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**“Understanding China’s Crackdown on Rights Defenders: Personal Accounts and Perspectives”**

Rapid socio-economic change in China has been accompanied by relaxation of some restrictions on basic rights, but the government remains an authoritarian one-party state. It places arbitrary curbs on expression, association, assembly, and religion; prohibits independent labor unions and human rights organizations; and maintains Party control over all judicial institutions.

The government censors the press, the Internet, print publications, and academic research, and justifies human rights abuses as necessary to preserve “social stability.” It carries out involuntary population relocation and rehousing on a massive scale, and enforces highly repressive policies in ethnic minority areas in Tibet, Xinjiang, and Inner Mongolia. Though primary school enrollment and basic literacy rates are high, China’s education system discriminates against children and young people with disabilities. The government obstructs domestic and international scrutiny of its human rights record, insisting it is an attempt to destabilize the country.

At the same time, citizens are increasingly prepared to challenge authorities over volatile livelihood issues, such as land seizures, forced evictions, environmental degradation, miscarriages of justice, abuse of power by corrupt cadres, discrimination, and economic inequality. Official and scholarly statistics, based on law enforcement reports, suggest there are 300-500 protests each day, with anywhere from ten to tens of thousands of participants. Despite the risks, Internet users and reform-oriented media are aggressively pushing censorship boundaries by advocating for the rule of law and transparency, exposing official wrongdoing, and calling for political reforms.

Civil society groups and advocates continue to slowly expand their work despite their precarious status, and an informal but resilient network of activists monitors and documents human rights

cases as a loose national “weiquan” (rights defense) movement. These activists endure police monitoring, detention, arrest, enforced disappearance, and torture.

The Xi Jinping administration formally assumed power in March, and proposed several reforms to longstanding policies, including abolishing one form of arbitrary detention, known as re-education through labor (RTL), and changes to the household registration system. It staged high-profile corruption investigations, mostly targeting political rivals. But it also struck a conservative tone, opposing constitutional rule, press freedom, and “western-style” rule of law, and issuing harsher restrictions on dissent, including through two legal documents making it easier to bring criminal charges against activists and Internet critics.

Bo Xilai, once a rising political star, was sentenced to life imprisonment in September after a show trial that captured public attention but fell short of fair trial standards and failed to address widespread abuses of power committed during his tenure in Chongqing.

## **Human Rights Defenders**

China’s human rights activists often face imprisonment, detention, torture, commitment to psychiatric facilities, house arrest, and intimidation.

One of the most severe crackdowns on these individuals in recent years occurred in 2013, with more than 50 activists put under criminal detention between February and October. Human rights defenders are detained for ill-defined crimes ranging from “creating disturbances” to “inciting subversion” for organizing and participating in public, collective actions. In July, authorities detained Xu Zhiyong, who is considered an intellectual leader of the New Citizens Movement, a loose network of civil rights activists whose efforts include a nationwide campaign that calls on public officials to disclose their assets.

In September, Beijing-based activist Cao Shunli was detained after she was barred from boarding a flight to Geneva ahead of the United Nations Human Rights Council (HRC) review of China on October 22. Cao is known for pressing the Chinese government to include independent civil society input into the drafting of China’s report to the HRC under a mechanism called Universal Periodic Review (UPR). Another activist, Peng Lanlan, was released in August after she spent one year in prison for “obstructing official business” for her role in the campaign.

Nobel Peace Prize winner Liu Xiaobo continues his 11-year jail term in northern Liaoning province. His wife Liu Xia continues to be subjected to unlawful house arrest. In August, Liu Xiaobo’s brother-in-law, Liu Hui, was given an 11-year sentence on fraud charges; it is widely believed the heavy sentence is part of broader effort to punish Liu Xiaobo’s family.

## **Legal Reforms**

While the government rejects judicial independence and prohibits independent bar associations, progressive lawyers and legal scholars continue to be a force for change, contributing to increasing popular legal awareness and activism.

The Chinese Communist Party maintains authority over all judicial institutions and coordinates the judiciary's work through its political and legal committees. The Public Security Bureau, or police, remains the most powerful actor in the criminal justice system. Use of torture to extract confessions is prevalent, and miscarriages of justice are frequent due to weak courts and tight limits on the rights of the defense.

In November, the government announced its intention to abolish re-education through labor (RTL), a form of arbitrary detention in which the police can detain people for up to four years without trial. There were about 160,000 people in about 350 camps at the beginning of the year, but numbers dwindled rapidly as the police stopped sending people to RTL. The official press, however, reported that some of these facilities were being converted to drug rehabilitation centers, another form of administrative detention. At time of writing it was unclear whether the government would fully abolish administrative detention as a way to deal with minor offenders, or whether it would instead establish a replacement system that continued to allow detention without trial.

China continues to lead the world in executions. The exact number remains a state secret, but experts estimate it has decreased progressively from about 10,000 per year a decade ago to less than 4,000 in recent years.

## **Freedom of Expression**

Freedom of expression deteriorated in 2013, especially after the government launched a concerted effort to rein in micro-blogging. The government and the Party maintain multiple layers of control over all media and publications.

Internet censors shape online debate and maintain the "Great Firewall," which blocks outside content from reaching Internet users in China. Despite these restrictions, the Internet, especially microblog services known as "weibo" and other social media tools, are popular as a relatively free space in which China's 538 million users can connect and air grievances. However, those who breach sensitive taboos are often swiftly identified and their speech deleted or disallowed; some are detained or jailed.

In January, *Southern Weekly*, a Guangzhou-based newspaper known for its boundary-pushing investigative journalism, was enveloped in a censorship row after the paper's editors found that their New Year's special editorial was rewritten on the censors' orders and published without their consent. The original editorial had called for political reform and respect for constitutionally guaranteed rights, but the published version instead praised the Chinese Communist Party. The

paper's staff publicly criticized the provincial top censor, called for his resignation and went on a strike; the paper resumed printing a week later.

In May, the General Office of the Chinese Communist Party's Central Committee issued a gag order to universities directing them to avoid discussions of "seven taboos," which included "universal values" and the Party's past wrongs, according to media reports.

Since August, authorities have waged a campaign against "online rumors." The campaign has targeted influential online opinion leaders and ordinary netizens. The authorities have detained hundreds of Internet users for days, closed down over 100 "illegal" news websites run by citizen journalists, and detained well-known liberal online commentator Charles Xue.

Also in August, the government official in charge of Internet affairs warned Internet users against breaching "seven bottom lines," including China's "socialist system," the country's "national interests," and "public order." In September, the Supreme People's Court and the Supreme People's Procuratorate (state prosecutor) issued a new judicial interpretation applying four existing criminal provisions to Internet expression, providing a more explicit legal basis for charging Internet users.

## **Freedom of Religion**

Although the constitution guarantees freedom of religion, the government restricts religious practices to officially approved mosques, churches, temples, and monasteries organized by five officially recognized religious organizations. It audits the activities, employee details, and financial records of religious bodies, and retains control over religious personnel appointments, publications, and seminary applications.

Unregistered spiritual groups such as Protestant "house churches" are deemed unlawful and subjected to raids and closures; members are harassed and leaders are detained and sometimes jailed.

The government classifies Falun Gong, a meditation-focused spiritual group banned since July 1999, as an "an evil cult" and arrests, harasses, and intimidates its members. After releasing a new documentary about a labor camp in which Falun Gong practitioners were detained and tortured, filmmaker and photographer Du Bin was detained in May. He was released after five weeks in detention.

In April, a court in Henan province sentenced seven house church leaders to between three and seven years in prison on charges of "using a cult to undermine law enforcement" evidence suggested they had only attended meetings and publicized church activities.

## **Health and Disability Rights**

The government has developed numerous laws, regulations, and action plans designed to decrease serious environmental pollution and related threats to public health, but the policies are often not implemented.

In February, a lawyer's request under the Open Government Information Act to reveal soil contamination data was rejected; according to the authorities, such data was a "state secret." Also in February, after years of denial and inaction, the Ministry of Environmental Protection finally acknowledged the existence of "cancer villages," those with abnormally high cancer rates. Victims had long pressed for justice and compensation and domestic media had written extensively on the issue.

Despite a review in 2012 under the Convention on the Rights of Persons with Disabilities (CRPD), protections of the rights of persons with disabilities remain inadequate. These individuals face serious discrimination in employment and education, and some government policies institutionalize discrimination.

In February, the State Council's Legislative Affairs Office announced amendments to the 1994 Regulations of Education of Persons with Disabilities in China. While welcome, the amendments do not ensure that students with disabilities can enroll in mainstream schools or mandate appropriate classroom modifications ("accommodations") enabling them to participate fully in such schools.

In May, China's first Mental Health Law came into effect. It filled an important legal void but does not close loopholes that allow government authorities and families to detain people in psychiatric hospitals against their will. In July, after the law came into effect, Gu Xianghong was detained for five weeks in a Beijing psychiatric hospital for petitioning the authorities about her grievances.

## **Women's Rights**

Women's reproductive rights and access to reproductive health remain severely curtailed under China's population planning regulations. While the government announced in November that Chinese couples will now be allowed two children if either parent was a single child, the measure does not change the foundations of China's government-enforced family planning policy, which includes the use of legal and other coercive measures—such as administrative sanctions, fines, and coercive measures, including forced abortion—to control reproductive choices.

The government's punitive crackdowns on sex work often lead to serious abuses, including physical and sexual violence, increased risk of disease, and constrained access to justice for the country's estimated 4 to 10 million sex workers, most of whom are women. Sex workers have also documented abuses by public health agencies, such as coercive HIV testing, privacy infringements, and mistreatment by health officials.

In January, the Supreme People's Court upheld a death sentence against Li Yan, a woman convicted of murdering her physically abusive husband. Domestic violence is not treated as a mitigating factor in court cases.

In May, Ye Haiyan, China's most prominent sex worker rights activist, was detained by police for several days after being assaulted at her home in Guangxi province over her exposure of abusive conditions in local brothels.

Although the government acknowledges that domestic violence, employment discrimination, and gender bias are widespread, it limits the activities of independent women's rights groups working on these issues by making it difficult for them to register, monitoring their activities, interrogating their staff, and prohibiting some activities.

## **Migrant and Labor Rights**

The official All-China Federation of Trade Unions (ACFTU) continued to be the only legal representative of workers; independent labor unions are forbidden.

Despite this limitation, workers have become increasingly vocal and active in striving for better working conditions across the country, including by staging protests and strikes. In September, Shenzhen dock workers went on strike to demand better pay and working conditions. Ten days later, the workers accepted a government-brokered deal that met some of their demands.

In May, the official All-China Women's Federation issued a new report revealing that the number of migrant children, including those living with their parents in urban areas and those "left behind" in rural areas, had reached 100 million by 2010. Migrant workers continue to be denied urban residence permits, which are required to gain access to social services such as education. Many such workers leave their children at home when they migrate so that the children can go to school, rendering some vulnerable to abuse.

Although China has numerous workplace safety regulations, enforcement is lax, especially at the local level. For example, in June, a fire at a poultry farm killed 121 workers in Jilin province. Subsequent investigations revealed that the local fire department had just days before the fire issued the poultry farm a safety certificate even though it failed to meet a number of standards.

## **Sexual Orientation and Gender Identity**

The Chinese government classified homosexuality as a mental illness until 2001. To date there is still no law protecting people from discrimination on the basis of sexual orientation or gender identity, which remains common especially in the workplace.

Same-sex partnership and marriage are not recognized under Chinese law. In February, a lesbian couple attempted to register at the marriage registry in Beijing but their application was rejected.

On May 17, the International Day against Homophobia, Changsha city authorities detained Xiang Xiaohan, an organizer of a local gay pride parade, and held him for 12 days for organizing an “illegal march.” In China, demonstrations require prior permission, which is rarely granted.

## **Tibet**

The Chinese government systematically suppresses political, cultural, religious and socio-economic rights in Tibet in the name of combating what it sees as separatist sentiment. This includes nonviolent advocacy for Tibetan independence, the Dalai Lama’s return, and opposition to government policy. At time of writing, 123 Tibetans had self-immolated in protest against Chinese policies since the first recorded case in February 2009.

Arbitrary arrest and imprisonment remains common, and torture and ill-treatment in detention is endemic. Fair trials are precluded by a politicized judiciary overtly tasked with suppressing separatism.

Police systematically suppress any unauthorized gathering. On July 6, police opened fire in Nyitso, Dawu prefecture (Ch. Daofu), on a crowd that had gathered in the countryside to celebrate the Dalai Lama’s birthday. Several people were injured. The government censored news of the event.

In an apparent effort to prevent a repetition of the popular protests of 2008, the government in 2013 maintained many of the measures it introduced during its brutal crackdown on the protest movement—a massive security presence composed largely of armed police forces, sharp restrictions on the movements of Tibetans within the Tibetan plateau, increased controls on monasteries, and a ban on foreign journalists in the Tibetan Autonomous Region (TAR) unless part of a government-organized tour. The government also took significant steps to implement a plan to station 20,000 new officials and Party cadres in the TAR, including in every village, to monitor the political views of all residents.

The government is also subjecting millions of Tibetans to a mass rehousing and relocation policy that radically changes their way of life and livelihoods, in some cases impoverishing them or making them dependent on state subsidies, about which they have no say. Since 2006, over two million Tibetans, both farmers and herders, have been involuntarily “rehoused”—through government-ordered renovation or construction of new houses—in the TAR; hundreds of thousands of nomadic herders in the eastern part of the Tibetan plateau have been relocated or settled in “New Socialist Villages.”

## **Xinjiang**

Pervasive ethnic discrimination, severe religious repression, and increasing cultural suppression justified by the government in the name of the “fight against separatism, religious extremism, and terrorism” continue to fuel rising tensions in the Xinjiang Uyghur Autonomous Region.

In 2013, over one hundred people—Uyghurs, Han, and other ethnicities—were killed in various incidents across the region, the highest death toll since the July 2009 Urumqi protests. In some cases, heavy casualties appear to have been the result of military-style assaults on groups preparing violent attacks, as in Bachu prefecture on April 23, and in Turfan prefecture on June 26. But in other cases security forces appear to have used lethal force against crowds of unarmed protesters.

On June 28, in Hetian prefecture, police tried to prevent protesters from marching toward Hetian municipality to protest the arbitrary closure of a mosque and the arrest of its imam, ultimately shooting into the crowd and injuring dozens of protesters. On August 8, in Aksu prefecture, police forces prevented villagers from reaching a nearby mosque to celebrate a religious festival, eventually using live ammunition and injuring numerous villagers. After each reported incident the government ritualistically blames “separatist, religious extremist, and terrorist forces,” and obstructs independent investigations.

Arbitrary arrest, torture, and “disappearance” of those deemed separatists are endemic and instill palpable fear in the population. In July, Ilham Tohti, a Uyghur professor at Beijing’s Nationalities University published an open letter to the government asking for an investigation into 34 disappearance cases he documented. Tohti was placed under house arrest several times and prevented from traveling abroad.

The government continues to raze traditional Uyghur neighborhoods and rehouse families in planned settlements as part of a comprehensive development policy launched in 2010. The government says the policy is designed to urbanize and develop Xinjiang.

## **Hong Kong**

Despite the fact that Hong Kong continues to enjoy an independent judiciary, a free press, and a vocal civil society, freedoms of the press and assembly have been increasingly under threat since Hong Kong returned to Chinese sovereignty in 1997. Prospects that election of the territory’s chief executive starting in 2017 would be genuinely competitive dimmed after Beijing indicated that only candidates who did not “oppose the central government” would be able to run.

Hong Kong has witnessed slow erosion of the rule of law in recent years, exemplified by increasingly strict police controls on assemblies and processions, and arbitrary Immigration Department bans on individuals critical of Beijing, such as members of the Falun Gong and exiled dissidents from the 1989 democracy spring.

## **Chinese Foreign Policy**

Despite China's continued rise as a global power and its 2013 leadership transition, including the appointment of a new foreign minister, long-established foreign policy views and practices remained relatively unchanged.

China has become more engaged with various United Nations mechanisms but has not significantly improved its compliance with international human rights standards or pushed for improved human rights protections in other countries. In a notable exception, shortly after it was elected to the UN Human Rights Council in November, China publicly urged Sri Lanka "to make efforts to protect and promote human rights."

Even in the face of the rapidly growing death toll in Syria and evidence in August 2013 that the Syrian government used chemical weapons against civilians, Beijing has continued to object to any significant Security Council measures to increase pressure on the Assad regime and abusive rebel groups. It has opposed referral of the situation to the International Criminal Court (ICC) and an arms embargo against forces that commit widespread human rights or laws of war violations. China has also slowed down Security Council-driven efforts to deliver desperately needed humanitarian assistance across the border to rebel controlled areas in northern Syria.

In a minor change of tactics, if not of longer-term strategy, Chinese authorities have become modestly more vocal in their public and private criticisms of North Korea, particularly following actions by Pyongyang that increased tensions between members of the six-party talks aimed at addressing security concerns posed by North Korea's nuclear weapons program.

Both private and state-owned Chinese firms continue to be a leading source of foreign direct investment, particularly in developing countries, but in some cases have been unwilling or unable to comply with international labor standards.

## **Key International Actors**

Most governments that have bilateral human rights dialogues with the Chinese government, including the United States, European Union, and Australia, held at least one round of those dialogues in 2013; most acknowledge they are of limited utility for promoting meaningful change inside China.

Several of these governments publicly expressed concern about individual cases, such as those of Xu Zhiyong or Liu Hui, or about trends such as restrictions on anti-corruption activists. Ambassadors from the US and Australia, as well as the EU's special representative for human rights, were allowed to visit the TAR or other Tibetan areas.

None of these governments commented on the denial of Chinese people's political rights to choose their leaders during the 2012-2013 leadership transition, and few successfully integrated human rights concerns into meetings with senior Chinese officials.

China participated in a review of its compliance with the Convention on the Rights of Persons with Disabilities by the international treaty body charged with monitoring implementation of the convention and a review of its overall human rights record at the UN Human Rights Council, but it failed to provide basic information or provided deeply misleading information on torture, arbitrary detention, and restrictions on freedom of expression. There are eight outstanding requests to visit China by UN special rapporteurs, and UN agencies operating inside China remain tightly restricted, their activities closely monitored by the authorities.