

- **Source:**
HRW - Human Rights Watch
- **Title:**
World Report 2016 - China
- **Publication date:**
27 January 2016
- **ecoi.net summary:** Annual report on the human rights situation in 2015 [ID 318377]
- **Countries:**
China
- [Original link](#)

Recommended citation:
HRW - Human Rights Watch: World Report 2016 - China, 27 January 2016 (available at ecoi.net) http://www.ecoi.net/local_link/318377/443557_en.html (accessed 08 February 2016)



World Report 2016 - China

Ruled by the Chinese Communist Party (CCP) for more than six decades, China remains an authoritarian state, one that systematically curtails a wide range of fundamental human rights, including freedom of expression, association, assembly, and religion. While there were a few modest positive developments in 2015—authorities, for example, reduced the number of crimes eligible for the death penalty from 55 to 46 and issued directives guaranteeing students with disabilities “reasonable accommodation” in university entrance exams—the trend for human rights under President Xi Jinping continued in a decidedly negative direction.

Senior Chinese leaders, perceiving a threat to their power, now explicitly reject the universality of human rights, characterizing these ideas as “foreign infiltration,” and penalizing those who promote them. Freedoms of expression and religion, already limited, were hit particularly hard in 2015 by several restrictive new measures.

Individuals and groups who have fought hard in the past decade for human rights gains were the clearest casualties of an aggressive campaign against peaceful dissent, their treatment starkly contrasting with President Xi’s vow to promote “rule of law.” Between July and September, about 280 human rights lawyers and activists were briefly detained and interrogated across the country. About 40 remain in custody, most in secret locations without access to lawyers or family, some beyond the legal time limits; most have been accused of being part of a “major criminal gang” that “seriously disrupts public order.” The government has shut down or detained staff of a number of nongovernmental organizations (NGOs) and arrested and imprisoned many activists.

The government also proposed or passed laws on state security, cybersecurity, counterterrorism, and the management of foreign NGOs; these laws conflate peaceful criticism of the state with threats to national security. For example, the second draft of the Foreign Non-Governmental Organizations Management Law imposes an onerous supervisory framework and restrictions on staffing and operations of these organizations, and gives police an expansive role in approving and monitoring their work. Although close scrutiny of NGOs is not new for a government that has long labeled peaceful criticism as a threat to state power, the proliferation of laws authorizing such intrusion provides officials with even more ammunition to intimidate or punish activists.

President Xi’s domestically popular anti-corruption campaign continues to feature prosecutions that violate the right to a fair trial. In June, former security czar Zhou Yongkang was given a life sentence following a closed-door trial and months of unlawful and secret detention. At the same time, anti-corruption activists involved in the New Citizens Movement, including legal scholar Xu Zhiyong, continue to languish in jail.

Human Rights Defenders

Activists seeking to defend human rights have faced a surge in reprisals under Xi, at times enduring arbitrary detention, enforced disappearance, politicized prosecutions, and torture by authorities in response to their work.

Various NGOs have been closed and their staff detained on bogus charges. In late 2014, authorities detained Guo Yushan and He Zhengjun, the director and administrative manager of the prominent Beijing-based public policy think tank, Transition Institute, accusing them of “illegal business operations;” they were released on bail in September 2015. In June, two former directors of Zhengzhou Yirenping, a group affiliated with the prominent anti-discrimination organization Beijing Yirenping, were taken into custody. They were subsequently released, but a government spokesperson vowed to “punish” Yirenping for unspecified “unlawful activities.” Other NGOs, even lesser-known ones or ones working on subjects considered less politically sensitive, such as the Shenzhen Christian Guan’ai Home for the Homeless, faced closure and arrests.

In addition to the nationwide round-up of about 280 lawyers and activists in 2015, human rights lawyers were increasingly subject to physical assault, including by court officials. In August, lawyer Zhang Kai was detained for providing legal advice to Christians in Zhejiang Province who had resisted the authorities’ forced removal of crosses on church buildings. Other lawyers, including Pu Zhiqiang and Tang Jingling, detained in separate cases since May 2014, remain in custody pending trial or verdict.

The government has increasingly used vague public order charges to silence human rights defenders. At time of writing, Guo Feixiong, a prominent Guangdong activist, was still awaiting a verdict after being tried in November 2014 for “gathering crowds to disturb social order.”

A number of activists, including elderly journalist Gao Yu, Pu Zhiqiang, Uighur scholar Ilham Tohti, and anti-corruption activist Liu Ping, continue to be detained or imprisoned without adequate medical care.

Freedom of Expression

The Chinese government tightly restricts freedom of expression through censorship and punishments. While the Internet has offered a marginally freer space, the government censors politically unacceptable information through means such as the “Great Firewall.” Despite media censorship, journalists and editors have at times pushed the limits of acceptable expression.

In 2015, government agencies such as the State Internet Information Office issued multiple new directives, including tightened restrictions over the use of usernames and avatars, and requirements that writers of online literature register with their real names. The government has also shut down or restricted access to Virtual Private Networks (VPNs), which many users depend on to gain access to content otherwise blocked to users inside the

country.

In March, authorities also deployed a new cyber weapon, the “Great Cannon,” to disrupt the services of GreatFire.org, an organization that has worked to undermine China’s censorship. In July, the government published a draft cybersecurity law that will requires domestic and foreign Internet companies to practice censorship, register users’ real names, localize data, and aid government surveillance. In August, the government announced that it would station police in major Internet companies to more effectively prevent “spreading rumors” online.

In January 2015, Education Minister Yuan Guiren told universities to ban teaching materials that promote Western values and censor speech constituting “attack and slander against the Party.”

In April, prominent journalist Gao Yu was sentenced to seven years in prison for allegedly leaking an internal CCP document calling for greater censorship of liberal and reformist ideas. She was forced to confess, and the confession was aired on state TV long before criminal investigations against her ran their course.

Financial reporting has often appeared less tendentious than political journalism. But in August, the government took the alarming step of detaining Wang Xiaolu, a financial reporter, for having written about the authorities’ deliberations over withdrawing stabilizing measures in response to the sharp declines in the Chinese stock market crash in June and July.

Also in August, the Urumqi government tried two brothers of Shohret Hoshur of Radio Free Asia, a reporter based in the United States, on state security charges; the brothers likely were being punished for Hoshur’s critical reporting on conditions in Xinjiang, a sensitive minority region in western China. In September, a computer programmer was sentenced to 12 years in prison for placing anti-CCP slogans on TV.

Women’s Rights

While the CCP is rhetorically committed to gender equality, its lack of respect for human rights means that women continue to face systemic discrimination on issues ranging from employment to sexual harassment. Family planning policies, which control the number and spacing of children people can have, continue to impose severe restrictions on women’s reproductive freedoms. In October, authorities announced an end to its decades-old “one-child” policy; couples may now have two children.

In March, at least 10 women’s rights activists were taken into custody by police for plans to post signs and distribute leaflets to raise awareness about sexual harassment in three Chinese cities. Five were soon released, but the others were held for 37 days on charges of “picking quarrels,” sparking a widespread international outcry. Though the five were released on bail, continuing restrictions on their movements and police harassment led them to close their organization, the Weizhiming Women’s Center in Hangzhou.

In March, the Supreme People’s Court and other agencies issued instructions requiring judges to consider domestic violence as a mitigating circumstance in criminal cases against victims of such violence. In August, China’s legislature reviewed a draft of the long-awaited Law against Domestic Violence. While a step in the right direction, the draft falls short of international standards, particularly in its definition of domestic violence. Cases of domestic violence in which local authorities fail to respond appropriately continue to occur with worrying regularity. In July, for example, a woman was killed by her husband during a mediation session in a police station.

Freedom of Religion

The government restricts religious practice to five officially recognized religions and only in officially approved religious premises. The government audits the activities, employee details, and financial records of religious bodies, and retains control over religious personnel appointments, publications, and seminary applications.

In 2015, authorities continued their campaign to remove crosses from churches, and in some cases demolished entire churches in Zhejiang Province, considered the heartland of Chinese Christianity. The campaign is publicly described as an effort to remove “illegal structures” that do not comply with zoning requirements, but according to an internal provincial directive, it is designed to reduce the prominence of Christianity in the region.

At least a hundred Christians have reportedly been briefly detained for resisting the demolitions since the start of the campaign in early 2014. At least one church leader, Huang Yizi, was convicted of “gathering crowds to disturb social order” and in March given one year in jail for speaking out against the removals.

In June, a top CCP official told religious leaders that “hostile forces” are using religion to infiltrate China, and that they must “Sinicize religion” to ensure that religious worship contributes to national unity.

The government classifies many religious groups outside its control as “evil cults,” such as Falungong, and membership alone can lead to criminal and extra-legal punishments. Another group, Buddhist sect Huazang Dharma, has been targeted for arrests, and its leader, Wu Zeheng, was sentenced to life in prison in October for “using cults to sabotage law enforcement,” extortion, and other charges.

In August, the National People’s Congress approved proposed changes to article 300 of the Criminal Law, which punishes individuals for organizing and participating in cults. The potential penalty range has been lengthened to include life imprisonment.

Disability Rights

China ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, but persons with disabilities continue to face barriers and discrimination, including lack of access to education.

More students with low vision and blindness took the national university entrance exams, or *gaokao*, this year, following the Education Ministry’s 2014 decision to make Braille and electronic versions available. In April, the ministry also promulgated new regulations requiring exam administrators to provide “one or more” forms of “reasonable accommodation,” such as extending the time allowed for completing exams and providing sign language services to students with disabilities taking the *gaokao*. Given that other laws and regulations do not clearly require education institutions to provide such students with “reasonable accommodation” as defined in the CPRD, the April decision is a significant step forward.

Regulations drafted in 2013 on access to education for people with disabilities have still not been adopted. Official guidelines continue to allow universities to deny enrollment in certain subjects if the applicants have certain

disabilities. Consequently, although more students with disabilities can now take the *gaokao*, many universities continue to deny them entry to their chosen field of study or entry to the university altogether.

The 2013 Mental Health Law stipulates that treatment and hospitalization should be voluntary except in cases where individuals with severe mental health conditions pose a danger to, or have harmed, themselves or others. In April, however, a Shanghai court ruled against Xu Wei, the first patient ever to invoke the law to challenge his confinement. Xu Wei has been held against his will for over a decade for schizophrenia.

Sexual Orientation and Gender Identity

Homosexuality was decriminalized in 1997 and removed from an official list of mental illnesses in 2001. There is still no law protecting people from discrimination on the basis of sexual orientation or gender identity, however, and there is no legal recognition of same-sex partnership.

A 2014 report by a Chinese lesbian, gay, bisexual and transgender (LGBT) organization revealed that very few Chinese textbooks portray LGBT people using objective and non-discriminatory language.

In what could be a sign of growing social acceptance of same-sex relationships, Chinese social media lit up with discussion and debate following the June US Supreme Court decision legalizing same-sex marriage in the US. In July, a Sun Yat-Sen University student donned a rainbow flag at a graduation ceremony and received gestures of support from the chancellor; state media widely covered the story.

LGBT groups and individuals continue to file lawsuits that challenge discrimination. In April, a man sued his Shenzhen employer for firing him after a video revealing his sexuality went viral online. In August, a university student in Guangdong Province sued the provincial education department for officially approved textbooks that depict homosexuality as an illness.

Tibet

The 6th Tibet Work Forum meeting in late August, held to determine central government policy for the region for years to come, emphasized the imperatives of security and “stability,” but authorities failed to address systematic ethnic and religious discrimination and restrictions, or the profound socioeconomic changes brought by massive re-housing and resettlement campaigns in which Tibetans were compelled to participate.

Central government authorities continue to deploy officials in villages and monasteries and have expanded surveillance mechanisms to the grassroots level, a development which appears to have contributed to more frequent arrests of local community leaders, environmental activists, villagers involved in social and cultural activities, and writers and singers whose works are considered sensitive.

In July, Tenzin Delek Rinpoche—one of Tibet’s highest-profile political prisoners—died in detention. In violation of the relevant regulations, authorities refused to release his body or investigate the circumstances of his death. Also in July, Lobsang Yeshe, a village head imprisoned for his role in a local anti-mining protest in May 2014, died in prison following reports that he had been mistreated. Another high profile prisoner, a young Lhasa NGO worker Tenzin Choedrak, died in December, two days after he was abruptly released early from detention.

Protests, particularly against mining and land acquisition, continue despite threats from local authorities. Security forces beat and arrested peaceful protestors in Chamdo in April and in Gannan in June. Following mass protests against mining in a supposedly protected part of Qinghai in 2014, mining operations were reportedly closed down, although the reasons for this remain unclear. After public outcry over corruption in the school exam system, authorities in the Tibet Autonomous Region and Qinghai introduced tighter regulations and prosecuted offenders.

Seven more Tibetans self-immolated in 2015, bringing the total since 2009 to 143.

Xinjiang

Xinjiang, home to 10 million Uighurs, continues to be the site of pervasive discrimination, repression, and restrictions on fundamental human rights. Opposition to central and local policies has been expressed in peaceful protests, but also through violent incidents such as bombings, though details about both protests and violence are often scant as authorities keep an especially tight hold over information in Xinjiang.

Chinese authorities in 2015 continued the counterterrorism campaign they launched in Xinjiang in mid-2014, deploying more security forces to the region, and implementing new laws and regulations that further criminalize dissent and restrict religious practice for the region’s Muslim ethnic Uighur population. Since mid-2014, authorities have detained, arrested, or killed increasing numbers of Uighurs alleged by police to have been involved in illegal or terrorist activities, but the authorities’ claims are impossible to verify independently. In June, a group of people attacked a police traffic checkpoint in Kashgar with small bombs and knives. Between 18 and 28 people reportedly died, including 15 suspects killed by police as well as several bystanders.

Xinjiang authorities promulgated comprehensive yet vaguely worded new religious affairs regulations in January. Those prohibit “extremist” attire and ban “activities that damage the physical and mental health of citizens.” In recent years, authorities have used similar official and unofficial directives to discourage or even ban civil servants, teachers, and students from fasting during Ramadan. In March, a Hotan court convicted 25 Uighurs of “endangering state security” for their participation in “illegal” religious studies—in this case, private religious classes.

Hong Kong

Although Hong Kong is guaranteed autonomy in all matters other than foreign affairs and defense, and enjoys an independent judiciary and other civil liberties, Beijing appears to be encroaching on the rights to political participation, expression, and assembly there.

In June, Hong Kong’s legislature rejected a Beijing-backed proposed electoral reform package for the region’s chief executive. The proposal, which would expand the franchise but allow a Beijing-dominated nominating committee to screen out candidates it did not like, was opposed by many Hong Kong residents and in 2014 had sparked the months-long “Umbrella Movement” protests.

About 1,000 people were arrested in connection with the “Umbrella Movement,” though most were released without being prosecuted. Authorities have charged student leader Joshua Wong Chi-fung, among others, with “unlawful

assembly, and inciting others to take part in an unlawful assembly,” despite those laws’ incompatibility with international freedom of assembly standards. The Independent Police Complaints Council said it had received 159 complaints from demonstrators alleging police assault and abuse that it deemed “required investigation,” but the only police who had been arrested at time of writing were police caught on film beating pro-democracy protester Ken Tsang.

Concerns about freedom of expression in Hong Kong persist, especially for media seen as critical of Beijing. In January, an attacker threw a Molotov cocktail outside the residence of pro-democracy media owner Jimmy Lai. No one was injured, but no one was arrested. In August, two assailants of former *Mingpao* editor Kevin Lau Chun-to were sentenced; one admitted that they had been paid to stab Lau to “teach him a lesson.”

In July, Reverend Philip Woo Siu-hok was summoned to Shenzhen by religious affairs authorities to warn him against preaching to mainlanders who come to Hong Kong.

Key International Actors

Few governments exerted any substantial pressure on China over its worsening human rights record in 2015, instead limiting their interventions to bilateral human rights dialogues with the Chinese government and occasional public expressions of concern.

Some, such as the United Kingdom, went so far as to urge legislators in Hong Kong to accept Beijing’s undemocratic electoral package, arguing that “something is better than nothing.” New European Union High Representative for Foreign and Security Policy Federica Mogherini failed to publicly raise human rights abuses with Chinese leaders at a summit in May, as did US President Barack Obama during a state visit by Xi in September.

A remarkable diversity of governments, business and trade associations, universities, and other international organizations voiced concern through statements and submissions to the National People’s Congress regarding China’s draft foreign NGO management law after a second draft of the law was made public in May.

In August, the International Olympic Committee awarded Beijing the 2022 Winter Olympic Games despite international concerns about the current crackdown on rights and the lack of accountability for human rights abuses that accompanied, and in important respects were fueled by, China’s preparations for the 2008 Summer Olympic Games in Beijing.

Foreign Policy

Under the leadership of Xi Jinping, China continues to aggressively advance its territorial claims in Asia, causing particular alarm by building structures on small reefs in the South China Seas that could one day accommodate military **outposts**. At the Security Council, China joined Russia in May 2014 in vetoing a resolution that would have referred the situation in Syria to the International Criminal Court (ICC); in December, it tried to block discussion of the human rights situation in North Korea.

China continues to allow United Nations rapporteurs to visit on a highly selective basis; the rapporteurs on the freedom of religion, freedom of peaceful assembly and association, human rights defenders, health, extrajudicial executions, independence of judges and lawyers, and the freedom from torture all continue to await a response to their requests to visit. While not playing a visibly assertive role at the UN Human Rights Council, China continues to act as a spoiler, blocking greater scrutiny of human rights situations in other countries, including Belarus, Iran, North Korea, Syria, and Ukraine.

Concerns continued to be raised regarding reprisals against Chinese citizens participating in UN processes. The UN secretary-general noted that China had still not replied to communications about the death in custody of human rights defender Cao Shunli, who had been campaigning for greater civil society participation in the UN’s universal periodic review, and both the UN Committee on the Elimination of Discrimination against Women and Committee against Torture (CAT) expressed concern at attempts to limit civil society participation in the treaty body reviews. Chinese officials provided few meaningful answers during its November CAT review.

The Chinese government marked the 70th anniversary of the end of World War II with a massive parade in Beijing. Sudanese President Omar al-Bashir, who is wanted by the ICC for genocide, war crimes, and crimes against humanity, attended at Beijing’s invitation.

Beijing stepped up pressure on other governments to return allegedly corrupt officials to China; at least a dozen governments with politicized judicial systems complied and returned several dozen in 2015. China also pressured its neighbors to forcibly return refugees from China. In July, shortly after it had allowed nearly 170 Uighur women and children to resettle in Turkey after more than a year in detention, Thailand forcibly repatriated nearly 100 Uighur men to China, placing them at grave risk of imprisonment and torture.