



UPR submission: China March 2018

Summary

Since President Xi Jinping took office in March 2013, China's government has tightened its control over society and stepped up its campaign against independent activists, lawyers and others deemed a threat to the Chinese Communist Party. The death of Nobel Peace Prize laureate Liu Xiaobo in a hospital while under heavy guard in July 2017, highlighted the authorities' deepening contempt for fundamental human rights. China's deteriorating rights record is also being felt beyond its borders as it seeks to [undermine international human rights institutions](#).

The Chinese government has taken no action toward ratifying the International Covenant on Civil and Political Rights (ICCPR), despite accepting the recommendations to do so during its previous UPR review in 2013. China accepted recommendations on ensuring freedom of expression, yet authorities have continued to [arrest journalists](#), writers, and [human rights activists](#) for their peaceful speech. The government also further tightened restrictions on the internet and adopted new measures to [limit access to circumvention tools](#) that allow netizens to scale the Great Firewall to access the global internet uncensored.

Since the previous UPR review, in which the government promised to "prevent torture," [torture and ill-treatment](#) in detention facilities continue to be routine. The government also agreed to "immediately inform relatives about arrests and effective legal representation," yet in numerous cases police denied detainees access to lawyers of their choice and [held them incommunicado](#).

China accepted the recommendation on "protect[ing] the rights of ethnic minority groups," but the situation in some minority areas have only worsened. In Xinjiang, authorities stepped up mass surveillance and the security presence despite the lack of evidence demonstrating an organized threat. And since around April 2016, tens of thousands of Uyghurs and other ethnic minorities have been sent to extralegal "[political education centers](#)" where they are held incommunicado indefinitely, without charge or trial.

The government also accepted recommendations to ban gender discrimination and discriminations based on sexual orientation and gender identity. Yet it remains hostile to activism by [women's rights groups](#) and lesbian, gay, bisexual, and transgender [\(LGBT\) groups](#).

Deaths in Detention

In its previous UPR, China accepted numerous recommendations to respect the rights of human rights defenders, including their ability to engage in the UPR process and international mechanisms without reprisal; to ensure that prison systems meet international standards; and to cooperate with United Nations human rights mechanisms.

Yet since that time, a number of human rights defenders have either died in detention or shortly after being released, calling into question China's willingness to implement accepted recommendations from that review. Those cases include:

- [Cao Shunli](#), a veteran human rights activist best known for pressing the Chinese government to include input from independent civil society into China's state report for its UPR, died on March 14, 2014, after being held in a detention facility for several months without needed medical treatment.
- [Tenzin Delek Rinpoche](#), a revered Tibetan lama who defended culture and the environment, was wrongly imprisoned in 2002 and for 13 years denied family visits, medical help, and the right to practice his religion. His family was informed of his death in July 2015.
- [Liu Xiaobo](#), a longtime pro-democracy voice and winner of the 2010 Nobel Peace Prize, died July 13, 2017, two years short of completing a baseless 11-year sentence for his role in drafting Charter '08.
- [Yang Tongyan](#), a dissident writer, was released on medical parole after being diagnosed with a brain tumor in August 2017, four months short of serving the full 12-year prison sentence for "inciting subversion of state power"; he died three months later in November 2017.
- [Muhammed Salih Hajim](#), an Islamic scholar and advocate of Uyghur cultural and religious rights, died in mid-January 2018, a month after being detained on unspecified charges.

Recommendations

- Immediately extend invitations to the relevant UN special rapporteurs, working groups, and experts to investigate and report on these deaths;
- Publicly commit to ending reprisals against human rights defenders, including those who engage in UN processes and other international accountability mechanisms; and
- Appropriately discipline or prosecute officials involved in the deaths of the five individuals noted above.

Arbitrary Detention and Enforced Disappearance

China also agreed in 2013 to prevent torture; immediately inform relatives about arrests and effective legal representation; improve the regulatory framework for lawyers conducive to the

unhindered exercise of their profession; ensure those detained prompt access to defense lawyers of their choice; respect the right to freedom of expression; and advance the rule of law and to deepen the reform of the judicial system.

Despite these commitments, China continues to arbitrarily detain countless people for their peaceful work or views. Those include:

- Artist [Liu Xia](#), kept under house arrest after the death of her husband, Nobel laureate Liu Xiaobo, in July 2017.
- Human rights lawyer [Wang Quanzhang](#), forcibly disappeared since July 9, 2015.
- Bookseller [Gui Minhai](#), Swedish citizen arbitrarily detained since his October 2015 forced disappearance from Thailand.
- Tibetan cultural rights and education advocate [Tashi Wangchuk](#), awaiting a sentence on charges of inciting separatism.
- Uyghur intellectual [Ilham Tohti](#), sentenced to life imprisonment in 2014 on the baseless charge of “separatism.”

Recommendations

- Immediately confirm the fate and whereabouts of these individuals, and allow them full and unfettered access to family, lawyers and doctors of their choice, and consular representatives if a foreign national;
- Drop all charges and end all use of coercive measures; and
- Appropriately discipline or prosecute officials involved in abuses in these cases.

Mass Surveillance

In the 2013 UPR review, China accepted recommendations on respecting fundamental rights and abolishing arbitrary detention. However, the Chinese government’s augmented mass surveillance efforts not only violate individual rights, including to privacy and to freedom of expression and association, but also enable officials to arbitrarily detain people.

Human Rights Watch has documented the Chinese government’s drive to employ the latest technologies, including biometric collection, artificial intelligence, and big data, in strengthening mass surveillance across the country without oversight, transparency, or privacy protections.

Police have collected [DNA samples](#) from more than 40 million individuals for a nationally searchable database. Human Rights Watch has documented cases in which police officers are compelling ordinary individuals – neither convicted nor even suspected of a crime – to have their blood drawn and DNA taken. In Xinjiang, authorities are [mandating](#) the collection of DNA samples, fingerprints, iris scans, and blood types of all residents in the region between the age of 12 and 65, according to official documents. It is unclear if residents are informed of the

authorities' intention to collect, store, or use sensitive DNA data as their blood is collected under a free annual physical exams program.

The Chinese government is building big data policing platforms that aggregate and analyze massive amounts of citizens' personal information. The ["Police Cloud" system](#), one of the Ministry of Public Security's most ambitious and privacy-violating big data projects, scoops up information from people's medical history, to their supermarket membership, to delivery records. The system is designed to track and predict the activities of activists, dissidents, and ethnic minorities, including those authorities say have "extreme thoughts," among other functions.

In Xinjiang, authorities are building and deploying a big data predictive policing program called ["Integrated Joint Operations Platform."](#) Drawing from sources such as CCTV cameras, "wifi sniffers" and health, banking and legal records, the program aggregates data about people – often without their knowledge – and flags those it deems potentially threatening to the authorities. Some of those targeted are detained and sent to extralegal "political education centers."

In 2012, Chinese authorities launched a nationwide ["social credit system."](#) By rating citizens on a range of behaviors from shopping habits to online speech, the government aims to "make trustworthy people benefit everywhere and untrustworthy people restricted everywhere" by the time it is fully implemented in 2020. Those with low scores may face obstacles in everything from getting government jobs to placing their children in desired schools.

The Chinese government, collaborating with major Chinese voice recognition company iFlytek, is also collecting "voice pattern" samples of individuals to establish a national [voice biometric database](#) and to develop a system that can automatically identify targeted voices in phone conversations.

Recommendations

- Immediately release those detained in "political education centers" in Xinjiang based on results generated by big data platforms;
- Stop the mass collection of DNA and other personal data of Chinese citizens without full, informed consent and destroy all data gathered; and
- Establish a privacy and data protection law to protect personally identifying information from misuse, especially by the government.

Conversion Therapy

In its 2013 UPR review, China accepted recommendations on prohibiting discrimination based on sexual orientation and gender identity. While homosexuality is neither a crime nor officially regarded as an illness in China, Chinese authorities have not taken the necessary steps to stop public hospitals or private clinics from offering illegal "conversion therapy," which aims to change an individual's sexual orientation from homosexual or bisexual to heterosexual.

In 2001, the Chinese Society of Psychiatry removed homosexuality from its list of mental disorders. China's 2013 Mental Health Law requires that the diagnosis and treatment of mental disorders comply with diagnostic standards. Because same-sex attraction is not a disorder, the law renders conversion therapy illegal. The law further requires that the diagnosis and treatment of mental disorders respect individuals' basic rights and human dignity. However, Chinese authorities have not taken proactive measures to stop healthcare facilities or practitioners from offering conversion therapy, such as issuing clear guidelines that conversion therapy contravenes existing law; monitoring facilities to determine whether conversion therapy is taking place; and, where it is, holding such facilities accountable.

Based on interviews with people who were subjected to conversion therapy, Human Rights Watch has [documented multiple abusive aspects](#) of conversion therapy, including coercion and threats, physical abduction, arbitrary confinement, forced medication and injection, and use of electroshocks. Human Rights Watch found that conversion therapy often took place in government-run public hospitals. In a few cases, conversion therapy was conducted in privately owned psychiatric or psychological clinics, licensed and supervised by the National Health and Family Planning Commission.

Recommendations

- Issue regulations or guidelines that clearly prohibit public hospitals and private clinics from conducting conversion therapy;
- Strengthen the monitoring and regulation of state-run hospitals as well as private psychiatric clinics and practitioners, including by establishing an effective complaint system and conducting stop visits, to ensure that they are not conducting conversion therapy; and
- Hold accountable facilities that continue to conduct conversion therapy, including by issuing warnings and ultimately revoking licenses of repeat offenders.

Hong Kong

In the 2013 UPR review, China accepted the recommendation to “preserve different rights” of citizens in Hong Kong “in accordance with [its] laws.” However, the government has steadily encroached on those rights and the “one country, two systems” arrangement.

Human Rights Watch has documented the [surge](#) in politically motivated prosecutions against Hong Kong's pro-democracy leaders since the Umbrella Movement protests culminated in December 2014. Most were charged for their participation in or leading peaceful protests.

Human Rights Watch has also documented other forms of official harassment against opposition politicians, such as delays and rejections in registering political parties on political grounds. There were also increased reports of suspected mainland security police following,

intimidating, and assaulting democracy advocates, particularly during President Xi's visit to Hong Kong in mid-2017.

After ruling Hong Kong for two decades, Beijing has failed to fulfill its pledge of universal suffrage for Hong Kong's top post, the chief executive, but also has increasingly restricted people's electoral rights by targeting Hong Kong's semi-democratic Legislative Council (LegCo). Beginning in 2016, the Beijing and Hong Kong authorities have [disqualified outspoken pro-democracy figures](#) from running for seats on the LegCo or unseated them after they were elected.

In 2016 and 2017, respectively, two individuals – a British bookseller, Lee Po, and a Canadian billionaire, Xiao Jianhua – [disappeared from Hong Kong](#). Lee later returned to Hong Kong, but there has been no information about Xiao's whereabouts. In both cases, credible evidence suggests that the two were abducted by mainland security agents in Hong Kong. Hong Kong's then-chief executive, CY Leung, had said that it would be "unacceptable for mainland law enforcement to operate in Hong Kong" because it "violates the Basic Law." Yet to date, the Chinese government has not responded to requests asking to clarify the role of mainland agents in the two cases.

Recommendations

- Drop all charges based on individuals' roles in peaceful protests or other politically motivated grounds;
- Institute genuine universal and equal suffrage in Hong Kong for both the elections of the chief executive and of the LegCo;
- Launch a comprehensive investigation into reports of law enforcement operations in Hong Kong by mainland security agents; and
- Respect the ICCPR, which is in force in Hong Kong.

International Criminal Court

China should ratify the Rome Statute of the International Criminal Court and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the ICC and to investigate and prosecute genocide, crimes against humanity and war crimes before its national courts in accordance with international law.