



Home Office

Country Policy and Information Note

China: Opposition to the state

Version 3.0

November 2018

Preface

Purpose

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

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

Assessment

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

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

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

Country of origin information

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

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

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

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

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

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

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

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

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

Feedback

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

Independent Advisory Group on Country Information

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

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

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

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Assessment

Updated: 5 December 2018

1. Introduction

1.1 Basis of claim

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

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2. Consideration of issues

2.1 Credibility

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

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2.2 Convention reason

- 2.2.1 Actual or imputed political opinion and/or religion.
- 2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.
- 2.2.3 For further guidance on Convention reasons including particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must nevertheless be considered on its individual facts and merits.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Instruction on Restricted Leave](#).

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2.4 Assessment of risk

- a. Political opponents

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

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b. Human rights defenders

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

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c. Human rights lawyers

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

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d. Journalists

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

- any past adverse interest by the authorities.

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

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e. Internet and social media users/bloggers

2.4.17 The Chinese government censors and blocks online activity it deems to be critical of individuals, policies or the state. Many foreign websites remain blocked and the government reportedly employs 2 million people to police the internet and post pro government comments (see [Access to and monitoring of the internet](#)).

2.4.18 Online activists and bloggers who stir dissent or criticise the state have been jailed for their activities. Online speech which is critical of the CCP or leading government figures is frequently punished with administrative detention and the author of a post which ends up being reposted, read more than 5000 times or leads to protests, clashes or 'damages the country's image' can face up to 3 years' imprisonment (see [Treatment of bloggers/social media users](#)).

2.4.19 Decision makers must be satisfied that persons claiming to be at risk due to their online activity and/or blogs are able to demonstrate that their activities have brought, or will bring, them to the adverse attention of the Chinese authorities, bearing in mind that the state heavily monitors media and internet activity. Decision makers should give consideration to all relevant factors, including in particular:

- the subject matter, language and tone of the material;
- the method of communication;
- the reach and frequency of the publication; the publicity attracted;
- and any past adverse interest by the authorities.

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

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f. Family members of perceived opponents of the state

2.4.21 Family members of activists, journalists and former political prisoners have been subject to harassment, arrest, detention, restrictions on freedom of movement and surveillance by the state (see [Treatment of family members of perceived opponents of the CCP](#)).

2.4.22 In some cases, authorities evicted family members of activists from their apartments and denied their children entry to primary and pre-school education. There have also been claims that the authorities have confiscated

ID or hukou cards making it difficult for them to access medical and social services. There are also reports that authorities blocked the travel of some family members (see [Treatment of family members of perceived opponents of the CCP](#) and for more information on Hukou registration see [China country policy and information note: background information, including actors of protection and internal relocation](#)).

- 2.4.23 Close family members of high profile activists, journalists and former political prisoners and those critical of the state, who can show that because of their close family relationship with a person who is, or is perceived as, an opponent to the state, and has come to the adverse attention of the authorities which has led to harassment and/or detention are likely to be at risk of persecution and/or serious harm by the authorities on return on account of their imputed political opinion. Each case must be considered on its facts.

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g. Tibetans activists

- 2.4.24 Persons expressing support for independence for Tibet are in danger of arrest and imprisonment. The authorities respond harshly to peaceful protests in support of Tibetan independence, with beatings, arrest and detention. Telephone monitoring and the disruption of internet services are widespread in Tibet (see [Tibet](#)).
- 2.4.25 In assessing the risk to Tibetans, decision makers must take particular care to establish both the circumstances of the person's exit from China (i.e. whether it was lawful), and full details of the route to the UK (i.e. whether the person travelled via Nepal or left China by another route).
- 2.4.26 The country guidance case of [SP and Others \(Tibetan – Nepalese departure – illegal – risk\) People's Republic of China CG \[2007\] UKAIT 00021](#) (heard on 18 August 2006 and promulgated 9 February 2007) found that Tibetans who have made their way to the West having left China unlawfully on the Tibet/Nepal route face a real risk on return of detention and ill-treatment which amounts to persecution (paragraph 119d). This is because the Chinese authorities are concerned with any activity by Tibetans which they consider to be 'splittist'- that is, any activity which indicates that a Tibetan might wish Tibet region to break away from China. Any support for the Dalai Lama is seen as 'splittist'. Those Tibetans who leave China unlawfully on the Tibet/Nepal route are seen as being supporters of the Dalai Lama (paragraphs 119b and c).
- 2.4.27 Of the individual accounts considered in SP and Others, an Immigration Judge accepted that one of the 3 Appellants had left Tibet unlawfully. The other 2 appellants were not found to be credible but no separate findings were made that they had left lawfully. The Tribunal accepted that all 3 left China unlawfully on the Tibet/Nepal route. Consequently, the appeals were allowed as it was accepted that they would be at real risk of being detained at the airport and of suffering abusive detention amounting to persecution on return.
- 2.4.28 Persons who support, or are perceived to support, independence for Tibet and have come to the adverse attention of the authorities or those who can

prove they left China unlawfully via the Tibet/Nepal route are likely to be at risk of persecution and/or serious harm. Each case must be considered on its facts, with the onus on the person to demonstrate that they are likely to be at risk.

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h. Uighurs and other Muslims in Xinjiang (XUAR)

- 2.4.29 In May 2014, China launched its ‘Strike Hard Campaign against Violent Terrorism’ in the Xinjiang region. This campaign targets anyone who the State believe challenges state security, ethnic unity and social stability.
- 2.4.30 Uighurs and other Muslim minority groups who support, or are perceived to support, independence or promote extremism are reportedly arrested, detained, tortured and, in some cases, executed. Since April 2017 the authorities have detained thousands of Uighurs and other Muslims and forced them to undergo ‘patriotic education’ in re-education camps where they are also at risk of torture and other ill-treatment. Initially this was for short periods, but now it appears people are being detained for an open-ended period. There is no data available on how many people are in long term detention, but estimates range from tens of thousands to more than a million. A BBC report shows satellite images of, what appear to be, several large detention facilities having been expanded or built during the last two years. Children of those detained are sometimes moved to orphanages. Telephone monitoring and the disruption of internet services are widespread in the XUAR region (see [Xinjiang Uighur Autonomous Region \(XUAR\)](#)).
- 2.4.31 Authorities view a wide range of behaviours in the region as being linked to ‘extremist’ activity and it appears this can include non-threatening expressions of Uyghur identity, including religion, culture and language. There are reports that authorities also tend to be highly suspicious of Uighurs and other Muslim ethnic minorities in Xinjiang who have family overseas or who have travelled overseas. Since the start of the campaign the authorities have deployed sophisticated technology to track people and have compulsorily collected biometric data and used these systems to pick out people with certain characteristics or behaviours they consider are a threat to the State. Legal restrictions have been introduced to curtail Islamic identity, banning outward signs of Muslim identity, including religious education and Islamic sounding names. All residents are reported to have to surrender their passports and face restrictions on overseas and internal travel (see [Xinjiang Uighur Autonomous Region \(XUAR\)](#)).
- 2.4.32 Persons who, or are perceived to, support independence for XUAR and have come to the attention or are likely to come to the attention of the authorities, or a Uighur or other Muslim from XUAR who can show that he or she will on return be likely to be forced into internment in a ‘re-education camp’ are likely to be at risk of persecution and/or serious harm. Each case must be considered on its facts, with the onus on the person to demonstrate that they are likely to be at risk.
- 2.4.33 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

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

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2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

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

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Country information

3. Political system

Section 3 updated: 16 May 2018

3.1 Political parties

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

For the benefit of those who are visually impaired the diagram shows how the political system in China works with the Communist party at the top with the Politburo directly underneath, exerting influence over the National People's Congress, located directly underneath the Politburo. The Discipline commission and Party Elders feed into the Politburo and National People's Congress exerting their influence over both. The National People's Congress elects/approves the State Council and Military Affairs Commission which are alongside it and the Courts and Prosecutors which are directly underneath it in the diagram. The Military Affairs Commission elects/approves the armed forces and the State Council elects/approves the Provinces and Townships.



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

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

'China's government enacts policy decisions. The government is subordinate to the Party, which is an integral element of the government structure. Senior government officials at all administrative levels concurrently hold Party positions, and in almost all cases the local Party Secretary outranks the most

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

senior government position. These structures are replicated across the country's various administrative levels. The National People's Congress (NPC) is the highest state body, and is China's closest approximation to a parliament. The State Council is the most important administrative body of the central government. It oversees the implementation of policy decisions, as well as regulations and laws adopted by the NPC. The Premier (currently Li Keqiang) is head of the State Council and China's Head of Government. Premier Li is also a member of the PBSC.

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

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

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

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

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

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

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3.2 Legal position

3.2.1 Freedom House, in its 'Freedom in the press 2017' report, (the 2017 Freedom House press report) noted that 'Article 35 of the constitution

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

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

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

guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the CCP and its status as the ruling power. Moreover, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by the CCP and generally follow its directives, particularly in politically sensitive cases.⁵

3.2.2 The 2017 USSD report noted that:

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

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

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

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4. Political opposition

Section 4 updated: 16 May 2018

4.1 Treatment by the state

4.1.1 The 2017 DFAT report noted that:

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

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

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

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

- 4.1.2 Freedom House, in its 'Freedom in the World 2018' report, (the 2018 Freedom House report) noted that 'Citizens seeking to establish independent political parties and other democracy activists are harshly punished.'⁸
- 4.1.3 The 2017 USSD report notes that 'the CCP controlled all elections and continued to control appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from standing for local elections. [...] In many politically sensitive trials, courts announced guilty verdicts immediately following proceedings with little time for deliberation.'⁹

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4.2 Arrests/detention

- 4.2.1 The 2017 DFAT report noted that:

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

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

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

- 4.2.3 The 2017 USSD report noted that:

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

'Government officials continued to deny holding any political prisoners, asserting that persons were detained not for their political or religious views but because they violated the law. Authorities, however, continued to

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

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

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

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

imprison citizens for reasons related to politics and religion. Human rights organizations estimated that tens of thousands of political prisoners remained incarcerated, most in prisons and some in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

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

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

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

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

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5. Human rights defenders

Section 5 updated: 16 May 2018

5.1 Treatment by the state

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

‘In recent years, freedom of expression has declined across China. While individuals are generally able to express dissent privately, there has been a notable increase in the number and intensity of restrictions on individuals and organisations which seek to openly discuss sensitive issues or criticise the Chinese Communist Party. Authorities are increasingly monitoring and targeting more moderate civic groups and non-government organisations, in addition to their longstanding focus on prominent critics, intellectuals and human rights activists. While activists in largely non-sensitive areas (such as

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

¹³ CDP, official website, [url](#).

women's rights, discrimination, public health including HIV/AIDs, labour rights and environmental protection) were previously more or less tolerated by authorities, now even grassroots activists are facing increased scrutiny, intimidation, harassment and arbitrary detention.

'Individuals who openly discuss sensitive issues or criticise the Chinese Communist Party are likely to attract overt attention from authorities. In practice, this is likely to affect protestors and petitioners, human rights activists (including lawyers) [...]. Credible in-country contacts suggest that should an individual come to the attention of authorities, they may experience intimidation and harassment, restrictions on freedom of movement (both domestically and internationally), arbitrary arrest and detention, subversion of due process and character assassination by official Party-controlled media outlets.'¹⁴

5.1.2 The 2017 DFAT report noted that:

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

5.1.3 The 2017 USSD report noted that:

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

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

'The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial and other links overseas. The government took significant steps during the year to bring all domestic NGOs under its direct

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

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

regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasi-governmental, and government agencies had to sponsor all official NGOs.¹⁶

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5.2 Arrests and detention

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

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

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

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

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

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

5.2.2 The 2017 DFAT report noted that ‘Pre-emptive detention of activists and rights defenders is common around sensitive political anniversaries and other high profile political or ‘sensitive’ events. Those publicly advocating

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

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

greater human or civil rights, [...] have also been detained and charged under public order offenses or accused of state subversion.¹⁸

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

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

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

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

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

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

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

'One tactic that police have increasingly used during enforced disappearances is coercing detained HRDs into "dismissing" their lawyers (who were engaged by their families) and to accept government appointed lawyers. According to international human rights norms, detainees have the right to access legal counsel from lawyers of their own choice, and lawyers should be able to work in the best interest of their clients and independently without interference from the state. However, in the cases of "forced firings"

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

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

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

documented by human rights lawyers and NGOs, government-appointed lawyers tend not to challenge law-enforcement and judicial authorities for violating their clients' rights. Nor do they defend defendants facing political persecution at trial according to the principle of "presumption of innocence until proven guilty." These government appointed lawyers tend not to request that illegal evidence obtained through alleged torture or coerced confession be thrown out. Instead, they seem to follow an officially dictated script in handling such cases, keep detainees' families in the dark, or even try to pressure families to cooperate with authorities.²¹

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5.3 Torture and ill-treatment

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

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

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

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

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

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

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6. Human rights lawyers

Section 6 updated: 16 May 2018

6.1 Treatment by the state

6.1.1 The 2017 DFAT report noted that:

'The Chinese government views lawyers as civil servants rather than independent practitioners of the law. Lawyers who take on clients and cases

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

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

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

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

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

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

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

6.1.1 The NCHRD report stated that:

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

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

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

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

“endangered national security,” and for their staunch defense in “sensitive” cases.’²⁵

6.1.2 In March 2018 the US Congressional-Executive Commission on China reported that since Zhang Jun’s February 2017 appointment as Minister of Justice ‘[J]ustice bureaus, lawyers associations, courts, and other government bodies reportedly continued to harass or persecute rights lawyers by means including revocation and suspension of licenses, delays in the annual license renewal process, exclusion from courthouses, restrictions on movement, physical assault, and criminal prosecution.’²⁶

6.1.1 The 2017 USSD report noted that:

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

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6.2 Arrests, detention and punishment

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

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

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

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

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

reprisals, weakening the safeguards of the rule of law that are necessary for the effective protection against torture.’²⁸

6.2.2 The 2017 DFAT report noted that:

‘Several lawyers and legal assistants disappeared in 2015 during a crackdown on human rights defenders (called the ‘709’ lawyers, as a large number disappeared on 9 July 2015). Some have subsequently been released (some after public confessions); others have been tried and sentenced. In some cases, detainees and their families have made allegations of torture.

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

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7. Journalists

Section 7 updated: 16 May 2018

7.1 Censorship

7.1.1 The 2017 DFAT report noted that

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

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

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

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

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

7.1.2 The 2017 USSD report notes that:

‘Official guidelines for domestic journalists were often vague, subject to change at the discretion of propaganda officials, and enforced retroactively. Propaganda authorities forced newspapers and online news media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. Self-censorship remained prevalent among journalists, authors, and editors, particularly with post facto government reviews carrying penalties of ranging severity.

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

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

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

‘Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. The SAPPRFT controlled all licenses to publish. Newspapers, periodicals, books, audio and video recordings, or electronic publications could not be printed or distributed without the approval of the SAPPRFT and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other punishment. The

CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.³¹

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7.2 Treatment by the state

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

7.2.2 The 2017 USSD report noted that:

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

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

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

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

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

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

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

7.3 Arrests and detention

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

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

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

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

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

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

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

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

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

7.3.5 The same source further noted that:

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

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

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

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

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

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

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8. Internet, social media and bloggers

Section 8 updated: 16 May 2018

8.1 Access to and monitoring of the internet

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

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

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

8.1.1 The 2017 DFAT Report note that:

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

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

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

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

posted on websites or social media must carry real name identifiers, in order to “safeguard national security and the public interest”.

‘The Chinese government reportedly employs up to 2 million people to police the internet and post pro-government comments, and encourages netizens both to post positive comments and to report negative ones. Chinese social media accounts operated offshore (WeChat and Weibo) are also censored, although to a lesser extent than on-shore accounts. Censors are quick to block trending words designed to circumvent controls, and satire directed at CCP leaders. Recent examples of prohibited subjects include the death of Nobel Laureate Liu Xiaobo, references to the 1989 suppression of protests in Tiananmen Square in Beijing, and any references to the 2015 crackdown on human rights lawyers (‘709’ incident). Censored posts have been used in court as evidence of public order and subversion offences.’⁴⁰

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

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

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8.2 Treatment of bloggers/online activists

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

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

‘[...] Many other citizens have also been jailed for their online activities, including advocates of political reform, human rights workers, members of ethnic and religious minorities, and ordinary users who stir dissent or criticize CCP leaders. A number of long prison sentences were issued during the reporting period, and online speech was also frequently punished with brief administrative detentions. Though the people imprisoned represent a tiny

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

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

percentage of the overall user population, prosecutions have a chilling effect on activism and encourage self-censorship in the broader public.

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

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

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

8.2.2 The 2017 DFAT report noted that

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

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

8.2.3 HRW's 2018 report noted that:

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

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

Section 9 updated: 16 May 2018

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

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

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

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

‘Aside from the fear of arbitrary detention, pressure is also exerted through employers and family members. A human rights defender reported that “the policemen visited my house. My family. My wife ... she had been invited by her boss and her boss’s boss for tea,” which is a euphemism for being questioned by Chinese police. Another activist noted that retribution could come in many forms, and Chinese authorities could “threaten your family, or your whole village, or whomever you are connected to.”⁴⁵

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

- 9.1.3 The 2017 DFAT report noted that

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

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

- 9.1.5 The 2017 USSD report noted that:

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

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

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

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

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

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

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

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

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10. Tibet

Section 10 updated: 16 May 2018

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

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

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

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

the self-immolations from being circulated, and detained those suspected of sharing information.

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

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

10.1.1 The 2017 DFAT report noted that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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11. Xinjiang Uighur Autonomous Region (XUAR)

Section 11 updated: 19 November 2018

11.1.1 Xinjiang is inhabited by more than 40 different ethnic groups, the largest of which are the Uighurs and the Han (Chinese)⁵⁸. Human Rights Watch note that the 2 biggest Muslim ethnic minorities in Xinjiang are the Uighurs (11 million) and the Kazakhs (1.6 million)⁵⁹. In addition to Hui (Chinese Muslims), other groups include Mongolians, Khalkha, Kazakhs, Uzbeks, Tungusic-speaking Manchu and Sibos, Tajiks, Tatars, Russians, and Tahurs⁶⁰.

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

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

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

⁵⁸ Encyclopaedia Britannica, 'Xinjiang- autonomous region, China', undated, [url](#).

⁵⁹ HRW, 'Eradicating ideological viruses', September 2018, [url](#).

⁶⁰ Encyclopaedia Britannica, 'Xinjiang- autonomous region, China', undated, [url](#).

11.1.2 In April 2017 BBC news reported that ‘China has introduced new restrictions in the far western region of Xinjiang in what it describes as a campaign against Islamist extremism. The measures include prohibiting "abnormally" long beards, the wearing of veils in public places and refusing to watch state television. The rules also state that workers in public spaces, such as stations and airports, are now required to "dissuade" those who fully cover their bodies, including veiling their faces, from entering, and to report them to the police.’⁶¹

11.1.3 Freedom House’s report ‘Freedom on the net 2017’ dated 14 November 2017 noted that ‘Religious and ethnic minorities face particularly harsh treatment for online activity. Radio Free Asia reported in 2015 that a Uyghur teenager sentenced to life imprisonment in Xinjiang had “simply watched videos on his cellphone”.’⁶²

11.1.1 The 2017 DFAT report noted that:

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

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

‘The government has carried out high-profile prosecutions of persons with suspected links to violent incidents. These have included mass arrests, mass trials and mass sentencing. Sentences have included the death penalty and executions have been carried out. Some Uighurs have received lengthy sentences for their political views: a prominent Uighur academic, Ilham Tohti, has been serving a life sentence since 2014 for alleged separatism for advocating on social media greater cultural and religious autonomy for Uighur people. Others have received lengthy prison sentences for actions such as circulating passages from the Koran, for praying in groups, and for observing Ramadan (see Muslims). Human rights organisation Duihua estimates there are several thousand Uighurs in prison for political crimes in China. Chinese authorities tightly control access to information about incidents of violence in Xinjiang and related legal cases, and information is difficult to verify.’⁶³

11.1.2 HRW’s 2018 report noted that:

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

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

⁶¹ BBC News, ‘China Uighurs: Xinjiang ban on long beards and veils’, 1 April 2017, [url](#).

⁶² Freedom House, ‘Freedom on the Net 2017’, 14 November 2017, [url](#).

⁶³ DFAT, ‘Country Report’ (section 3.7 and 3.8), 21 December 2017, [url](#).

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

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

'Authorities also ordered Uyghur students studying abroad, including in Egypt, to return to Xinjiang; and in July, Egyptian authorities rounded up those who had failed to return, possibly at China's behest. By September, about 20 Uyghurs were forcibly repatriated to Xinjiang while 12 were released. Some of those who returned were detained; a Xinjiang court sentenced Islamic scholar Hebibulla Tohti to 10 years in prison after he returned with a doctorate degree from Egypt's Al-Azhar University.'⁶⁴

11.1.3 Amnesty's 2017/18 report noted that:

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

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

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

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

'In August, international media reported that education authorities had issued an order in June in the largely Uighur-populated Hotan Prefecture to ban the use of the Uighur language in schools, including for "collective activities, public activities and management work of the education system". Media

⁶⁴ HRW, 'World Report 2018', 18 January 2018, [url](#).

reports stated that families across the region were required to hand copies of the Qur'an and any other religious items to the authorities or risk punishment.⁶⁵

11.1.4 The Human Rights Watch report 'China: Visiting Officials Occupy Homes in Muslim Region' dated 13 May 2018 noted that:

'Since 2014, Xinjiang authorities have sent 200,000 cadres from government agencies, state-owned enterprises, and public institutions to regularly visit and surveil people. Authorities state that this initiative, known as "fanghuiju" (an acronym that stands for "Visit the People, Benefit the People, and Get Together the Hearts of the People"), is broadly designed to "safeguard social stability." In October 2016, authorities initiated a related effort, called the "Becoming Family" campaign. About 110,000 officials visit the largely Turkic Muslim population in southern Xinjiang every two months with a view toward "fostering ethnic harmony." [...] In early 2018, Xinjiang authorities extended this "home stay" program. Cadres spend at least five days every two months in the families' homes. There is no evidence to suggest that families can refuse such visits.⁶⁶

'The cadres perform several functions during their stay. They collect and update information about the families, such as whether they have local hukous – household registration – or are migrants from another region, their political views, and their religion. The visiting cadres observe and report on any "problems" or "unusual situations" – which can range from uncleanliness to alcoholism to the extent of religious beliefs – and act to "rectify" the situation. Cadres also carry out political indoctrination, including promoting "Xi Jinping Thought" and explaining the Chinese Communist Party's "care" and "selflessness" in its policies toward Xinjiang. They also warn people against the dangers of "pan-Islamism," "pan-Turkism," and "pan-Kazakhism" – ideologies or identities that the government finds threatening. The authorities expect all of these to be done through "heart-to-heart" talks about everyday life.'⁶⁷

11.1.5 The Committee on the Elimination of Racial Discrimination (CERD), in their concluding observations from 30 August 2018 stated that:

'the Committee is alarmed by: [...]

(b) Reports of mass surveillance disproportionately targeting ethnic Uighurs, including through frequent baseless police stops and the scanning of mobile phones at police checkpoint stations. Additional reports of mandatory collection of extensive biometric data in XUAR, including DNA samples and iris scans, of large groups of Uighur residents

(c) Reports that all XUAR residents are required to hand in their travel documents to police and apply for permission to leave the country, and that permission may not come for years. This restriction impacts most heavily on those who wish to travel for religious purposes;

⁶⁵ AI, 'Annual report 2017-18', 22 February 2018 [url](#).

⁶⁶ HRW, 'China: Visiting Officials Occupy Homes in Muslim Region', 13 May 2018, [url](#).

⁶⁷ HRW, 'China: Visiting Officials Occupy Homes in Muslim Region', 13 May 2018, [url](#).

(d) Reports that many Uighurs abroad who left China have allegedly been returned to the country against their will. There are fears about the current safety of those involuntarily returned to China.

(e) While acknowledging the State party's denials, the Committee takes note of reports that Uighur language education has been banned in schools in XUAR's Hotan (Hetian) prefecture(arts. 2 and 5).'

The Committee, while noting that according to the State party, these reports are false, is concerned by reports stating that certain Tibetans, Uighurs and other ethnic minorities, peaceful political protestors and human rights defenders, have been tortured or otherwise subjected to ill-treatment. It is further concerned by reports that certain Uighur detainees have been held incommunicado for prolonged periods, putting them at risk of torture and other illtreatment.⁶⁸

11.1.6 The Human Rights Watch report 'Eradicating ideological viruses- China's campaign of repression against Xinjiang's Muslims' published in September 2018 noted that:

'Since May 2014, the Chinese government has waged what it calls the "Strike Hard Campaign against Violent Terrorism" in Xinjiang. [...] This Strike Hard Campaign has several stated objectives, but mainly targets anyone who "challenges ... state security, ethnic unity, and social stability," which are overly broad labels the government has long misused to punish peaceful activism and expression.

'Xinjiang authorities conduct compulsory mass collection of biometric data, such as voice samples and DNA, and use artificial intelligence and big data to identify, profile, and track everyone in Xinjiang. The authorities have envisioned these systems as a series of "filters," picking out people with certain behavior or characteristics that they believe indicate a threat to the Communist Party's rule in Xinjiang. These systems have also enabled authorities to implement fine-grained control, subjecting people to differentiated restrictions depending on their perceived levels of "trustworthiness."

'Authorities have sought to justify harsh treatment in the name of maintaining stability and security in Xinjiang, and to "strike at" those deemed terrorists and extremists in a "precise" and "in-depth" manner. Xinjiang officials claim the root of these problems is the "problematic ideas" of Turkic Muslims. These ideas include what authorities describe as extreme religious dogmas, but also any non-Han Chinese sense of identity, be it Islamic, Turkic, Uyghur, or Kazakh. Authorities insist that such beliefs and affinities must be "corrected" or "eradicated."

'The Xinjiang authorities have made foreign ties a punishable offense, targeting people with connections to an official list of "26 sensitive countries," including Kazakhstan, Turkey, Malaysia, and Indonesia [the other countries included are Afghanistan, Algeria, Azerbaijan, Egypt, Iran, Iraq, Kenya, Kyrgyzstan, Libya, Nigeria, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Syria, Tajikistan, Thailand, Turkmenistan, United Arab Emirates,

⁶⁸ CERD, Concluding observations, (para 38 and 40), 30 August 2018, [url](#).

Yemen] People who have been to these countries, have families, or otherwise communicate with people there, have been interrogated, detained, and even tried and imprisoned.

'The Chinese authorities are hostile to many expressions of Uyghur identity, including religion, culture, language, and aspirations – including through peaceful transition – of independence.

'The Xinjiang authorities' heavy-handed tactics towards Uyghurs has, since late 2016, broadened to target ethnic Kazakhs in Xinjiang. There are also reports that other Turkic Muslims, including Kyrgyz and Tartars, as well as Huis, who are non-Turkic Muslims, have also been subjected to some of the abuses described in this report.

'The Chinese government's restrictions on the practice of Islam in Xinjiang are among the strictest and most comprehensive in the world.[...] the Chinese government has sought to justify many repressive measures as being necessary to eliminate what it considers to be terrorism and extremism in the region.

'Under the Strike Hard Campaign, Chinese authorities have stepped up the use of arbitrary detention. Individuals taken into custody by the police are first interrogated, then either transferred to detention centers or taken directly to political education camps. In detention centers, they are held before being tried; those not convicted and sentenced to prison terms are sent to political education camps or released.

'Detainees described torture and ill-treatment in detention centers that included beatings, being hung from ceilings and walls, and prolonged shackling.

'The extraordinary restrictions on personal life for Turkic Muslims throughout Xinjiang is not limited to detention facilities. The government imposes pervasive and constant surveillance alongside persistent political indoctrination.

'In Xinjiang, the authorities arbitrarily restrict the movements of Turkic Muslims' through a combination of administrative measures, checkpoints, and controls over access to passports.'⁶⁹

11.1.7 The BBC in a report titled 'China's hidden camps- What's happened to the vanished Uighurs of Xinjiang?' published on 24 October 2018 stated that:

'Over the past four years, Xinjiang has been the target of some of the most restrictive and comprehensive security measures ever deployed by a state against its own people. These include the large-scale use of technology - facial recognition cameras, monitoring devices that read the content of mobile phones and the mass collection of biometric data.

'Harsh new legal penalties have been introduced to curtail Islamic identity and practice - banning, among other things, long beards and headscarves, the religious instruction of children, and even Islamic-sounding names.

'The policies appear to mark a fundamental shift in official thinking - separatism is no longer framed as a problem of a few isolated individuals,

⁶⁹ HRW, 'Eradicating ideological viruses' (p.3, 4, 10, 11, 18, 26, 57, and 58) , September 2018, [url](#).

but as a problem inherent within Uighur culture and Islam in general. [...] The Uighurs' unique identity makes them a target for suspicion. That view has been reinforced by credible reports that hundreds have travelled to Syria to fight with various militant groups. Uighurs are now subject to ethnic profiling at thousands of pedestrian and vehicle checkpoints while Han Chinese residents are often waved through.

'They face severe travel restrictions, both within Xinjiang and beyond, with an edict forcing residents to surrender all passports to the police for "safe keeping".

'Uighur government officials are prohibited from practising Islam, from attending mosques or from fasting during Ramadan.'⁷⁰

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11.2 Reports of re-education centres

11.2.1 Amnesty's 2017/18 report noted that:

'Under the leadership of new regional Communist Party Secretary Chen Quanguo, the Xinjiang Uighur Autonomous Region (XUAR) authorities put new emphasis on "social stability" and increased security. Media reports indicated that numerous detention facilities were set up within the XUAR, variously called "counter extremism centres", "political study centres", or "education and transformation centres", in which people were arbitrarily detained for unspecified periods and forced to study Chinese laws and policies.'⁷¹

11.2.2 The Washington post noted in April 2018 that 'Many Uighurs have been reportedly detained for praying, wearing "Islamic" clothing or having foreign connections, such as having previously travelled abroad or having relatives in another country.'⁷²

11.2.3 The Committee on the Elimination of Racial Discrimination (CERD), in their concluding observations from 30 August 2018 stated that:

'the Committee is alarmed by:

(a) Numerous reports of detention of large numbers of ethnic Uighurs and other Muslim minorities held incommunicado and often for long periods, without being charged or tried, under the pretext of countering terrorism and religious extremism. The Committee regrets that there is no official data on how many people are in long-term detention or who have been forced to spend varying periods in political "re-education camps" for even nonthreatening expressions of Muslim ethno-religious culture like daily greetings. Estimates about them range from tens of thousands to upwards of a million. The Committee also notes that the delegation stated that vocational training centres exist for people who committed minor offences without qualifying what this means.'⁷³

⁷⁰ BBC News, 'China's hidden camps report', 24 October 2018, [url](#)

⁷¹ AI, 'Annual report 2017-18', 22 February 2018 [url](#).

⁷² The Washington Post, 'Congressional leaders urge US to press China over reports of mass Uighur detentions', 5 April 2018, [url](#).

⁷³ CERD, Concluding observations, para 40, 30 August 2018, [url](#).

11.2.4 The Human Rights Watch report 'Eradicating ideological viruses- China's campaign of repression against Xinjiang's Muslims' published in September 2018 noted that:

'Inside political education camps, detainees are forced to learn Mandarin Chinese, sing praises of the Chinese Communist Party, and memorize rules applicable primarily to Turkic Muslims.

'Former detainees and official reports confirmed that political education camps are located in former schools, elderly people's homes, production plants, and prisons. The authorities have also built, or are building, new political education camps.

'These political education camps focus on military-style discipline and pervasive political indoctrination of the detainees. Turkic Muslims are disproportionately represented in the detainee population compared to the general population of the region, though local languages and religious practices are banned or discouraged. Detainees are required to understand the "crimes" they have committed, though the actions were not criminal offenses under Chinese criminal law.

'There have been reports of deaths in the political education camps, raising concerns about physical and psychological abuse, as well as stress from poor conditions, overcrowding, and indefinite confinement – but available information is limited.

'Detainees were told that their release was conditional upon their ability to "learn" Chinese and the propaganda songs.

'Radio Free Asia English service has reported four deaths in political education camps in 2018.

'Former interviewees told Human Rights Watch about the use of physical and psychological punishments; ill-treatment of or lack of medical care for people particularly vulnerable to harsh detention conditions; and suicide attempts.'⁷⁴

11.2.5 BBC News reported on 10 October 2018 that:

'China's western Xinjiang region has written "vocational training centres" for Muslim Uighurs into law amid growing international concern over large-scale disappearances there. Xinjiang says the centres will tackle extremism through "thought transformation". Rights groups say detainees are made to swear loyalty to President Xi Jinping and criticise or renounce their faith. In August, China denied allegations that it had locked up a million people. But officials attending a UN human rights meeting admitted that Uighurs "deceived by religious extremism" were undergoing re-education and resettlement.

'Former prisoners of the camps have told the BBC of physical as well as psychological torture there. Entire families had disappeared, they said.

⁷⁴ HRW, 'Eradicating ideological viruses' (pg.35, 36, 38, 47, 49), September 2018, [url](#).

'The World Uyghur Congress said in a report that detainees were held indefinitely without charge, and forced to shout Communist Party slogans. It said they were poorly fed, and reports of torture were widespread.'⁷⁵

11.2.6 The BBC in a report titled 'China's hidden camps- What's happened to the vanished Uighurs of Xinjiang?' published on 24 October 2018 stated that:

'The first reports that China was operating a system of internment camps for Muslims in Xinjiang began to emerge last year.[...] China has consistently denied that it is locking up Muslims without trial. But a euphemism for the camps has long existed - education.

'Despite the government's denials, the most compelling evidence for the existence of the internment camps comes from a trove of information from the authorities themselves. Pages of local government tendering documents inviting potential contractors and suppliers to bid for the building projects have been discovered online by the German-based academic, Adrian Zenz. They provide details about the construction or conversion of dozens of separate facilities across Xinjiang. In many cases the tenders call for the installation of comprehensive security features, such as watchtowers, razor wire, surveillance systems, and guardrooms. Cross-referencing this information with other media sources, Zenz suggests that at least several hundred thousand and possibly over a million Uighurs and other Muslim minorities could have been interned for re-education. The documents, of course, never refer to the facilities as internment camps, but as education centres, or in a more accurate translation, "re-education centres". [...] In these euphemisms, and in the mundane measurements and quantities described, there is the unmistakable substance of a rapidly expanding network of mass confinement.

'The BBC has conducted lengthy interviews with eight Uighurs living overseas. Their testimonies are remarkably consistent, providing evidence of the conditions and routines inside the camps and the broad basis on which people are detained. Mainstream religious activity, the mildest dissent and any link with Uighurs living in foreign countries appear to be enough to sweep people into the system.

'In the early days of the internment camps, the lengths of the re-education "courses" appear to have been shorter. Over the past two years there are very few reports of anyone being released at all.

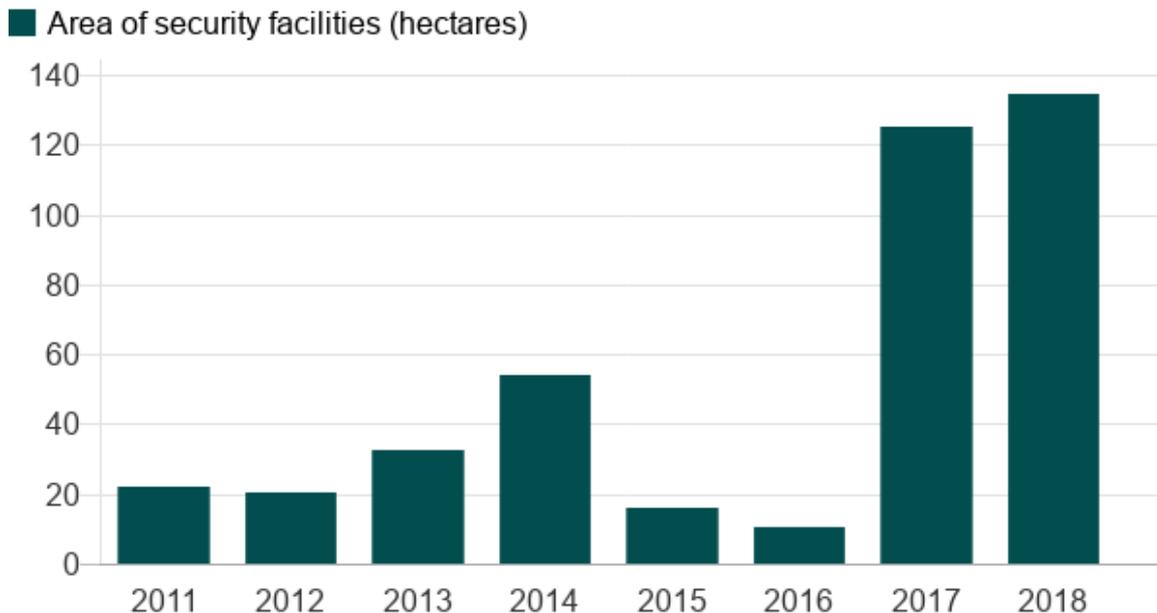
'As in the Cultural Revolution, a society is being told that it needs to be taken apart in order to be saved. Shohrat Zakir, a Uighur and, in theory, the second most powerful politician in the region, suggests the battle has almost been won. "In the past 21 months, no violent terrorist attacks have occurred and the number of criminal cases, including those endangering public security, has dropped significantly," he is reported to have told state media. "Xinjiang is not only beautiful but also safe and stable." Our reporting adds to the evidence that the mass re-education programme is internment by any other name - the locking up of many thousands of Muslims without trial or

⁷⁵ BBC News, 'China Uighurs: Xinjiang legalises 're-education' camps', 10 October 2018, [url](#).

charge, in fact with no access to any legal process at all. China is already proclaiming it to be a success.⁷⁶

- 11.2.7 The BBC report⁷⁷ showed that approximately 260 hectares of new security facilities have been built in Xinjiang province during the last two years (for context, a 14-hectare site within the city of Los Angeles [...] holds a combined total of almost 7,000 prisoners):

Area of new security facilities built in Xinjiang province, 2011-2018



See the [BBC report](#) for detailed satellite imagery of detention centres.

- 11.2.8 Radio Free Asia noted in November 2018 that:

‘While Beijing initially denied the existence of re-education camps, the Uyghur chairman of Xinjiang’s provincial government, Shohrat Zakir, told China’s official Xinhua news agency last month that the facilities are an effective tool to protect the country from terrorism and provide vocational training for Uyghurs. Reporting by RFA’s Uyghur Service and other media organizations, however, has shown that those in the camps are detained against their will and subjected to political indoctrination, routinely face rough treatment at the hands of their overseers, and endure poor diets and unhygienic conditions in the often overcrowded facilities.

‘An Oct. 21 report by the official Global Times promoting the camps as “training centers” also included photos of children in the XUAR’s Hotan (Hetian) prefecture whose parents had been placed in camps, and claimed that they are warmly cared for at special “schools,” where they engage in educational courses and other activities. But sources have told RFA that

⁷⁶ BBC News, ‘China’s hidden camps report’, 24 October 2018, [url](#).

⁷⁷ BBC News, ‘China’s hidden camps report’, 24 October 2018, [url](#).

Uyghur children whose parents have been sent to camps are regularly sent to orphanages that are seriously overcrowded, calling the conditions “terrible,” with children “locked up like farm animals in a shed.”⁷⁸

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⁷⁸ RFA, ‘Hundreds of Children of Detained Uyghurs Held in ‘Closed School’ 8 November 2018, [url](#).

Terms of Reference

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

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

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

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **10 December 2018**

Changes from last version of this note

Update to the section on Xinjiang Uighur Autonomous Region (XUAR) following recent reports on the treatment on Uighurs.

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