by Freedom House, 'Freedom in the World 2015,' stated:

'The central government rates provincial and city officials based on the number of petitioners who travel from their jurisdictions to Beijing to report injustices. As a result, local authorities routinely intercept and harass petitioners, at times detaining them in illegal "black jails." Detained petitioners, many of whom are women, are reportedly subject to beatings, psychological abuse, and sexual violence. During 2014, the central government issued several guidelines for reforming the petitioning system, including steps to promote online submissions, instructions to courts to handle petitions on legal matters, and a prohibition on officials accepting complaints from petitioners who bypass lower levels of the bureaucracy. The success of the new policies remained to be seen, however, as some repression appeared to shift from Beijing to localities, contributing to a proliferation of extralegal detention facilities around the country.'[38]

5.7.3 The 2014 Annual Report of the Congressional-Executive Commission on China produced an Annual Report 2014 noted that 'The first year of implementation of China's first-ever Mental Health Law was marred by reports of public security officials forcibly committing petitioners to psychiatric hospitalization despite provisions in the law intended to prevent this form of abuse.'[39]

Back to Contents

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content/uploads/2015/03/Silencing-the-Messenger_CHRD-2014-Annual-Report-on-the-Situation-of-Human-Rights-Defenders-in-China2.pdf Date accessed: 9 September 2015.

[37] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 2. Respect for Civil Liberties, including: b. Freedom of Peaceful Assembly and Association. Freedom of Assembly). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[38] Freedom House. 'Freedom in the World 2015;' China (Section E). Published: 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.

[39] Congressional-Executive Commission on China. 'Annual Report 2014,' published 9 October 2014 (Public Health Findings, page 36). Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

5.8 Charges made against political detainees

5.8.1 The Network of Chinese Human Rights Defenders reported the following in an Annual Report dated March 2015:

'By the fall of 2014 (and into 2015), authorities seemed to have pulled away from this trend of using de-politicized crimes to charge HRDs [human rights defenders], instead reverting back to the previous practice of accusing them of overtly political crimes, which carry harsher punishments. For instance, quite a few prominent activists and lawyers have been convicted or are now facing charges of "inciting subversion" or "separatism," among other political crimes. … While life sentences and very long prison terms tend to be reserved for ethnic Tibetans and Uyghurs, the Han activists and lawyers facing charges of political crimes are likely to receive longer sentences than those detained on suspicion of "disrupting public order" offenses. This shift is just another indication of the increased severity of persecution in 2014.'[40]

5.8.2 The Network of Chinese Human Rights Defenders further noted:

'Applying trumped-up criminal charges against HRDs is not a new tactic, as seen in the widespread use of "disrupting public order" and "creating a disturbance" in persecuting activists and dissidents. In the past, this crime had been used to persecute freedom of expression, mostly in cases involving government critics. But authorities in 2014 increasingly began to use the crime "illegal business activity" in cases involving HRDs with ties to NGOs—more than in any year in recent memory—in an effort to criminalize free association.'[41]

5.8.3 The US Department of State's Country Report on Human Rights Practices for 2014, published in June 2015, stated: 'According to NGO reports, there were 104 cases of detention in mainland China for individuals demonstrating their support for protesters in Hong Kong. Some were charged under the catch-all charge of "picking quarrels and provoking trouble," while others faced subversion charges.'[42]

5.8.4 The US Department of State's Country Report for 2014 added:

'Authorities arrested persons on allegations of revealing state secrets, subversion, and other crimes as a means to suppress political dissent and

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[40] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Introduction, page 10). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[41] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Concocting 'Illegal Business' Charges in Criminalizing Free Expression and Association, page 14). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[42] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

public advocacy. These charges--including what constitutes a state secret--remained ill defined. Authorities also detained citizens and foreigners under broad and ambiguous state secret laws for, among other actions, disclosing information on criminal trials, meetings, commercial activity, and government activity. Authorities sometimes retroactively labeled a particular action as a violation of the state secret laws. A counterespionage law approved in November grants authorities the power to require individuals and organizations to cease any activities deemed a threat to national security. Failure to comply could result in seizure of property and assets…'[43]

5.8.5 The US Department of State's Country Reports for 2014 stated:

'Foreign NGOs estimated that several hundred persons remained in prison for "counterrevolutionary crimes," which were removed from the criminal code in 1997. Thousands of others were serving sentences under state security statutes. The government apparently neither reviewed all cases of those charged before 1997 with counterrevolutionary crimes nor released persons jailed for nonviolent offenses under repealed provisions of the criminal law. The government maintained that prisoners serving sentences for counterrevolutionary crimes and endangering state security were eligible to apply for sentence reduction and parole. Political prisoners, however, were granted early release at lower rates than other prisoners received.'[44]

Back to Contents

5.9 Trial procedures and due process

5.9.1 The Network of Chinese Human Rights Defenders noted the systematic deprivation of due process rights during the year 2014, stating the following in March 2015: 'Compared to previous years, authorities routinely flouted the laws protecting due process rights, and turned away lawyers, sometimes with violence, who tried to meet their clients. Pre-trial detention for many HRDs [human rights defenders] tended to be unreasonably prolonged, far more than a year in some cases, and deprivation of legal counsel was routine.'[45]

5.9.2 Human Rights Watch similarly reported in its 2014 annual report that 'Many activists continue to be detained pending trial, and some, including lawyers Chang Boyang and Guo Feixiong, have been repeatedly denied access to

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[43] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention. Arrest procedures and treatment of detainees. Arbitrary arrest). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[44] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: e. Denial of fair public trial. Political prisoners and detainees). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[45] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China (Press release),' dated 15 March 2015. http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

lawyers. Virtually all face sentences heavier than activists received for similar activities in past years. The increased use of criminal detention may stem from the abolition of the RTL administrative detention system in late 2013.'[46]

5.9.3 The US Department of State's Country Report for 2014 noted:

'The law requires notification of family members within 24 hours of detention, but authorities often held individuals without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would "hinder the investigation" of a case. The revised criminal procedure law limits this exception to cases involving state security or terrorism.'[47]

5.9.4 CHRD stated that 'the CCP operated the law-enforcement, prosecution, and the court system as expedient political tools through the control by the CCP-appointed Political and Legal Committees at each level of the government bureaucracy.'[48]

5.9.5 The Freedom House report, 'Freedom in the World 2015,' stated:

'The CCP controls the judiciary. Party political-legal committees supervise the operations of courts at all levels, and allow party officials to influence verdicts and sentences. CCP oversight is especially evident in politically sensitive cases. Most judges are CCP members, and party and government officials determine judicial appointments, salaries, and promotions. Adjudication of minor civil and administrative disputes is fairer than in politically sensitive or criminal cases.'[49]

5.9.6 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. According to the work report submitted to the NPC by the Supreme People's Court, approximately 1.16 million individuals were convicted and 825 were acquitted in 2013.

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[46] Human Rights Watch. 'World Report 2015;' China, published 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china Date accessed: 3 September 2015.
[47] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention. Arrest procedures and treatment of detainees). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.
[48] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' (Surge in Criminal Cases Against HRDs & Systematic Deprivation of Legal Rights, page 12) dated 15 March 2015. http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.
[49] Freedom House. 'Freedom in the World 2015;' China (Section F). Published: 28 January 2015. https://www.freedomhouse.org/report/freedom-world/2015/china Date accessed: 3 June 2015.

'In many politically sensitive trials, courts handed down guilty verdicts immediately following proceedings with little time for deliberation. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions and failed to provide sufficient avenues for review; remedies for violations of defendants' rights were inadequate.

'Regulations of the Supreme People's Court require all trials to be open to the public, with the exceptions of cases involving state secrets, privacy issues, minors, and, on the application of a party to the proceedings, commercial secrets. Authorities used the state-secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold defendant's access to defense counsel…'[50]

5.9.7 See Human rights lawyers for further information about the treatment of lawyers.

5.9.8 For further information on the judiciary see the country information and guidance on China: Background Information, including actors of protection and internal relocation.

Back to Contents

5.10 Forms of detention

5.10.1 Amnesty International stated the following in the Amnesty International Report 2014/15, published in February 2015:

'The National People's Congress officially abolished China's notorious Re-education Through Labour system in December 2013. Following its abolition, the authorities made extensive use of other forms of arbitrary detention, including Legal Education Centres, various forms of administrative detention, "black jails", and illegal house arrest. In addition, police frequently used vague charges of "picking quarrels and provoking trouble" and "disturbing order in a public place" to arbitrarily detain activists for up to 37 days.'[51]

5.10.2 See section on Charges made against political detainees for further information on this subject.

5.10.3 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'Authorities resorted to extralegal measures such as enforced disappearance and strict house arrest, including house arrest of family members, to prevent public expression of independent opinions… Conditions faced by those under house arrest varied but sometimes included complete isolation in their

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[50] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: e. Denial of fair public trial. Trial procedures). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[51] Amnesty International. 'Amnesty International Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.

homes under police guard. In some instances security officials were stationed inside the homes of subjects under house arrest. Others under house arrest occasionally could leave their homes to work or run errands but were required to ride in police vehicles. In some cases police or plainclothes security officers escorted the children of politically sensitive individuals to and from school. When permitted to leave their homes, subjects of house arrest were usually under police surveillance. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of supporting the "three evils" of religious extremism, "splittism," and terrorism.'[52]

Back to Contents

5.11 Misuse of mental health facilities

5.11.1 The US Department of State's Country Report on Human Rights Practices for 2014, published in June 2015, stated:

'Although ordinary prisoners were subjects of abuse, prison authorities singled out political and religious dissidents for particularly harsh treatment. In some instances close relatives of dissidents also were singled out for abuse…

'There were widespread reports of activists and petitioners being committed to mental health facilities and involuntarily subjected to psychiatric treatment for political reasons. According to Legal Daily (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane (also known as ankang facilities). From 1998 to May 2010, more than 40,000 persons were committed to ankang hospitals. According to the most recent information available, in 2010 an official of the Ministry of Public Security stated that detention in "ankang" facilities was not appropriate for patients who did not demonstrate criminal behavior. Nonetheless, political activists, underground religious adherents, persons who repeatedly petitioned the government, members of the banned Chinese Democracy Party (CDP), and Falun Gong practitioners were among those housed in these institutions.

'On May 20, the UN Working Group on Arbitrary Detention issued the opinion that Xing Shiku had been detained arbitrarily in violation of article 9 of the Universal Declaration of Human Rights. Since 2007 Xing had been held in the Daowai District Psychiatric Hospital in Harbin, Heilongjiang Province, because of his frequent trips to Beijing to protest local corruption and the privatization of the state-owned company where he once worked.

'A 2012 law bans involuntary mental health examinations and inpatient treatment except in cases in which patients expressed intent to harm themselves or others. Critics maintained, however, that the law does not

[52] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: d. Arbitrary arrest or detention. Arrest procedures and treatment of detainees. Arbitrary arrest). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

provide meaningful legal protections for persons sent to psychiatric facilities. The 2012 amendments to the criminal procedure law require a procuratorate (the agency responsible for both prosecution and investigation) review and a court decision for the psychiatric commitment of persons who have committed serious offenses but are exempt from criminal responsibility under the law. The amendments include a provision for appealing compulsory medical treatment decisions. Civil society and media sources reported that enforcement of these laws remained uneven.'[53]

5.11.2 The Network of Chinese Human Rights Defenders noted the following in an Annual Report published in March 2015: 'Police forcibly committed Shi Genyuan, a blogger from Fujian Province, to a mental health ward for months after he had posted political comments online—a punishment for Shi's exercise of free speech that violates China's Mental Health Law.'[54] The same report stated: 'In addition, Peng Lanlan was locked up in a psychiatric facility in Hunan in January, and forced to undergo medical tests and take drugs before she was let go later that month. She had been transferred to that institution after initially being seized in Beijing in December 2013, on the heels of her release from detention for her UPR[United Nations Universal Periodice Review]-related activities in the late 2000s. In Beijing, she was beaten and also held in a psychiatric hospital, where she was stripped naked, tied down, and forcibly given psychiatric medication.'[55]

5.11.3 See also Monitoring by the state for further information on this subject.

Back to Contents

5.12 Use of torture and degrading treatment against political detainees

5.12.1 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'Numerous former prisoners and detainees reported they were beaten, subjected to electric shock, forced to sit on stools for hours on end, deprived of sleep, and otherwise subjected to physical and psychological abuse. Although ordinary prisoners were subjects of abuse, prison authorities singled out political and religious dissidents for particularly harsh treatment. In some instances close relatives of dissidents also were singled out for

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[53] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: c Torture and other cruel, inhuman, or degrading treatment or punishment). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[54] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Criminalizing Speech Reaches New Heights, page 18). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015

[55] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Escalating Government Reprisals Against Human Rights Defenders Cooperating With UN Bodies, page 25). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015

abuse. … Conditions in penal institutions for both political prisoners and criminal offenders were generally harsh and often degrading. … Political prisoners were held with the general prison population and reported being beaten by other prisoners at the instigation of guards. Authorities did not allow some dissidents supplemental food, medicine, and warm clothing from relatives.'[56]

5.12.2 A May 2015 Human Rights Watch report entitled 'Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China', found:

'… the torture and ill-treatment of those detained for political reasons remains a severe problem. Political prisoners such as Gao Zhisheng, Guo Feixiong, Hada, Cao Shunli, and countless others have suffered repeated torture and other abuses at the hands of police and cell bosses under police control to punish them for their activism and to deter others from challenging the state. They have experienced much of what is described in this report and often worse.'[57]

5.12.3 Amnesty International stated the following in the Amnesty International Report 2014/15, published in February 2015:

'Torture and other ill-treatment remained widespread. In March, four lawyers who were investigating a Legal Education Centre in Jiansanjiang, Heilongjiang Province, were arbitrarily detained and tortured. One of them, Tang Jitian, said that he was strapped to an iron chair, slapped in the face, kicked, and hit so hard over the head with a plastic bottle filled with water that he passed out. He said he was later hooded and handcuffed behind his back and suspended by his wrists, while police continued to beat him.'[58]

Back to Contents

5.13 Deprivation of medical care

5.13.1 The Network of Chinese Human Rights Defenders stated the following in an Annual Report dated March 2015:

'An alarming yet persistent pattern in the use of torture and cruel punishment against detained HRDs is the deprivation of medical treatment, even when it is urgently needed. A tacit policy of Chinese authorities, the longstanding practice received considerable attention in 2014; it led directly to deaths of activists, and was evident in the severely damaged health of prisoners

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[56] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the Integrity of the Person, Including Freedom from: c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[57] Human Rights Watch. 'Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China', dated 12 May 2015 (Summary, pages 2-5) http://www.hrw.org/sites/default/files/reports/china0515_ForUpload.pdf Date accessed: 3 September 2015

[58] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Introduction, page 4) http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 14 September 2015.

released in the year who are still recuperating. Beijing based activist Cao Shunli passed away in March after she was deprived treatment for illnesses while being detained in Beijing… Tibetan prisoners Goshul Lobsang and Tenzin Choedak died in March and December, respectively, after their bodies were decimated by torture and lack of medical care during long sentences.'[59]

Back to Contents

5.14 Treatment following release from detention

5.14.1 The US Department of State's Country Reports on Human Rights Practices for 2014 noted:

'Criminal punishments continued to include "deprivation of political rights" for a fixed period after release from prison, during which time the individual was denied rights of free speech, association, and publication. Former prisoners reported that their ability to find employment, travel, obtain residence permits, rent residences, and access social services was severely restricted. Authorities frequently subjected former political prisoners and their families to police surveillance, telephone wiretaps, searches, and other forms of harassment or threats.

'After his release on August 7, defense attorney Gao Zhisheng was reportedly being held under house arrest in Shaanxi Province to serve a one-year term of "deprivation of political rights." Tibetan filmmaker Dhondup Wangchen was also reportedly being held for a three-year term of "deprivation of political rights" after serving six years in prison and being released on June 5. According to reports authorities refused to provide the two with passports and denied them access to adequate medical care.'[60]

See Deprivation of medical care for further information on this issue. See also Tibet and Xinjiang Uighur Autonomous Region (XUAR).

Back to Contents

5.15 Family members of perceived political activists

5.15.1 The US Department of State's Country Report for 2014 stated:

'Security personnel harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives. Family members of activists, dissidents, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention, and harassment... Chen Kegui,

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[59] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015 (Introduction, page 4). http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

[60] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: e. Denial of fair public trial. Political prisoners and detainees). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

nephew of activist Chen Guangcheng, remained in prison at year's end. In June the UN Working Group on Arbitrary Detention ruled that Chen was being held in contravention of the Universal Declaration of Human Rights.'[61]

5.15.2 The Congressional-Executive Commission on China produced an Annual Report 2014, published in October 2014, which stated that the government 'targeted the family members and associates of rights advocates for retribution.'[62] Human Rights Watch similarly reported in its 2014 annual report that 'Rather than embrace lawyers, writers, and whistleblowers as allies in an effort to deal effectively with rising social unrest, the government remains hostile to criticism. The government targets activists and their family members for harassment, arbitrary detention, legally baseless imprisonment, torture, and denial of access to adequate medical treatment.'[63]

Back to Contents

5.16 Chinese Communist Party members

5.16.1 Amnesty International stated the following in its Amnesty International Report 2014/15, published in February 2015: 'Members of the Chinese Communist Party suspected of corruption were held under the secretive system of shuanggui (or "double-designation") without access to legal assistance or their families.'[64]

5.16.2 The 2014 Congressional-Executive Commission on China report noted:

'Torture and abuse are common in extralegal detention facilities such as ''black jails,'' ''legal education centers,'' and shuanggui (''double regulation'' or ''double designation'') facilities. …. According to prominent rights lawyer and scholar Teng Biao, torture occurs more frequently in ''legal education centers'' than in any other form of detention in China. Shuanggui is extralegal detention used primarily for Chinese Communist Party officials who are suspected of corruption or other infractions. The main objective of shuanggui is the extraction of confessions.'[65]

5.16.3 The US Department of State's Country Report for 2014 stated:

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[61] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: f. Arbitrary interference with privacy, family, home or correspondence). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[62] Congressional-Executive Commission on China. 'Annual Report 2014,' published 9 October 2014 (Overview, page 2). Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

[63] Human Rights Watch. 'World Report 2015;' China, published 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china Date accessed: 3 September 2015.

[64] Amnesty International. 'Amnesty International Annual Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.

[65] Congressional-Executive Commission on China. 'Annual Report 2014,' published 9 October 2014 (Torture and Abuse in Custody, page 87). Available at ecoi.net: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf Date accessed: 1 July 2015.

‘The “shuanggui” system--the CCP internal disciplinary system used to investigate party members suspected of corruption--continued to operate without oversight and with allegations of torture. Many officials accused of corruption or other discipline violations were interrogated and in some cases tortured in the shuanggui system, often to extract a confession of wrongdoing, before they were turned over to the judicial system. In October 2013 a closed-door court in Quzhou sentenced six CCP officials to prison for torturing to death Yu Qiyi, an engineer for a state-owned investment firm. Media reported Yu spent 38 days under shuanggui and was repeatedly deprived of sleep, beaten, burned with cigarettes, and dunked in a bucket of ice-cold water. On June 30, the People’s Daily reported that Guangzhou party secretary Wan Qingliang was under investigation for “serious disciplinary and legal violations” after he was taken away in the middle of a CCP meeting three days earlier.’[66]

Back to Contents

6. Monitoring by the state

6.1.1 The FCO report, ‘China – Country of Concern,’ dated March 2015, noted:

‘Online censorship continued, and an increasing number of foreign websites were blocked. New regulations issued in August required users of instant-messaging platforms to abide by seven “bottom lines” and to register with real names. Social media opinion leaders continued to self-censor for fear of being prosecuted for “‘spreading rumours”. Following months of disruption, Google’s email service was blocked in December.

‘The right to strike and protest remained limited in law and practice in China. In an attempt to limit mainland support for the Hong Kong protest movements, the BBC English language website was blocked in October. So, too, was all footage showing the extent of protests in Hong Kong. More than 100 individuals were reportedly detained on the mainland for their support of the protests.

‘The CPC, under Xi Jinping, continued to tighten ideological control and hence the space for diverse views to be aired in public. Seven off-limit topics – including universal values, press freedom, and civil rights – provided an ideological baseline for resisting “Westernisation”. Liberal intellectuals and artists continued to be detained, suspended, or dismissed from their jobs for non-compliance.’[67]

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[66] US Department of State. ‘Country Reports on Human Rights Practices for 2014;’ China (Section 1. Respect for the integrity of the person, including freedom from: d. Arbitrary arrest or detention. Role of the Police and security apparatus). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[67] Foreign and Commonwealth Office. ‘China – Country Of Concern,’ published 12 March 2015. https://www.gov.uk/government/publications/china-country-of-concern--2/china-country-of-concern Date accessed: 10 July 2015.

6.1.2 The Network of Chinese Human Rights Defenders provided the following information in an Annual Report dated March 2015:

'The government took further steps in 2014 to control allegedly "sensitive" information, censoring content and tightly regulating methods of dissemination, particularly in online social media. State media regulators published a new set of rules in June that barred media workers from obtaining and disseminating information deemed "state secrets," an ill-defined concept under Chinese law that authorities have readily exploited to punish speech and the sharing of information. The government also reinforced its online content control and censorship, and imposed new restrictions on China's mobile instant messaging services to curb the sharing of news and information without government authorization. The new rules appear to be intended to legitimize what authorities had already been doing—criminalizing netizens based on the content of their posted messages.'[68]

6.1.3 The US Department of State's Country Report for 2014 stated:

'While the law states that the "freedom and privacy of correspondence of citizens are protected by law," authorities often did not respect the privacy of citizens. Although the law requires warrants before law enforcement officials can search premises, officials frequently ignored this requirement. The Public Security Bureau and prosecutors are authorized to issue search warrants on their own authority without judicial review. Cases of forced entry by police officers continued to be reported.

'Authorities monitored telephone conversations, fax transmissions, e-mail, text messaging, and other digital communications intended to remain private. They also opened and censored domestic and international mail. Security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines.

'According to foreign media reports, the Ministry of Public Security used tens of millions of surveillance cameras in the country. Authorities justified the security cameras as a way to improve public safety, crime fighting, traffic management, and "social stability." Human rights groups stated authorities increasingly relied on the cameras to monitor and intimidate political dissidents, Tibetans, and Uighurs.

'The monitoring and disruption of telephone and internet communications were particularly widespread in the XUAR and Tibetan areas. Authorities frequently warned dissidents and activists, underground religious figures, and former political prisoners throughout the country not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or CCP meetings, and during the visits of high-level foreign officials … The government frequently monitored gatherings of

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[68] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015. http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

intellectuals, scholars, and dissidents where political or sensitive issues were discussed.'[69]

6.1.4 See also Tibet and Xinjiang Uighur Autonomous Region (XUAR).

Back to Contents

7. Tibet

7.1.1 Amnesty International's International Report 2014/15, published in February 2015, stated:

'Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedoms of religious belief, expression, association and assembly. Several Tibetan monastic leaders, writers, protesters and activists were detained.

'In August, Tibetan demonstrators were reportedly shot by police and security forces in Kardze (in Chinese: Ganzi), Sichuan Province, where a crowd had gathered to protest against the detention of a village leader. At least four demonstrators died from their wounds and one protester committed suicide in detention.

'Seven people set themselves on fire in Tibetan populated areas in 2014 in protest against repressive policies by the authorities; at least two died as a result. The number of known self-immolations since March 2011 rose to 131. The authorities targeted some relatives and friends of those who self-immolated for allegedly "inciting" or "abetting" such acts.

'In some counties, family members of self-immolators, or those who have attended the Dalai Lama's teachings, were sympathetic towards the "Dalai Clique" or had "connections overseas", were barred from senior positions or from standing as candidates in village elections.'[70]

7.1.2 The Human Rights Watch World Report 2015 stated:

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

'Authorities were intolerant of peaceful protests by Tibetans, harshly responding with beatings and arrests to protests against mines on land considered sacred and against detention of local Tibetan leaders. According to press reports, in June, police beat and detained Tibetans for protesting

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[69] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 1. Respect for the integrity of the person, including freedom from: f.Arbitrary interference with privacy, family, home or correspondence and 2.a. Freedom of Speech and Press). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[70] Amnesty International. 'Amnesty International Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.

against copper mining in southwestern Yunnan province… in June, Dhondup Wangchen, who had been imprisoned for his role in filming a clandestine documentary in Tibetan areas, was released after six years in prison.'[71]

7.1.3 The Tibetan Centre for Human Rights and Democracy stated the following in the Annual Report 2014, which was published in February 2015:

'The PRC [People's Republic of China] cracked down against Tibetans in response to mining protests, protests against forced displays of loyalty, religious practices, and the continuation of the self-immolations protests. In response to self-immolations and people attending religious festivals, local governments in Tibet imposed collective punishments. The collective punishments specifically targeted people who were uninvolved in the prohibited activity. Family members and even entire villages could be subject to fines, the deprivation of political rights, the loss of their jobs and property, and all government benefits.

'For people who committed the acts the risks became more severe. An increasing number of Tibetans died in detention. Their deaths were the results of torture, beatings, and the denial of medical care. In some cases the victims were released from prison on medical parole shortly before they died. In all cases, their bodies showed unmistakable evidence of abuse. The imposition of collective punishments and killing people during detention violates the PRC's international legal obligations. This is exacerbated because people are punished for exercising their human rights. Peaceful protesters were frequently targeted by the PRC's security forces in 2014. The security forces fired at the protesters, detained those they could, and subjected an entire village to severe interrogations. International law protects the right to freedom of peaceful assembly. Peaceful assemblies can only be restricted if the government can demonstrate that specific criteria are met. In Tibet, the PRC cracked down against almost every protest. The required criteria were never met.'[72]

7.1.4 According to Freedom House:

'All political activity outside the CCP [Chinese Communist Party] is illegal and harshly punished, as is any evidence of loyalty to or communication with the Tibetan government in exile in Dharamsala, India. … Chinese authorities tightly restrict all media in Tibet. Such measures intensified in 2014 as the authorities sought to suppress information about self-immolations and through related security crackdowns. International broadcasts are jammed and communications devices periodically confiscated. The online restrictions and monitoring in place across China are enforced even more stringently in the TAR. … According to overseas Tibetan groups, scores of writers, intellectuals, and musicians have been arrested since 2008, with some

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[71] Human Rights Watch. 'World Report 2015;' China (Tibet), published 29 January 2015. http://www.hrw.org/world-report/2015/country-chapters/china?page=2 Date accessed: 8 June 2015.
[72] Tibetan Centre for Human Rights and Democracy. 'Human Rights Situation in Tibet Annual Report 2014' (Executive Summary), published 7 February 2015. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1424272072_254994376-2014-annual-report-human-rights-situation-in-tibet.pdf Date accessed: 1 July 2015.

sentenced to lengthy prison terms. … The authorities regularly suppress religious activities, particularly those seen as forms of dissent or advocacy of Tibetan independence.'[73]

7.1.5 The Tibetan Centre for Human Rights and Democracy further stated:

'…In 2014, the PRC expanded its security presence in Tibet. This included the introduction of more officials to watch, report on, and punish Tibetans. It also included the introduction of technology designed to facilitate the persecution in Tibet. The infamous Grid Management system, allowed security personnel to know more about what is happening in Tibet. Other measures, for instance the use of surveillance technology, allowed the PRC to delve deeper into what Tibetans, and monks in particular, were doing. These measures violate Tibetans' right to privacy and represent the continuation of failed security policies. If the PRC hopes to achieve stability in Tibet it must abolish the repressive polices that Tibetan are resisting.

'To better understand the scope of the PRC's repressive policies, TCHRD [Tibetan Centre for Human Rights and Democracy] created a special team to work on the political prisoner database. The TCHRD political prisoner database is now one of the most comprehensive Tibetan political prisoner databases in the world. It draws upon data from the US Congressional Executive Committee on China (CECC), Tibetan NGOs, and media reports to determine whom the PRC detained and for what reason. Because of the work of TCHRD's special team, the total number of known Tibetan political prisoners increased to 2,110. This includes the 137 Tibetans who were either detained or sentenced in 2014. However, TCHRD's political prisoner database still represents a minimum estimate of the number of political prisoners. Because of the difficulty of getting information out of Tibet, there will inevitably be cases that are unreported. Accordingly, the actual number of Tibetan political prisoners is higher than the number listed in the database.'[74]

7.1.6 The Network of Chinese Human Rights Defenders noted in an Annual Report, published in March 2015, that life sentences and very long prison terms tended to be reserved for ethnic Tibetans and Uyghurs. It added that Several leading Tibetan monks were sentenced to terms of 10 or more years.[75]

7.1.7 In its 2015 Freedom in the World report, Freedom House reported:

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[73] Freedom House. 'Freedom in the World 2015;' Tibet, dated 28 January 2015. http://www.ecoi.net/local_link/309335/433192_en.html Date accessed: 14 September 2015.
[74] Tibetan Centre for Human Rights and Democracy. 'Human Rights Situation in Tibet Annual Report 2014' (Executive Summary), published 7 February 2015. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1424272072_254994376-2014-annual-report-human-rights-situation-in-tibet.pdf Date accessed: 1 July 2015.
[75] The Network of Chinese Human Rights Defenders. 'Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,' dated 15 March 2015. http://chrdnet.com/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/ Date accessed: 13 July 2015.

'The judicial system in Tibet does not justly enforce the rule of law, and torture is reportedly widespread. Critics of Chinese rule continue to face arrests and disappearances. Defendants lack access to meaningful legal representation. Trials are closed if state security is invoked, and sometimes even when no political crime is listed. Chinese lawyers who offer to defend Tibetan suspects have been harassed or disbarred. Security forces routinely engage in arbitrary detention, and detainees' families are often left uninformed as to their whereabouts or well-being. In December 2014, for example, authorities took Tibetan political prisoner Tenzin Choedak to a hospital after he sustained a brutal assault; he later died as a result of his injuries. Critics have accused the government of perpetrating the beating, and Choedak showed signs of having been tortured while in custody.'[76]

7.1.8 See also Arbitrary and unlawful killings and Arbitrary arrest and detention for further information. See also Monitoring by the state for information about state monitoring in Tibet. See Xinjiang Uighur Autonomous Region (XUAR) for further information about the situation in this region.

Back to Contents

8. Xinjiang Uighur Autonomous Region (XUAR)

8.1.1 Amnesty International stated the following in its International Report 2014/15: 'Uighurs faced widespread discrimination in employment, education, housing and curtailed religious freedom, as well as political marginalization.'[77]

8.1.2 Radio Free Asia published the following in June 2015:

'… rights groups accuse the Chinese authorities of heavy-handed rule in Xinjiang, including violent police raids on Uyghur households, restrictions on Islamic practices, and curbs on the culture and language of the Uyghur people. Uyghurs say they have long suffered ethnic discrimination, oppressive religious controls, and continued poverty and joblessness in Xinjiang despite China's ambitious plans to develop its vast northwestern frontier.'[78] The US Department of State's Country Reports on Human Rights Practices for 2014 noted that freedom of assembly was severely limited during the year in the XUAR.[79] The Telegraph noted that it was difficult for Uighurs to obtain a passport.[80]

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[76] Freedom House. 'Freedom in the World 2015;' Tibet, dated 28 January 2015. http://www.ecoi.net/local_link/309335/433192_en.html Date accessed: 15 September 2015.
[77] Amnesty International. 'Amnesty International Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.
[78] Radio Free Asia. 'At least eight Uyghurs shot dead by Chinese authorities in Xinjiang,' dated 19 June 2015. http://www.rfa.org/english/news/uyghur/shooting-06192015175608.html?searchterm:utf8:ustring=china+killing+by+authorities Date accessed: 13 July 2015
[79] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015.

8.1.3 A report by the Foreign and Commonwealth Office, dated March 2015, stated:

'Further outbreaks of violence and unrest occurred in 2014. At least 200 civilians and security officers were reported to have died in a series of incidents. Some of these were terrorist attacks, including that on a marketplace in Urumqi on 22 May [2014]. It killed at least 43 people… In the aftermath, Chinese authorities announced a year-long "strike hard" campaign. This prompted concerns about due legal process, with mass sentencing, arrest and detention rallies being held in parts of the XUAR. State media reported that 380 people were detained, and 315 convicted in the first month alone. At least 30 people were sentenced to death on terrorism charges in 2014.'[81]

8.1.4 Amnesty International stated the following in the International Report 2014/15, published in February 2015:

'Authorities ascribed numerous violent incidents which occurred in the XUAR or other regions to Uighur individuals, and used these to justify a heavy-handed response. In May[2014], a "strike hard" campaign was launched to target "violent terrorism and religious extremism", raising concerns that accused individuals would not receive fair trials. Top officials prioritized speed in making arrests and convening trials, while calling for greater "co-operation" between prosecuting authorities and courts. By 26 May [2014], XUAR officials had announced the detention of over 200 suspected members of "terrorist and extremist groups" and the breaking up of 23 "terror rings". On 29 May [2014], at one of the several "sentencing rallies" since the launch of the campaign, 55 people, all believed to be Uighurs, were sentenced for crimes including terrorism in front of nearly 7,000 spectators in a stadium.'[82]

8.1.5 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'Officials in the XUAR continued to implement a pledge to crack down on the government-designated "three forces" of religious extremism, "splittism," and terrorism, and they outlined efforts to launch a concentrated antiseparatist re-education campaign. Some raids, detentions, and judicial punishments ostensibly directed at individuals or organizations suspected of promoting the "three forces" appeared to target groups or individuals peacefully seeking to express their political or religious views. The government continued to

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http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[80] The Telegraph. 'Chinese police shoot dead two Uighurs on Vietnam border,' dated 19 January 2015 http://www.telegraph.co.uk/news/worldnews/asia/china/11354685/Chinese-police-shoot-dead-two-Uighurs-on-Vietnam-border.html Date accessed: 16 July 2015.

[81] Foreign and Commonwealth Office. 'China – Country Of Concern,' published 12 March 2015. https://www.gov.uk/government/publications/china-country-of-concern--2/china-country-of-concern Date accessed: 10 July 2015.

[82] Amnesty International. 'Amnesty International Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.

repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.'[83] The report further stated: 'Uighurs continued to be sentenced to long prison terms, and in some cases executed without due process, on charges of separatism and endangering state security.' [84]

8.1.6 The Telegraph published the following in January 2015: 'Police shot dead two ethnic Uighurs in southern China as they tried to illegally cross the border into Vietnam, state media reported.

'The shooting occurred when police intercepted a van carrying five Uighur "stowaways" at a motorway tollbooth on Sunday evening near Pingxiang in the Guangxi region, according to the China Daily, a state-run newspaper. Two of the Uighurs "violently resisted arrest" and attacked police with knives before being killed. Two members of the group were detained and one is at large.

'Hundreds of people have been killed around China in the past two years in violence between majority Han Chinese and Uighurs, a Muslim minority from China's western Xinjiang region. News of the border violence came two days after police shot dead six Uighurs in Xinjiang who were trying to detonate a bomb.'[85]

8.1.7 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'Authorities did not permit possession of publications or audiovisual materials discussing independence, autonomy, or other sensitive subjects. Uighurs who remained in prison at year's end for their peaceful expression of ideas the government found objectionable included Abduhelil Zunun…

'The law criminalizes discussion of separatism on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or "harming social stability" and requires internet service providers and network operators to set up monitoring systems or to strengthen existing ones and report violations of the law.'[86]

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[83] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[84] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[85] The Telegraph. 'Chinese police shoot dead two Uighurs on Vietnam border,' dated 19 January 2015 http://www.telegraph.co.uk/news/worldnews/asia/china/11354685/Chinese-police-shoot-dead-two-Uighurs-on-Vietnam-border.html Date accessed: 16 July 2015.

[86] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date

8.1.8 The Amnesty International report 2014/15 further stated:

'On 28 July [2014], state media reported that 37 civilians were killed when a "knife-wielding mob" stormed government offices in Yarkand County (in Chinese: Shache) and that security forces had shot dead 59 attackers. Uighur groups disputed this account, putting the death toll much higher and saying rather that police opened fire on hundreds of people who were protesting against the severe restrictions placed on Muslims during Ramadan.'[87] The US Department of State's Country Reports on Human Rights Practices for 2014 noted that the government's control of information coming out of the XUAR, together with its increasingly tight security there, made it difficult to verify the conflicting reports about security incidents.[88]

8.1.9 The US Department of State's Country Reports on Human Rights Practices for 2014 further stated:

'The government pressured foreign countries to repatriate Uighurs, who faced the risk of imprisonment and mistreatment upon return. Some Uighurs returned involuntarily to China disappeared. Media reported in October that a 21-year-old Uighur man died in prison under mysterious circumstances after being returned to China by Vietnamese authorities. The young man had a Turkish passport and died in the Guangxi Zhuangzu Autonomous Region on the China-Vietnam border.'[89]

8.1.10 The US Department of State's Country Reports on Human Rights Practices for 2014 also commented on the treatment of family members of those who had come to the attention of the authorities, stating:

'A son of exiled Uighur leader Rebiya Kadeer, president of the World Uighur Conference, whom the government blamed for orchestrating the 2009 riots in Urumqi, reportedly remained in prison at year's end.

'Radio Free Asia reported increased harassment of family members of RFA's Uighur American correspondent. The harassment of the reporter's family started in 2009 after he reported on the death of a Uighur torture victim. During the year one of his brothers in China was sentenced to five years in prison for violating state security laws, and two brothers were

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accessed: 2 July 2015.

[87] Amnesty International. 'Amnesty International Report 2014/15;' China, dated 25 February 2015. https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/ Date accessed: 30 June 2015.

[88] US Department of State. 'Country Reports on Human Rights Practices for 2014' (Section 1. Respect for the integrity of the person, including freedom from: a. Arbitrary or unlawful deprivation of life). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 1 July 2015.

[89] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

detained for allegedly leaking state secrets after discussing the sentencing in a telephone call with the correspondent.'[90]

8.1.11 The Telegraph noted that the burqa had been banned in Urumqi, the regional capital of XUAR.[91] Radio Free Asia reported on Government restrictions on Ramadan in an article dated 24 June 2015, stating:

'Authorities in northwestern China's troubled Xinjiang region have ordered government workers to closely monitor the daily movements of ethnic Uyghurs during the Muslim fasting month of Ramadan, with at least one county issuing guidelines calling for the intrusive searches of convenience stores, repair shops, and mosques.

'While increasing their vigilance around the clock, security personnel may no longer watch television or play table tennis while on duty, and must immediately report "suspicious activities" to their superiors, says the seven-point document issued in Aksu (in Chinese, Akeksu) prefecture's Shayar (Shaya) county on June 15, two days before the start of the Muslim fasting period. The document… urges village cadres to keep a close watch on politically suspect families, who are required during the fasting month to report in person to authorities each morning and night.

'Other regulations instruct government workers to increase their "management" of persons visiting Shayar from other areas, paying particularly close attention to Muslims traveling from other countries—particularly Egypt—and taking fingerprints and hair samples from each.

'Shops used to repair farm implements must now be checked to ensure they are not being used to manufacture lethal weapons, the regulations state, while mosques must also be searched, with prayer carpets lifted to check for the presence of "illegal" religious material.

'Local authorities must also ensure that shops owned by Uyghurs are well-stocked with alcohol and cigarettes, products discouraged by Islamic custom, and are encouraged to set up workplace "competitions"—including wheat-cutting contests—to promote increased physical activity during the Ramadan fasting period, the document says…

'Uyghurs living in Xinjiang are meanwhile being subjected to increased interference in their daily lives in an attempt by officials to weaken their participation in religious observances during the fasting month, sources say. Restaurants in the region are typically required to stay open all day, even if the owners are Muslim, and Uyghur children and young people are often

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[90] US Department of State. 'Country Reports on Human Rights Practices for 2014;' China (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. National/Racial/Ethnic Minorities). Published 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236432 Date accessed: 2 July 2015.

[91] The Telegraph. 'Chinese police shoot dead two Uighurs on Vietnam border,' dated 19 January 2015 http://www.telegraph.co.uk/news/worldnews/asia/china/11354685/Chinese-police-shoot-dead-two-Uighurs-on-Vietnam-border.html Date accessed: 16 July 2015.

required to attend free lunches in the region's schools and universities to avoid the dawn-to-dusk fast traditionally observed during Ramadan.

'"Not many people are fasting in our county, because we are holding meetings all the time," a government worker in Kashgar (Kashi) prefecture's Maralbeshi (Bachu) county told RFA this week. "The meetings are held mostly in the mornings, and everyone in our county is forced to participate," she said. "We are forced to eat and drink," she added.'[92]

8.1.12 See also Arbitrary and unlawful killings and Arbitrary arrest and detention for further information. See also Monitoring by the state for information about state monitoring in XUAR.

Back to Contents

[92] Radio Free Asia. 'Chinese authorities urge "close watch" on Muslim Uyhurs during Ramadan,' dated 24 June 2015. http://www.rfa.org/english/news/uyghur/ramadan-06242015084626.html Date accessed: 13 June 2015.

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Back to Contents