

Deterioration of Human Rights Conditions in China Between 2016 and 2020

Written Submission from the Network of Chinese Human Rights Defenders
to the Conservative Party Human Rights Commission
Inquiry into the Human Rights Situation in China 2016-2020

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This submission does not attempt to address all of the human rights developments in China between April 2017 and March 2020 and primarily focuses on the most serious issues. For more in-depth information, specific case details, and citations that cannot be included in this brief report, see CHRDR's annual reports and CHRDR's submissions to UN human rights mechanisms:

- [2017 CHRDR Annual Report](#) on the Situation of Human Rights Defenders in China
- [2018 CHRDR Annual Report](#) on the Situation of Human Rights Defenders in China
- [2019 CHRDR Annual Report](#) on the Situation of Human Rights Defenders in China
- [Civil Society Reports](#) from CHRDR and China-based NGOs for the 3rd Universal Periodic Review of China (October 2018)
- [Report](#) on Chinese Government's Reprisals against Human Rights Defenders Cooperating with the UN (November 2018)
- [Joint Civil Society Report](#) to the UN Committee on the Elimination of Racial Discrimination (July 2018) and [follow-up report](#) (August 2019)
- CHRDR and Coalition of NGOs [Submission](#) to the UN Committee on the Rights of Persons with Disabilities for Consideration in the List of Issues (December 2019)

The Network of Chinese Human Rights Defenders (CHRDR) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.
(Website: <https://www.nchrd.org>)

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1. Summary

Between April 2016 and March 2020, Chinese authorities passed measures and took actions that continued to demonstrate that President Xi Jinping is intent on trampling on human rights in China. Pushing for his vision of a dystopian digital surveillance state, Xi wielded his largely unfettered powers to suppress those aspiring for and promoting a vision of China with respect for universal human rights. The space for rights advocacy has rapidly closed under Xi's iron fist. During that period, Chinese authorities escalated their ruthless suppression of acts of peaceful assembly, association, and expression. It is clear that China's laws and practices in these areas contravene its own [Constitution](#) (Art. 35) and international standards, such as those enshrined in the [Universal Declaration on Human Rights](#) (Arts. 20, 19, and 5), the [International Covenant on Civil and Political Rights](#) (Arts. 22, 21, 19, and 7), and multiple resolutions and norms related to the right to freedom of [association](#), [assembly](#), and [expression](#).

In addition, torture and ill-treatment or cruel punishment in China remained rampant and perpetrators acted with impunity, in clear violation of numerous human rights [conventions](#) and [resolutions](#). CHRD has documented the continued use of many forms of torture against human rights defenders (HRDs) by law-enforcement officers or guards at detention centers and prisons, including violent assault, deprivation of proper medical treatment, solitary confinement, deprivation of food or outdoor time, and extended shackling of hands and legs for suspects of non-violent crimes, among many others.

Below are summaries of key issues in the years 2017- March 2020:

2017:

In 2017, human rights defenders (HRDs) demonstrated remarkable resilience in promoting and protecting human rights in the face of government repression. President Xi Jinping consolidated more power during the Chinese Communist Party's (CCP) 19th Party Congress, advancing his contorted vision of a "moderately prosperous society" and "socialist modernization," which excludes universal values like democracy, human rights, and rule of law. Throughout the year, human rights activists mobilized and disseminated information online, gathered in protest, and formed alliances to defend human rights. Many faced detention, imprisonment, torture, harassment, or administrative punishment for speaking out against government suppression.¹

- In 2017, the Chinese government took an aggressive approach to undermining international human rights principles while it carried on severely violating human rights inside the country. The government actively pushed an alternative concept of "human rights with Chinese characteristics," which prioritizes "development" over human rights, despite the failure of such a model at home. Abuses related to economic, social, and cultural rights, as well as to political and civil rights, remain widespread in China.
- When human rights defenders refused to back down and challenged repressive government policies, authorities subjected 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 (刘晓波), and writer Yang Tongyan (杨同彦), aka Yang Tianshui (杨天水).
- 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 continued its persecution of human rights lawyers and obstructed their efforts to conduct their professional activities independent of government interference. Such lawyers soldiered on even as they remained at high risk of losing their licenses and being harassed, physical assaulted, detained, and criminally prosecuted. Authorities continued to harass and threaten reprisals against activists and lawyers seeking to engage with UN rights bodies.

¹ See more details in CHRD's 2017 Annual Report "Repression & Resilience: Annual Report on Situation of Human Rights Defenders in China (2017)", February 26, 2018, https://www.nchrd.org/wp-content/uploads/2018/02/CHRD-2017-Annual-Report-of-Situation-of-HRDs-in-China_Feb-2018.pdf

- In the area of freedom of expression, Chinese authorities promoted “cyberspace sovereignty” and further tightened restrictions on free speech and sharing information online. Highly sophisticated cyber controls were ramped up in 2017, making it even riskier than before for HRDs to speak out about rights abuses and conduct advocacy work. Many HRDs in 2017 faced detention or stood trial for online speech, particularly expression over issues that the government considers “politically sensitive,” including expression mourning Liu Xiaobo’s death or views about the 19th Party Congress and Xi Jinping’s consolidation of his power.
- Despite restrictive regulations on the right to peacefully assemble and the risk of persecution, large-scale protests continued to break out spontaneously—including protests against pollution, land grabs, forced evictions, and unfair wages. Activists gathered publicly to express their views, often assembling outside courthouses to support detained HRDs whose trials were held behind closed doors, or outside government buildings to demand official accountability for abuses. Throughout 2017, authorities put HRDs on trial for organizing or participating in peaceful protests.
- Civil society organizations in China, including NGOs engaged in human rights advocacy, struggled for survival in 2017. Some groups persevered in the face of contracted space to operate amid ongoing suppression. Some groups shut down permanently, while others operated only in heavily-controlled cyberspace. Victims and activists continued to undertake collective actions in 2017, mostly in informal groups or loose alliances, in response to human rights violations. The year ended with some human rights NGO leaders languishing in custody on “endangering state security” charges for documenting human rights abuses.

2018:

In 2018, the Chinese government under Xi Jinping escalated its brutal suppression of rights activists, lawyers, critics of authoritarian rule, repressed religious communities, and ethnic minorities, especially in the Tibetan and Uyghur regions. Xi Jinping continued to hold all the power in his own hands and tightened CCP control over the government, the legislation, the judiciary, the press, religious practices, academia, and other sectors of society.²

- By the end of 2018, an estimated 879 HRDs were in pre-trial detention, forcibly disappeared, or in prison according to [data compiled](#) by the China-based NGO Rights Defense Network (RDN). Of the total, 334 were awaiting trial or forcibly disappeared, and 545 were convicted and sentenced to prison. CHRD has [documented many of these cases](#) including detailed information about the HRDs’ human rights activities.³
- Under Xi, China’s authoritarian one-party political system has become the most draconian and invasive since the 1980s. The system denies Chinese citizens their human rights to democratic participation, freedom of expression, association, peaceful assembly, and freedom of religion, and it punishes them for promoting and exercising these rights. In 2018, authorities continued to block citizens’ efforts to voice their grievances, including criticizing the government’s failure to protect economic, social and cultural rights, or to seek redress for those grievances.
- In international forums, including at the United Nations (UN), the Chinese government has aggressively promoted “human rights with Chinese characteristics,” which emphasizes development without protections for universal human rights and freedoms, as a model for other countries and the global system. As a member on the UN Security Council and Human Rights Council, the Chinese government acted defiantly, contrary to its obligation to uphold universal human rights, and instead intensified its attack on principles enshrined in the Universal Declaration of Human Rights and in the human rights treaties that China signed or ratified.

² CHRD’s 2018 Annual Report “Defending Rights in a ‘No Rights Zone’: Annual Report on the Situation of Human Rights Defenders in China (2018)”, February 21, 2019: <https://www.nchrd.org/2019/02/2018-hrd-report/>

³ The data on human rights defenders is based on cases documented by at-risk groups and activists inside China and is limited, due to governmental non-transparency and suppression of the free flow of information. Hence, the numbers included in this report are not inclusive of all cases of suppression of human rights defenders (HRDs) across the country.

- The Chinese government fought fiercely to deny reports of internment camps in the Xinjiang Uyghur Autonomous Region and rejected critical recommendations by the UN Committee on the Elimination of Racial Discrimination (CERD), which reviewed China’s compliance in August, and by other state parties during the Universal Periodic Review in November. The government continued to enjoy impunity for its violations of practically every article in the UN General Assembly’s Declaration on Human Rights Defenders.
- 2018 was another year of harsh reprisals against human rights defenders (HRDs) by Chinese authorities for their peaceful exercise of and advocacy for human rights. Types of retaliation included the use of torture, enforced disappearance, and arbitrary detention. The government threatened and blocked defenders from attending human rights trainings and persecuted them for having cooperated or seeking to cooperate with UN human rights experts.
- Despite the tremendous obstacles and risks, human rights defenders in China carried on their efforts to amplify the voices of victims from marginalized and persecuted communities, document violations, endeavour to hold the perpetrators accountable, provide assistance, and advocate for policy or systemic reforms. HRDs demonstrated remarkable resilience, resourcefulness, and strength in taking actions to disclose government failures to protect labor, education, housing, health, food safety and environment rights, and expose authorities’ brutal suppression of rights defenders, faith communities, and ethnic minorities. These defenders bore the blunt of government retaliation.

2019:

In 2019, human rights defenders in China and its peripheral regions braved cruel punishment in challenging the Chinese government’s human rights abuses and draconian laws. They refused to back down from the rising totalitarian rule of President Xi Jinping. Pushing for his vision of a dystopian digital surveillance state, Xi wielded his largely unfettered powers to suppress those aspiring for and promoting a vision of China with respect for universal human rights. Defenders sought accountability and justice and stood in solidarity with victims, often putting their own liberties and lives at risk.⁴

- 30 years after the Chinese Communist Party’s bloody crackdown on pro-democracy protests in 1989, and 70 years since the founding of the People’s Republic of China, human rights defenders (HRDs) in China faced huge obstacles as the space for rights advocacy has rapidly closed under Xi’s iron fist. 2019 saw enhanced government efforts to fortify “the Great Firewall” to block “subversive” information and purge dissent in the media and on the Internet. Authorities expanded the use of artificial intelligence, including facial recognition, DNA collection technologies and big data algorithms, to monitor and target critics and suppress ethnic Tibetans and Uyghurs.
- Beijing backed Hong Kong leader Carrie Lam after large pro-democracy protests broke out in the territory, including her use of emergency legislation to ban protesters from wearing face masks. Civil society and international calls for Hong Kong police to be held accountable for excessive use of force against protestors on June 12 and repeatedly afterwards were dismissed. The Chinese government engaged in disinformation campaigns on Twitter, Facebook, and YouTube against Hong Kong protests and meddled in Taiwan’s presidential election.
- In 2019, human rights defenders in China defiantly reported rights violations, criticized abusive laws and policies, organized protests, and fought abuses of power in courtrooms. In retaliation, authorities subjected many defenders to arbitrary detention, enforced disappearance, torture, administrative penalties, collective punishment against their families, and targeted surveillance.
- Defenders in China documented 1,016 cases of prisoners of conscience—individuals in police custody for defending or exercising human rights—at the close of 2019. Of the total, 335 people are under enforced disappearance and pre-trial detention, and 681 people are in prison. (The database also includes 122 defenders who have been released, who are not counted in the

⁴ CHRDR’s 2019 Annual Report “Defending Human Rights in the Era of Dystopia: The Situation of Defenders in China (2019)”, February 12, 2019, <https://www.nchrdr.org/2020/02/defending-human-rights-in-the-era-of-dystopia-the-situation-of-defenders-in-china-2019/>

total 1,016 number). The civil liberties essential to advocating and promoting human rights—freedom of expression, peaceful assembly, and free association—remained harshly suppressed. Many Tibetans are in jail or under strict monitoring. At least one million Uyghur and other Turkic Muslim minorities have been forced into “re-education” internment camps.

- While abusing human rights at home, the Chinese government under Xi has flexed its diplomatic muscle to erode the international human rights system. At the United Nations, China has since 2017 pushed with unprecedented aggressiveness to replace universal human rights with its own alternative vision. China led like-minded governments on the UN Human Rights Council to push for a “development first” model that minimizes civil and political rights. Meanwhile, the Chinese government tried to block HRDs from China from speaking at UN human rights forums.
- The human rights crisis in mainland China, its peripheral regions, and its threat to people in other countries, especially those on the “belt and road” of China’s trade and investment expansion, demands a serious international response. The international community must face up to the urgency of guarding democracy, human rights, and rule of law against China’s aggressive campaign to globalize Xi’s alternative vision for “a shared destiny of common humanity” devoid of these universal values. This requires steadfast support to those who fight on the frontlines against dictatorship, digital surveillance, torture, censorship, religious persecution, mass detention, and cultural genocide on mainland China and in its peripheral regions.
- In 2019, Chinese authorities levelled the most serious political charges against human rights defenders in many more cases. Charges used against HRDs such as “subversion of state power” and “leaking state secrets,” combined with other crimes such as “separatism,” or “terrorism,” are classified under the rubric of “endangering state security” crimes in China’s Criminal Law. “Subversion” was in the past reserved for persecuting high-profile political dissidents and opposition “democracy party” organizers in cases involving Han Chinese outside Xinjiang and Tibet. This move by authorities sent an unmistakable signal of the government’s resolve to stamp out any human rights activism, including advocacy for social-economic rights, of which Chinese leaders have often ostentatiously claimed themselves “leaders” or “champions.”

January-March 2020:

- Human rights violations surged in China since the Chinese government began implementing draconian measures in response to COVID-19. These include deleting critical information online, censoring the media, punishing whistleblowing doctors, detaining and disappearing independent journalists and government critics, and [kicking out foreign reporters](#).
- Local government cover-up and lack of transparency on the spread of the virus, which dictated the under-reporting in state-controlled media, may have contributed to the rapid spread of the coronavirus before Xi Jinping’s public announcement on January 20, 2020 about its threat. China’s invasive digital surveillance system has been deployed by police to silence netizens and reinforce information controls. On social media sites, netizens reported being visited, detained, or penalized by police for “spreading rumours” after they posted comments on the outbreak, and in some cases, for volunteering in distributing face masks and other supplies.
- On February 21, the Ministry of Public Security announced 5,111 cases involving “fabricating and deliberately disseminating false and harmful information” [intervened or penalized](#) by police. No details of these cases were provided. The announcement signaled the government’s determination to further obstruct the flow of information and independent reporting, and silence critical voices, which are vital for effective responses to a public health emergency of such magnitude.

2. Suppression on Human Rights Defenders

Chinese authorities continued to persecute human rights defenders (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 (刘晓波). Emblematic cases of persecuted HRDs include rights lawyer Gao Zhisheng (高智晟), who has been missing since August 2017, after being held in secret detention and tortured many times in the past. Gao’s lawyers and family have [demanded](#) authorities disclose his whereabouts without any success. In October 2017, veteran human rights lawyer Li Yuhua (李昱函) was seized by Beijing police and was formally arrested in November 2017. She is still detained without trial as of the time this submission.

Arbitrary Detention, Enforced Disappearance, and Torture and other Ill-treatment:

As noted, at the close of 2019, there are 1,016 known cases of arbitrarily detained prisoners of conscience—individuals in police custody for defending or exercising human rights. From 2017-2019, the Working Group on Arbitrary Detention issued 10 opinions that declared 20 HRDs had been arbitrarily detained in China. The Working Group noted in May 2019, that in its 27-year history, it had adopted 89 opinions in relation to China; 82 of the cases found the deprivation of liberty to be arbitrary. The Working Group further noted “that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rule of international law may constitute crimes against humanity.” (Opinion No. 15/2019, A/HRC/WGAD/2019/15)

The more commonly used “endangering state security” criminal charge against defenders over the years, “inciting subversion against state power,” which can carry a lighter sentence than “subversion,” remained authorities’ favoured weapon against HRDs in 2019. Police arrested several socio-economic rights defenders of “subversion” in 2019. In January 2019, Tianjin authorities convicted lawyer Wang Quanzhang of “subversion” after he had spent nearly 3.5 years in incommunicado detention. In many cases, “inciting subversion” became the fallback crime used against defenders: several defenders detained in a [December 26, 2019 raid](#) were accused of this crime. Courts convicted pastor [Wang Yi](#) of “inciting subversion” and handed down harsh penalties.

Such charges were also used against NGO leaders like Qin Yongmin and Liu Feiyue. A Hubei court [sentenced](#) activist [Qin Yongmin](#) to 13 years in prison in July 2019 for “subversion of state power.” The verdict cited Qin’s writings and advocacy promoting democracy and defending human rights. Another Hubei court put [Liu Feiyue \(刘飞跃\)](#), head of the online website Civil Rights and Livelihood Watch, Liu to 5 years’ imprisonment for “inciting subversion” in January 2019, and the verdict [indicated](#) he was punished largely because of his activities running the website and publishing human rights reports. The court [cited](#) the acceptance of foreign funding as “evidence” of inciting subversion, and handed down an approximately 1 million RMB (150,000 USD) fine, roughly equivalent to the funding authorities believed the group had received over several years.

In 2019, police continued to routinely dump detained defenders into “residential surveillance at a (police-)designated location” (RSDL). Detainees in RSDL are kept in a secret location for up to six months without access to lawyers or judges and are at high risk of torture. UN human rights experts [called](#) RSDL tantamount to enforced disappearance and urged China to abolish it. Several HRDs have been subjected to enforced disappearance under “residential surveillance in (police) designated location” (RSDL). Among them are lawyer [Yu Wensheng \(余文生\)](#) and activist [Zhen Jianghua \(甄江华\)](#) in 2018. Defenders in China [documented](#) 17 cases of individuals disappeared into RSDL at the close of 2019.

In a move that further legalized forced disappearance, in March 2018, China’s rubber stamp parliament approved the creation of the “[National Supervisory Commission](#)” (*liuzhi*), a system which would allow for the enforced disappearance of CCP or government officials for up to six months for “investigation” of corruption or other accused crimes.

Involuntary psychiatric commitment, a perverse system of extrajudicial detention, has persisted. Authorities often used this system to silence and punish government critics and rights defenders in 2018. China's Mental Health Law (2013) bans committing an individual to psychiatric institutions without the family's consent or two doctors' diagnoses, but the law left [numerous loopholes](#). The NGO Civil Rights and Livelihood Watch [has documented](#) hundreds of cases including many individuals who remained locked up in psychiatric institutions.

Reports in 2018 shed light on torture in detention centers and internment camps in Xinjiang. Uyghur woman Mihrigul Tursun [testified](#) to the US Congress that she had been physically and psychologically tortured from 2015-2018, including that she reportedly witnessed [the deaths of 9 women](#) in the camp. There [have been several other reports](#) of [deaths](#) in internment camps in Xinjiang.

The deadly consequences of torture continued to play out in 2019. Citizen lawyer [Ji Sizun](#) and detained activist [Wang Meiyu](#) died from suspected torture. No transparent and independent investigation has been conducted into their deaths. No official responsible is known to have been held accountable. There are also reports of Tibetans [dying](#) following torture in prison.

Authorities continued to use [deprivation of medical treatment](#) to punish detained or imprisoned rights defenders suffering from serious illnesses. Detained activist [Huang Qi \(黄琦\)](#)'s health declined as authorities refused to release him or provide him with adequate medical treatment for life-threatening liver and heart diseases and fluid in the brain. Huang Qi's deteriorating health raised alarm. [14 human rights NGOs](#) and [4 UN independent human rights experts](#) issued separate statements at the end of 2018 calling for Huang's release over concerns he could die in detention. Instead of releasing him, Chinese authorities convicted Huang and handed him a 12-year prison sentence in July 2019. 10 prisoners of conscience, including Huang Qi, remain on CHRD's medical watch list at the time of this report's submission.

3. New Regulations with Negative Consequences for Civil Society, Freedom of Expression, and Rights Advocates

Restrictions and surveillance on Internet users and social media apps were ramped up prior to the 19th Communist Party Congress in October 2017. Tightened control over cyber-activities around the meeting led to the persecution, including detention, of HRDs around the country. In regulations rolled out in January 2017, the Ministry of Industry and Information Technology have required that virtual private network (VPN) providers obtain state authorization. This move outlawed most VPNs used by companies and private citizens in the country and effectively shut down a secure tool for engaging in human rights advocacy.⁵ Many HRDs have used VPNs to circumvent the "Great Firewall"—the government's massive censorship apparatus—to access websites and social media platforms that are blocked by authorities. HRDs also have heavily relied on independently developed VPNs to communicate and mobilize actions online. Several people were detained or imprisoned in 2017 for breaking rules on VPNs.

In June 2017, China's Cyber Security Law went into effect, strengthening the government's control over mass media, private communications, and online information. The law gives authorities a pretext to criminalize online sharing of specific content, including reports on human rights violations and public protests. The State Council may invoke the law to approve restricting network communications (i.e., cutting off Internet access) in certain regions, if authorities deem that such a drastic move is

⁵ Ministry of Industry and Information Technology, Notice on Cleaning Up and Standardizing Internet Access Service Market (清理规范互联网网络接入服务市场的通知), January 17, 2017, <http://www.miit.gov.cn/n1146295/n1652858/n1652930/n3757020/c5471946/content.html>; SCMP, "The who, what and why in China's latest VPN crackdown," January 26, 2017, <http://www.scmp.com/news/china/policies-politics/article/2065432/who-what-and-why-chinas-latest-vpn-crackdown>.

necessary to keep “social and public order.” Also in June, authorities began enforcing rules from the State Internet Information Office, which stipulate that authorities must assess the “safety” of “important” Internet products and services. The rules allow authorities to “blacklist”—hence, block from purchase—Internet products and services that allegedly involve “national security and public interest.” Given the ill- defined scope of “national security,” the rules give authorities even greater control over tools used in cyberspace.

On June 27, 2017, the National People’s Congress passed a new National Intelligence Law, which took effect the following day. This law, in lockstep with a series of other national security-focused laws adopted under Xi Jinping, has very vaguely and broadly defined what constitutes “endangering national security,” while granting more power to security forces. This law may pave the way for courts to punish even a wider scope of activities. It could also be used to justify the targeting and scrutinizing of Chinese NGOs that have been accused by the government of accepting funding from overseas groups, or those working with what Chinese authorities call “hostile foreign forces.”

In 2018, authorities further restricted freedom of expression online and offline through new laws and regulations and selective law enforcement targeting dissenting and critical opinions. Despite the threats and risks, however, HRDs continued to amplify the voices of victims of rights abuses. Space for independent media content continued to shrink while the CCP expanded its propaganda apparatus. In March 2018, the government [created a new broadcasting service](#) “Voice of China” by merging major state-television and radio channels. The new broadcaster was directed by the CCP’s central propaganda bureau and operate as one of the largest propaganda outlets in the world.

The government further expanded online censorship. In April, 2018 authorities forced China’s popular news portal, Jinri Toutiao, to remove an app called “[Neihan Duanzi](#),” which had roughly 30 million users, over so-called “vulgar” content. The app was quickly deleted without any appeal process. During 2018, thousands of “self-media” social media [accounts](#) (individual accounts which publish original news content but are not registered with the government) were [deleted](#) upon the direction of the Cyberspace Administration of China (CAC) on the ground they [spread](#) “politically harmful information” or “vulgar” content. By December, 110,000 [accounts had been deleted](#) and 496,000 posts removed, according to CAC.

A new [law on encryption](#), which went into effect on January 1, 2020, requires encryption technology “relevant to national security,” a legally nebulous phrase, to be inspected before being released. Authorities selectively [enforced](#) the ban on unapproved VPNs, including targeting [providers](#) and users. The punishment for using VPNs unapproved by authorities included imprisonment. The government [announced](#) a plan to develop “big data and artificial intelligence technology” to track “trouble makers” and “maintain stability.” On March 1, 2020, Provisions on the Governance of the Online Information Content Ecosystem issued by the Cyberspace Administration of China came into effect. The regulations identify speech which could be considered illegal (art. 6) and could result in accounts being shut down. Content considered illegal includes speech which criticizes the Chinese Communist Party and its policies.

A new crackdown on free expression online began with the outbreak of COVID-19 pandemic. CHRD [documented 897 cases](#) involving Chinese Internet users penalized by police for their online speech or info-sharing about coronavirus. These cases occurred between January 1 and March 26, 2020. We [gathered](#) most of these cases from Chinese state media reports or government announcements that we could find. Given the difficulties to obtain unfiltered or full access to information on the Chinese internet, the list is incomplete. We are able to tell that the punishments handed out by police fall largely into several types: administrative detention, criminal detention, enforced disappearance, fines, warnings/interrogations, forced confessions and “educational reprimand”. In over half of these cases, we could not find the specific punishments meted out against the “offenders.” Of the specified types of punishment, police favoured administrative detention (18.5% of the total) and “educational reprimand” (17.8% of the total).

The offenses or crimes or pretext that authorities used to back up the punishments include “spreading rumours,” “fabricating false information,” “causing panic,” “disrupting public/social order,” and “leaking privacy.” In the vast majority of these cases, or 93% of the total, police cited “spreading misinformation, disrupting public order” as the pretext for punishing online speech related to COVID-19 outbreak in China. WeChat was the social media platform most commonly cited by authorities as the channel used by the “offenders” to share information or post comments on COVID-19. In 678 cases, police did not specify the specific social media app. Of the 219 cases where police identified the social media platform, WeChat was cited in 94% of these cases.

4. Mass Detention of Uyghurs and Other Muslim Ethnic Minorities

The XUAR government’s implementing measures for the Counter-Terrorism Law, which took effect in 2016, are even broader and include additional explicitly discriminatory provisions. The provisions heavily focused on aspects of Islam, discriminating against Uyghurs and other Muslim minorities. The measures grant authorities vastly expanded police power over information disseminated over the Internet and prohibit “encouraging minors” from participating in religious activities, supplementing existing bans on behavior and conduct spelled out on an official list of 75 so-called “signs” of extremism.

The XUAR government took a step further in April 2017 in introducing De-Extremism Regulations, the first comprehensive regulations specifically on countering extremism. Under these regulations, possessing certain halal products, having a long beard, wearing a full-face headscarf, selecting “irregular names,” and refusing to watch State television or listen to State radio became grounds for detention in “re-education” camps. In October 2017, the XUAR government released regional regulations on cyber-security. The regulations included a 14-point list of banned contents from being accessed via the Internet, and again singled out Muslims.

Since early 2017, at least [one million](#) Uyghur and other Turkic Muslim minorities have been forcibly disappeared into so-called “re-education camps” and many [remained unaccounted](#) for by their families. The Chinese government [continues to maintain](#) its system of “vocational training” internment camps and has used [international platforms](#) to [defend](#) its policy of mass arbitrary detention. Two leaked [government documents](#) revealed the intent and purpose of the camps. In December, the Xinjiang governor [told reporters](#) that all detainees had been released, however, that claim [cannot](#) be [independently verified](#) and many Uyghurs overseas still cannot contact their missing family members. Independent NGOs and UN independent experts have not been able to visit the region. China defied calls from many governments in [July](#) and [October](#) to close the internment camps. The government ignored 12 UN human rights experts’ [denouncement](#) of China’s Counter-Terrorism Law for its breach of international human rights law.

The government’s target for “re-education” are Uyghurs and other ethnic minorities who allegedly harbor “extremist” views, practice Islam, have travelled abroad, have relatives overseas, or for no discernible reason beyond their ethnicity. Male Uyghurs, roughly between the ages of 15 and 45, are the main targeted population for political “re-education.” Through interviews conducted with Uyghurs, we also learned of detainees who had been sent to re-education camps after police at checkpoints found “banned” content on their cell phones. An elderly woman was reportedly sent to a re-education detention camp as a way to pressure her daughter to return from Malaysia.

Ethnic minorities, including Uyghurs, are among those singled out by the government as targets of data collection, analysis, and action through big data analytics. Chinese authorities collect biological and personal information from citizens, and track individuals’ movements, social interactions, social media behavior, and business dealings through numerous channels. While such methods for surveillance have been used in various parts of China since at least the early 2000s, the programs have an inordinate focus on Xinjiang. With the government’s accelerated pace in using big data in counter-terrorism operations, Uyghurs and other Muslim minorities are discriminatory targets of such methods.

According to Chinese government data, criminal arrests in Xinjiang accounted for 21% of all arrests in China in 2017, though the population in Xinjiang only accounts for approximately 1.5% of China's total population (according to the 2010 Census). The rate of arrests in Xinjiang has increased by 306% in the past five years, and of the total numbers arrested from 2013 to 2017, nearly 70% were arrested in 2017 alone. As ethnic minorities account for nearly 60% the population of Xinjiang, such policies and practices likely overwhelmingly affect ethnic minorities, though the government does not break down the data by ethnicity.

At the time of this submission, the Chinese government continues to maintain its system of “re-education” internment camps, which it calls “vocational skills education and training centers” (职业技能教育培训中心), and the government claims that these centers have been “established for counter-terrorism purposes”. The government amended the Xinjiang De-Extremism Regulations and Xinjiang Implementing Measures for the Counter-Terrorism Law on October 9, 2018, which went into effect immediately, to include reference to the centers. The camps remain illegal under Chinese law. Under Chinese law, regional measures cannot be used to deprive citizens of their liberty; according to China's Constitution and Legislation Law, the deprivation of liberty of a person can only be authorized by a statute passed by the National People's Congress or its standing committee. Additionally, these regulations violate the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (which China signed but not yet ratified). In November 2018, six UN Special Procedures called on China to repeal the Xinjiang De-Extremism Regulations due to their violations of international human rights standards. On July 8, 2019, 22 countries sent a letter to the President of the Human Rights Council, raising concern over the ongoing “arbitrary detention in large-scale detention facilities.”⁶ 23 countries raised concern during a meeting of the Third Committee in October 2019.⁷

5. Reprisal Against Human Rights Defenders for Cooperating with the UN

In China and abroad, the Chinese government is more aggressively using “[intimidation and reprisals](#)” against individuals and groups seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights.” Chinese authorities have detained human rights defenders, often in secret locations, where torture is rampant, or denied them passports, blocked their travels, or interrogated them. Outside China, Chinese state agents openly or anonymously intimidate and threaten rights defenders with abduction and assault and harass them online. UN Member States would be complicit in eroding the UN's human rights pillar if they fail to hold the Chinese government accountable for its systematic reprisals against human rights defenders during the third [Universal Periodic Review](#) of the country's human rights record in Geneva on November 6, 2018.

Reprisals are now part and parcel of the government's campaign to mold international human rights institutions and norms to its own liking. Government representatives at the UN are methodically obstructing UN human rights operations, weakening UN mechanisms, and distorting universal human rights standards. The Chinese government has become more emboldened in their reprisals against human rights defenders (HRDs) since the March 2014 death in custody of activist Cao Shunli (曹顺利). Ms. Cao was abducted, disappeared, and tortured, including through deprivation of medicine, as punishment for seeking to participate in the first and second Universal Periodic Review (UPR) on China. Cao Shunli's fellow defender, Chen Jianfang (陈建芳), who government authorities also [blocked](#) from travel before China's 2013 UPR, continues to be targeted by police in Shanghai due to her human rights work. In March 2019, Shanghai authorities detained Chen on “endangering state security” charges for

⁶ UN Human Rights Council, “Joint Letter from 22 Countries to Human Rights Council President & High Commissioner for Human Rights”, July 8, 2019, HRC 41st Session,

https://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf.

⁷ Joint statement on human rights violations and abuses in Xinjiang, October 29, 2019,

<https://www.gov.uk/government/speeches/joint-statement-on-xinjiang>

writing an essay to mark the fifth anniversary of Cao's death. She remains in custody without access to her lawyer, at the time of submission.

The UN Secretary-General's reprisals report has named China as a country committing reprisals every year since 2014. In March 2016, police intimidated a rights activist and barred one rights lawyer from traveling to attend a training on UN human rights mechanisms. Police explicitly warned the activist not to engage in UN human rights-related activities. In 2017, Chinese police blocked at least three human rights defenders, including two lawyers, from traveling abroad to attend an international human rights training program.⁸ On June 18, 2018, in his opening statement to the thirty-eighth session of the Human Rights Council, the High Commissioner for Human Rights highlighted the continuing efforts of China to prevent independent members of civil society from engaging with United Nations human rights mechanisms, including treaty body reviews, the universal periodic review of the Human Rights Council and many special procedures mandate holders. In 2019, several activists, human rights defenders and lawyers reported to OHCHR that they had been targeted for attending training sessions, including with United Nations staff, or engaging with the United Nations human rights mechanisms. Reprisals reportedly included detention and prison sentences, ill-treatment while in detention, seizure of property and surveillance.⁹

6. Recommendations to the United Kingdom Government

- Work with the Human Rights Council in 2020 to raise the standards for members to ensure that human rights abusing states cannot become members of the Council, and conduct an in-depth review of China's role on the Human Rights Council in light of its human rights abuses;
- Ensure that references to China's deteriorating human rights situation are included in the UK's statements during Item 4 debates at the Human Rights Council;
- Facilitate Chinese civil society participation in United Nations human rights activities and work with the UN to craft measures to hold legally accountable those affiliated in any way with the government who have subjected HRDs to retaliation for their efforts to participate;
- Increase support to Chinese civil society organizations, human rights lawyers and defenders, and activists, as well as support programs related to technologies to help Chinese citizens to circumvent Internet restrictions;
- Publicly raise concerns regarding new Chinese laws that have the potential to criminalize actions of human rights advocates related to the freedoms of religion, expression, assembly, and association, and publicly speak out about ongoing human rights violations;
- Work with the UN, the EU, and other governments to establish international standards that protect the right of independent civil society groups working on civil and political rights issues to obtain funding domestically and internationally.

⁸ See the UN Secretary-General's 2018 reprisals report, which was entitled "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights – Report of the Secretary-General", August 13, 2018, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/41

⁹ See the UN Secretary-General's 2019 reprisals report, September 9, 2019, https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_42_30.docx