

China

More than three decades after pledging to “reform and open up,” there are few signs the Chinese Communist Party intends to change its authoritarian posture. Under the leadership of President Xi Jinping, who will remain in power until 2022 and possibly beyond, the outlook for fundamental human rights, including freedoms of expression, assembly, association and religion, remains dire.

China made modest improvements in a few areas in 2016. These include trial regulations promulgated in February that may reduce the rate of pretrial detention, the Supreme People’s Court’s continued efforts to retry cases of wrongful convictions and executions, and the acceptance by courts of discrimination cases brought by lesbian, gay, bisexual, and transgender (LGBT) individuals. But such developments pale in comparison to the government’s systematic efforts to silence independent civil society voices, its passage of abusive new laws, and a highly politicized anti-corruption campaign that is further undermining an already weak judicial system.

Over 16 human rights lawyers and activists—detained after a nationwide sweep of rights advocates in July 2015—were the clearest victims of the authorities’ hostility towards independent civil society. Most were held in secret and not allowed to communicate with their families or lawyers of their choosing. Families, lawyers, and supporters who inquired about the cases or sought the detainees’ release also became targets of the authorities’ wrath.

The secrecy surrounding these detentions stood in stark contrast to the aggressive state media campaign to smear the detainees, many of them well-known for their years of activism. The publicity, which departed from the quieter treatments of past political trials such as that of Liu Xiaobo’s in 2009, appears designed to punish the activists and advance President Xi’s campaign to depict independent civil society as a national security threat.

Chinese authorities' enforced disappearance of critics from Hong Kong and other countries in 2016 garnered headlines globally. Beijing's decision to interfere in a politically charged court case in Hong Kong in November undermined judicial independence and the territory's autonomy. In the ethnic minority regions of Xinjiang and Tibet, Beijing continued its highly repressive rule, curtailing political activity and many peaceful expressions of ethnic and religious identity.

Authorities also moved to further limit freedom of expression. In November, the government passed a Cybersecurity Law, which will strangle online freedom and anonymity, and further clamped down on media outlets for reporting that departs from the party line. Authorities also issued multiple directives to tighten control over the internet, which has long been a beacon of hope as a relatively free public space, despite online censorship and surveillance.

The Chinese government continues to lead the world in the number of people executed, with 46 crimes eligible for the death penalty. Scholars in China claimed in September that executions had "fallen about 60 percent" to "a few thousands" in 2005, but official statistics remain state secrets.

Human Rights Defenders

As noted above, more than 16 human rights lawyers and activists were detained in a nationwide sweep of rights advocates starting in July 2015. State media aired their forced confessions, ran frontpage "exposes" about their personal lives, and disparagingly described their work as that of a "major criminal gang" aiming to "attack social stability" with the backing of "foreign forces." Authorities handpicked four Hong Kong-based and one Taiwan-based pro-Beijing media outlets to cover the trial proceedings while barring others from entering the courtroom.

In August 2016, after days of closed trials, a Tianjin court handed down heavy sentences to Beijing Fengrui Law Firm director Zhou Shifeng and veteran activist Hu Shigen, and gave suspended sentences to two other activists. Although authorities released some detainees on bail, including lawyer Wang Yu and her husband, legal advocate Bao Longjun, their

lawyers and close friends have not been able to contact them. Most of the 16 remained in detention awaiting trial at time of writing.

Authorities' hostility toward those who advocate for human rights reached new heights in 2016. Some activists who had previously been able to carry out advocacy now find themselves behind bars. In June, citizen journalists Lu Yuyu and Li Tingyu, who had been documenting China's protests since 2012, were formally detained for "creating disturbances." Labor rights advocates Meng Han and Zeng Feiyang were convicted without credible evidence on vague charges including "gathering crowds to disturb public order" and "gathering crowds to disturb social order." Meng was sentenced to 21 months in jail while Zeng was given a four-year suspended sentence. According to state media, they had "used funding from abroad" to "incite workers to go on strike."

Authorities increasingly use vague public order charges against activists, including "creating disturbances" and "disturbing social order," in addition to serious political charges such as "subversion." In a disturbing trend, charges of "subversion"—which previously had been reserved for those who voiced opposition to the Chinese Communist Party—are now being extended to lawyers and activists who do not directly challenge the party, as in the case against the Beijing Fengrui Law Firm.

In January, rights activist Zhang Haitao was sentenced to 19 years in prison for "inciting subversion of state power" and "probing and illegally supplying intelligence abroad." In June, democracy activists Lu Gengsong and Chen Shuqing were slapped with over 10 years in prison for "subversion."

In January, a Guangzhou court handed down a five-year prison term to lawyer Tang Jingling; he had promoted non-violent civil disobedience. In September, a Beijing court convicted rights lawyer Xia Lin on dubious extortion charges and sentenced him to 12 years in prison. Official lawyers associations in January cancelled the license of Shandong lawyer Liu Shuqing and in May refused to renew the license of lawyer Liu Xiaoyuan. Both had supported lawyers held in the July 2015 crackdown.

Authorities continued to tighten their grip over independent groups. In January, a Swedish national who heads a nongovernmental organization (NGO) that provides funding to

human rights lawyers, Peter Dahlin, was detained for 23 days, forced to confess on television, and then deported. In April, the National People's Congress approved the Foreign NGO Management Law, which gives police unprecedented power to restrict the work of foreign groups in the country, and limits domestic groups' ability to obtain foreign funding and work with foreign organizations. In August, authorities issued new rules on domestic civil society groups, requiring a "strengthening" of the party's "leadership role" over them. In September, a new charity law went into effect; it may further limit fundraising by and strengthen state control over civil society.

Freedom of Expression

Freedom of expression, already severely restricted through censorship and punishments, was hit particularly hard in 2016. Shortly after activist Lei Yang's May death in police custody, the Ministry of Public Security issued new rules requiring officers to film some of their operations. Few other media stories broke through official censorship to generate nationwide discussion or policy change.

In February, President Xi visited three major state media outlets and called on them to pledge absolute loyalty to the party. That month, authorities also shut down the microblogs of prominent blogger Ren Zhiqiang, who has 35 million followers, after Ren criticized Xi's media visits.

In March an anonymous letter calling for Xi's resignation was posted on the Wujie news website, prompting police to interrogate 20 people. Also in March, Guangxi police detained He Linxia, director of Guangxi Normal University Press, which is known for publishing books focused on politics. He was formally arrested for "corruption" in May. In May, the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) reportedly met with video companies to ask them to sell company equity stakes to the government as a means to increase control over content.

In June, the Cyberspace Administration issued new rules requiring app providers to keep user logs for 60 days to reduce the spread of "illegal information." It also ordered news websites to "clean up" comment sections to purge views prohibited by the government.

SAPPRFT also issued new rules requiring game developers to submit their work for government pre-approval.

In July, authorities sacked two of Tencent's editors after the website ran a headline with an error seen as insulting to President Xi. That month the Beijing Cyberspace Administration shut down seven web-based news channels of Sohu, Sina, Netease, and Ifeng. In July, the CCP United Front Work Department established Bureau Number 8 to enlist the support of influential individuals in new media for the Party. In the same month, Beijing authorities sacked or demoted the editors of *Yanhuang Chunqiu*, a moderate history magazine with the backing of relatively liberal Party elders, leading to its closure.

In August, the Cyberspace Administration imposed new requirements on websites, including requiring staff to monitor content round the clock, and the SAPPRFT issued a notice ordering all media “not to promote western lifestyles” or to “poke fun at Chinese values” when reporting entertainment news.

In October, authorities closed the influential intellectual website Consensus, 21ccom.cn, for “transmitting incorrect ideas.” In November, the Cyberspace Administration issued new rules on live streaming platforms, requiring companies to monitor user content that threatens national security.

Hong Kong

Under its Basic Law, Hong Kong is guaranteed autonomy in all matters other than foreign affairs and defense, and enjoys an independent judiciary and other civil liberties. In practice Beijing is increasingly encroaching on rights to political participation, expression, and assembly in the territory.

Between October and December 2015, five staff members of the Causeway Bay Bookstore, which publishes and sells books in Hong Kong about mainland politics, went missing. One, Swedish national Gui Minhai, was disappeared from Thailand. Another British national, Lee Po, was disappeared from Hong Kong, though his travel documents had remained at home. In March, four of five disappeared booksellers reappeared in China, confessed on television to smuggling banned books, and were released. Swedish national

Gui Minhai remains detained incommunicado in an unknown location. In June, Lam Wing-kee, one of the four who was released, broke with his captors' orders and told media about his detention in the mainland. The central Chinese government has yet to explain whether, and under what circumstances, mainland security forces are operating in the territory, and Hong Kong authorities have failed to press for such information.

In July, a Shenzhen court convicted Wang Jianmin and Guo Zhongxiao, who published and sold Chinese political magazines in Hong Kong but reside in the mainland, to prison sentences of five and two years for "running an illegal business." Their lawyer had contended that the duo did not break Chinese law as the magazines were sold in Hong Kong.

Also in July, a Hong Kong court convicted student leaders Joshua Wong and Alex Chow of "unlawful assembly" and Nathan Law of "incitement," offenses under Hong Kong's Public Order Ordinance. The charges stem from their leadership of a peaceful sit-in that triggered the 79-day pro-democracy Umbrella Movement in 2014. While all three received light sentences, such as community service, their prosecution indicated a worrying trend, as peaceful protest leaders previously had rarely been prosecuted in the territory.

In July, Hong Kong's Electoral Affairs Commission announced a new requirement that candidates running for the semi-democratic Legislative Council ("LegCo") must formally declare their recognition of Hong Kong as an "inalienable part" of China. Election officers then disqualified six candidates who have peacefully advocated for the territory's independence. In August, a spokesperson for the Education Bureau warned teachers that they could lose their professional qualifications for advocating independence. In September, voters turned out in record numbers for the LegCo elections, sending to office six individuals who support Hong Kong self-determination.

In November, China's top legislature issued an interpretation of a provision of the Basic Law (Hong Kong's functional constitution) on oath-taking that seemed designed to compel the Hong Kong High Court to disqualify two recently elected pro-independence legislators from taking office. It marked the first time Chinese authorities had issued a ruling on the Basic Law while legal proceedings were ongoing in Hong Kong.

Xinjiang

Authorities made no moves in 2016 to lift restrictions on fundamental human rights and end pervasive ethnic and religious discrimination in Xinjiang, home to 10 million predominantly Muslim Uyghurs and an increasing number of Han Chinese migrants. Opposition to central and local government policies has been expressed in peaceful protests but also through bombings and other violent attacks. The Chinese government claims that it faces terrorism in the region and conducts counterterror operations there. However, details about protests, violence, and terrorism, and counterterrorism operations are scant, with few independent sources of information there.

In June, Ili police announced that applicants for passports must supply a DNA sample, fingerprints, a voice recording, and a “three-dimensional image,” according to media reports. The requirement adds to already stringent restrictions on foreign travel for Xinjiang residents. Local government authorities again banned civil servants, students, and teachers from fasting and instructed restaurants to stay open during the Muslim holiday of Ramadan.

In August, Xinjiang authorities issued a new directive to implement China’s abusive Counterterror Law, which came into effect in January 2016. In June, a group of 10 Uighur students in Guangzhou No. 75 Middle School were reportedly arrested for terrorism, but little other information was available about the case at time of writing.

Uighur economist Ilham Tohti is serving a life sentence on baseless charges of separatism for having peacefully criticized the government’s Xinjiang policies. In October, he was awarded the prestigious Martin Ennals human rights award.

Tibet

Tibetans continue to face routine denial of basic freedoms of speech, assembly, and movement. In 2016 authorities prioritized rights-abusing “anti-splittism” and “stability maintenance” campaigns despite the absence of tangible threats, and forbade almost all residents of the Tibet Autonomous Region (TAR) from foreign travel.

In August, Wu Yingjie, an ethnic Chinese Communist Party cadre, was appointed to succeed Chen Quanguo as TAR party secretary and is expected to continue Chen’s policies

of heavy-handed governance and social control. The 13th Five Year Plan began in 2016, and the TAR set ambitious goals for massive infrastructure construction and urban development; Tibetan areas of Qinghai and Sichuan provinces are also slated for greater resource extraction. Many reported public protests were against rural land grabs, including one in Gansu which security forces suppressed in May.

Continuing restrictions on religious freedom include a program of demolitions and evictions at Larung Gar monastic complex in Serta county, Sichuan, which will see the world's largest Tibetan Buddhist community shrink from its 2016 population of at least 10,000 to no more than 5,000 by September 2017. The Tibetan writers Shokjang and Lomik were given three and seven-and-a-half year sentences, respectively, and Lu Konchok Gyatso and Tashi Wangchuk remained in custody at time of writing, one for planning to publish a book and the other for speaking to the *New York Times* about the loss of Tibetan language teaching.

At time of writing, two more Tibetans had self-immolated in 2016, both in Sichuan. At least four Tibetans were believed to have died in custody, including Kandze nun Yeshe Lhakdron, who has not been seen since her arrest in 2008.

Freedom of Religion

The government restricts religious practice to five officially recognized religions and only in officially approved religious premises. The government retains control over religious personnel appointments, publications, finances, and seminary applications. The government classifies many religious groups outside of its control as “evil cults.” Falun Gong, a meditation-focused spiritual group banned since July 1999, continues to suffer state persecution.

Zhejiang authorities released some of the individuals it took into custody in 2015 for resisting its campaign to remove crosses from churches in the province, known as China's “heartland of Christianity.” In February, Zhejiang state television aired a coerced confession of human rights lawyer Zhang Kai, who had been detained incommunicado for providing legal advice to Christians affected by the cross removals. Zhang was released in March. But in Jinhua City, pastors Bao Guohua and Xing Wenxiang were sentenced to 14

and 12 years, respectively, in a case widely seen as retaliation for their opposition to the anti-cross campaign.

In April, President Xi gave a major speech on religion, during which he warned against “overseas infiltrations through religious means,” and called on religions to “Sinicize” or “adopt Chinese characteristics.”

In August, a Tianjin court sentenced Hu Shigen, a veteran activist and a Christian, to seven-and-a-half years in prison. Hu’s crimes, according to the prosecution, included “using illegal religious activities as a platform” to “spread subversive thoughts.”

In September, the Chinese government released draft revisions to its abusive 2005 Religious Regulations; these require that religion “protect national security” and prohibit individuals and groups not approved as religious bodies from attending meetings abroad on religion.

Guizhou authorities have held Pastor Li Guozhi of the Living Stones Church since December 2015, when the authorities closed down the 500-member house church and declared it “illegal.”

Sexual Orientation and Gender Identity

China has no law protecting people from discrimination on the basis of sexual orientation or gender identity, and there is no legal recognition of same-sex partnership. Possibly because their activism is not considered threatening to the state, LGBT individuals enjoyed some success advancing legal cases in 2016.

In January, a Hunan court heard a case filed by Sun Wenlin against the local Bureau of Civil Affairs, which had refused to marry Sun and his male partner. Though the court ruled against Sun in April, his case—the first gay marriage lawsuit accepted by Chinese courts—attracted wide media attention. In June, a Henan court accepted a case filed by Yu Hu against a mental health hospital that had subjected him to 19 days of involuntary “therapy” to “cure” his homosexuality. Also in June, a Guangdong university student, Qiu Bai, sued the Ministry of Education over textbooks that depict homosexuality as an

illness. Qiu filed a similar suit in 2015, though she withdrew it later because the department had promised to look into the matter. She decided to sue again after the authorities' pledge failed to materialize.

In June, China voted against a UN resolution creating an expert post dedicated to addressing violence and discrimination based on sexual orientation and gender identity.

Women's Rights

Women in China face systemic discrimination in higher education and employment, as well as domestic violence and sexual harassment. The government's response to these abuses continues to be inadequate despite its rhetorical commitment to gender equality.

Authorities' heightened hostility toward civil society extended to women's rights activists in 2016. In January, Guo Jianmei, founder of the well-known Beijing Zhongze Women's Legal Counseling and Service Center, closed the organization, citing official pressure.

In April, in a landmark case, a Guangzhou court ruled in favor of a woman who sued two companies for discriminating against her in their hiring process. Women's rights advocates criticized the paltry compensation—2,000RMB (US\$300)—awarded by the court.

Disability Rights

Although China ratified the Convention on the Rights of Persons with Disabilities in 2008, persons with disabilities continue to face barriers and discrimination in areas including education and employment. The government also continues to detain activists in psychiatric facilities.

Regulations drafted in 2013 on access to education for people with disabilities have still not been adopted. Official guidelines continue to allow universities to deny enrollment in certain subjects if the applicants have certain disabilities. In July, a Henan student, Song Yichen, made headlines when he was rejected by Tianjin University of Traditional Chinese Medicine for his visual impairment.

Official guidelines on hiring civil servants continue to discriminate against those with certain disabilities. In August, Tan Jinsong, a man with visual impairment was rejected for a job with the local legislative office in Henan province despite obtaining the highest scores in the civil service exam.

Key International Actors

In February, the UN high commissioner for human rights expressed concern regarding China's continued arbitrary detention and interrogation of lawyers, harassment and intimidation of government critics and NGO workers, and the negative impact on basic rights of the new Foreign NGO Management law.

In February 2016, the European Parliament adopted a strong resolution condemning human rights abuses in China and in March, a dozen governments led by the United States signed on to an unprecedented statement condemning China's "deteriorating human rights record" at the UN Human Rights Council. Several governments, including those of Canada, the European Union, Germany, and the United States, issued statements in 2016 about the crackdown on civil society, disappearances of the Hong Kong booksellers, and the foreign NGO management law. No government, however, imposed any other concrete costs on Beijing for its deteriorating human rights record.

On his penultimate visit to China as UN secretary-general in July, Ban Ki-moon finally expressed concern about the crackdown on civil society, and urged Chinese authorities to give "citizens a full say and role in the political life of their country." US President Barack Obama failed to make any specific public statements about human rights on his last visit as president to China in September. G20 member states not only failed to condemn China's human rights record when they met in Hangzhou in September, they also failed to condemn the abuses in Hangzhou stemming from the event, such as the detention of local activists or the far-reaching restrictions China imposed to limit participation by independent civil society organizations in G20 discussions.

Foreign Policy

In July, the Permanent Court of Arbitration, an international tribunal, issued a sweeping rebuke of China's claims of sovereignty over large portions of the South China Sea, stating

that Beijing's claims lacked legal validity. China responded by dismissing the legality of the court, saying it would not respect the ruling.

In 2016, China did not exercise its veto power at the UN Security Council. However in December 2015, China tried to block discussion of the human rights situation in North Korea by forcing a procedural vote. China also abstained on resolutions that authorized additional regional peacekeepers for South Sudan and UN police for Burundi. At the UN Committee on Non-Governmental Organizations and the UN Economic and Social Council, the Chinese delegation opposed granting UN accreditation to the internationally respected Committee to Protect Journalists.

In August, China allowed a visit by the UN special rapporteur on extreme poverty, Philip Alston. But consistent with past practice, authorities restricted Alston's movements and meetings, and in his departing press conference the special rapporteur noted some of the economic progress China has made but condemned the "dramatically shrinking space for civil society."

The Asian Infrastructure Investment Bank (AIIB), launched by China in 2015, held its first annual general meeting in Beijing in June. None of the governments present pushed the AIIB to adopt safeguard policies requiring the bank to identify and address human rights risks in its projects. The AIIB has not publicly addressed whether it will consult with nongovernmental groups, particularly in countries hostile to independent monitors.

In an alarming trend, Beijing pressured several governments, including Armenia, Cambodia, and Kenya, to deport Taiwanese citizens to mainland China. The people, suspected in the mainland of fraud, were given no discernible opportunity to contest their deportations before a competent court in those countries.

Chinese authorities claimed that some 500 allegedly corrupt "economic fugitives" had been returned to the mainland by September, bringing the two-year total of the "Sky Net" campaign to nearly 2,000. It was unclear at time of writing whether any of these people had access to family members or lawyers of their own choosing while awaiting trial in China, or what guarantees the returning countries sought from China prior to their return.