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## Introduction

This country of origin information report was prepared using the questions asked by the Ministry of Justice and Security as set out in the Terms of Reference (ToR). These Terms of Reference were adopted on 27 June 2019 and have been published on the central government's website together with the country of origin information report.

This country of origin information report describes the situation in the People's Republic of China (PRC) insofar as this is important for the assessment of asylum applications from persons originating from China, and for decision-making regarding the repatriation of rejected Chinese asylum seekers. This country of origin information report is an update of the country of origin information report for China of February 2018. The reporting period covers the period from March 2018 through June 2020. Relevant developments up to the publication date have been incorporated in the report. This report is a factual, neutral and objective account of the findings during the period under investigation and does not offer any policy recommendations.

This country of origin information report has been drawn up based on public and confidential sources, using carefully selected, analysed and controlled information. Information from a number of sources has been used, including non-governmental organisations (NGOs), specialist literature, media reporting, and (where applicable) relevant governmental agencies. The passages in this country of origin information report are based on multiple sources unless otherwise stated or in cases of generally undisputed facts. The public sources consulted are included in the list of references. Another part of the information used was obtained during interviews with confidential relevant and expert sources both in China and outside of China. Furthermore, information has been used originating from the diplomatic missions of the Netherlands in China and elsewhere. The information obtained on a confidential basis has chiefly been used to support and add to passages based on public information.

Chapter 1 deals with political developments such as the position of President Xi Jinping, the *shuanggui system*, the security situation, and the social credit system (SCS). Chapter 2 covers Chinese identity and travel documents. Chapter 3 examines the legal aspects of human rights in China. Chapter 4 describes the observance and violations of these human rights with regard to topics such as legal procedure, measures restricting freedoms, and the death penalty. Chapters 5, 6, and 7 more specifically examine the human rights of freedom of expression, freedom of religion and belief, and freedom of movement. Chapter 8 looks at specific groups such as human rights defenders (HRDs), women, LGBTI individuals, unaccompanied minors, and environmental and trade union activists. The situation in Xinjiang, Hong Kong and Tibet is described in Chapters 9, 10 and 11. Chapter 12 of this country of origin information report describes the situation of refugees and displaced persons. Finally, Chapter 13 contains a list of abbreviations and foreign-language terms, and a bibliography.

In the literature, China's official national language is referred to as 'Mandarin' or 'Chinese'. Since most of the sources consulted use the term 'Chinese', it has been decided to call the national language of China unambiguously 'Chinese' in this country of origin information report. There is no uniform transliteration of Chinese terms in Latin script. It has been decided to use the most common transliteration variant of a Chinese term in this country of origin information report. Any alternative

spellings are mentioned in the footnotes. The capital of China is referred to as both 'Peking' and 'Beijing'; this country of origin information report will use the term 'Beijing'. China's ruling party is referred to as both the Chinese Communist Party (CCP) and the Communist Party of China (CPC); this country of origin information report will use the acronym 'CCP'.

# 1 Political developments

## 1.1 General

The political developments outlined in the previous country of origin information report<sup>1</sup> continued during the reporting period of this country of origin information report. President Xi Jinping has continued to tighten his grip on state power (see 1.2), further blurring the lines between state and party structures,<sup>2</sup> and previously extrajudicial detention methods became embedded in a legal framework (see 4.3).<sup>3</sup> While these developments reduced the scope of activities of civil society organisations, the women's rights movement and LGBTI rights movement had a measure of success (see respectively 8.2 and 8.3), albeit modest in nature. Muslim minorities in the western Chinese province of Xinjiang (see Chapter 9) and the Tibetan Buddhist community (see Chapter 11) continued to face harsh conditions. The same applied to the position of religious communities the Chinese authorities have deemed as *Xie Jiao* (heterodox teachings),<sup>4</sup> such as the *Falun Gong* movement and the Church of Almighty God (CAG, see 6.2, 6.3 and 6.4). The latitude given to Catholic and Protestant denominations who had not placed themselves under state control was further restricted (see 6.5, 6.6, and 6.7). Moreover, the central government in Beijing further undermined Hong Kong's autonomous status, which led to mass protests in Hong Kong (see 10.2 and 10.3).

On 26 June 2020, fifty UN experts expressed their concern regarding the oppression of ethno-religious minorities in Xinjiang and Tibet, the detentions and disappearances of human rights defenders (HRDs), the restrictions on freedom of expression (including online expressions), and the repressive measures used against Hong Kong's protest movement. Furthermore, the UN experts called for the establishment of an impartial and independent UN investigative mechanism to closely monitor the human rights situation in China. The UN experts also called for the withdrawal of the national security law in Hong Kong (for more information on this law, see 10.4.1).<sup>5</sup>

## 1.2 Xi Jinping

The reporting period saw an ongoing trend of power being concentrated in the hands of Xi Jinping himself. Xi Jinping still holds the three most powerful positions in China – he is head of state, Secretary General of the Chinese Communist Party (CCP), and chairman of the Central Military Commission. During the Party Congress in March 2018, a number of amendments to the constitution were adopted, which strengthened Xi Jinping's position even further. One amendment removes the maximum term of office for the presidency from the constitution, making it possible for Xi Jinping to serve as President for an unlimited duration.<sup>6</sup> Additionally, Xi

<sup>1</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 6.

<sup>2</sup> Mercator Institute for China Studies (MERICS), *In Xi's China, the party morphs into the state*, 7 March 2018.

<sup>3</sup> Made in China Journal, *Systematising human rights violations*, 25 October 2019.

<sup>4</sup> For more information on the concept of *Xie Jiao*, refer to 6.1.

<sup>5</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *UN experts call for decisive measures to protect fundamental freedoms in China*, 26 June 2020.

<sup>6</sup> De Volkskrant, *Communistische Partij China maakt weg vrij voor levenslang presidentschap Xi*, 25 February 2018. De Morgen, *China maakt weg vrij voor langere ambtstermijn Xi Jinping*, 25 February 2018.

Jinping's ideology has been enshrined as an amendment in the constitution.<sup>7</sup> A mobile application called 'Study the Great Nation' is just one of the means used to disseminate his ideology. The app contains a number of features, including a quiz where points can be earned by logging in regularly and correctly answering questions. In some government departments, civil servants are encouraged by their employer to demonstrate their loyalty to Xi Jinping and the CCP by making frequent use of the app.<sup>8</sup>

For information on the constitutional amendment, see also 3.2.

### 1.3 The Shuanggui system

Another major legislative amendment was implemented during the March 2018 party congress. The newly adopted National Supervision Law (NSL) replaces the existing shuanggui system and provides for extending the party's surveillance not only of public servants directly employed by the government, but also of other people working indirectly for the government. This last group contains persons such as employees of state-owned companies, personnel of public hospitals, scientists, and teachers. Due to this amendment, approximately one hundred million people are being monitored by the newly established *National Supervision Commission* (NSC) at the national and sub-national level<sup>9</sup>. Just as under the shuanggui system, the NSC can impose its most severe measure - retention in custody (*liuzhi*) - without court intervention.<sup>10</sup> For more information on the topic of *liuzhi*, see also 4.3.4.

### 1.4 The security situation

According to the Chinese government, there were no security incidents in China during the reporting period, with the exception of an incident at the China-India border in the Galwan valley, situated in the Himalayan mountains. A confrontation on 15 June 2020 between Indian and Chinese soldiers led to the death of at least twenty Indian soldiers and the capture of an unknown number of Indian soldiers who were taken prisoner. There is no information available on possible Chinese casualties.<sup>11</sup> In Xinjiang, the Chinese government reports in contrast to the previous reporting period no security incidents, which the government attributes to a strict counter-terrorism policy in Xinjiang.<sup>12</sup> The situation in Xinjiang is described in Chapter 9. There were large-scale protests in Hong Kong as a result of a proposed legislative amendment that would make it possible to extradite suspects to mainland China. For more information on the protests in Hong Kong, see 10.2 and 10.3. The security situation in Tibet is described in 11.6.

<sup>7</sup> Now that this amendment to the constitution, known as *Xi Jinping Thought on Socialism With Chinese Characteristics for a New Era*, has been incorporated in the Chinese constitution, Xi Jinping follows in the footsteps of Mao Zedong and Deng Xiaoping, both of whom also had their doctrines incorporated into the constitution. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 24 and 25.

<sup>8</sup> In addition to recordings of Xi's speeches, party propaganda and the latest news, the app also provides information on topics such as technology, culture, 5G and the army. There are free documentaries, books, films, operas, art lessons and language courses. For more information, refer to: Bloomberg, *China's propaganda quiz app is hiring hundreds*, 15 April 2019.

<sup>9</sup> Pursuant to the new law, the NSC has local representations at the provincial level, in autonomous regions, in municipalities and municipal districts, and in autonomous prefectures and cities.

<sup>10</sup> United States Congressional-Executive Committee on Human Rights in China (CECC), *Annual report 2018*, 10 October 2018, p. 3.

<sup>11</sup> The Wall Street Journal, *The China-India clash*, 19 June 2020. Financial Times, *India picks a side in the new cold war*, 23 June 2020. New York Times, *Worst Clash in Decades on Disputed India-China Border Kills 20 Indian Troops*, 17 June 2020.

<sup>12</sup> United States Department of State (USDOS), *Country report on terrorism 2018*, 1 November 2019.

During this reporting period too, the government tightened its grip on the population throughout China using surveillance technology and databases, all in the name of national security. It is estimated that 170 million surveillance cameras have been installed in villages and cities. The Australian government's Department of Foreign Affairs and Trade (DFAT) cites media reports stating that since 2016, the Chinese police and security agencies have been combining various data from photo databases, artificial intelligence and facial recognition technology installed in surveillance cameras to track down criminal suspects and safeguard public order and security.<sup>13</sup> According to reports, DNA, urine samples and voice recordings are also being compiled on a massive scale and being combined in a police database with fingerprints, photographs and other data such as ID numbers, ethnicity, residential address, and hotel stays. Surveillance using facial recognition is being rolled out in stations, schools and shopping centres. In the future, this database could possibly serve as a replacement for the *hukou* (household registration system), and it can also be consulted by the police for investigative purposes.<sup>14</sup>

## 1.5 Social credit system

On 14 June 2014, the State Council (i.e. the Cabinet) announced<sup>15</sup> that what is referred to as a social credit system (SCS) would be implemented over the course of 2020. In the context of the SCS, the term 'credit' is not limited to financial credit standing; it encompasses sincerity in the financial, societal, and economic sense. The SCS combines these factors and determines whether a person, business or organisation is a sincere market player. The definitions of what sincerity entails can be derived from the ideals of the CCP. The plans for the implementation of the SCS are slowly being realised. The Chinese authorities implement new regulations in phases. While some of this takes place in the form of local pilot projects, it is all part of a long-term vision. Much of it is still unclear, however, and the biggest challenge faced by the Chinese authorities at this time is the integration of different datasets originating from multiple separate local and national systems. The SCS can be viewed as an umbrella structure (national legislation) resting on multiple pillars (local and sector-specific legislation). The purpose of the SCS is explicitly not to introduce new rules, but rather to monitor compliance with existing rules.<sup>16</sup>

In fact, the SCS should be seen as a management instrument for Chinese society – the SCS is principally meant to augment the Chinese government's administrative grip on society. Making data available in a more efficient way and integrating the information flows between government agencies enable the Chinese government to impose sanctions for non-compliance with legislation and court judgements. The SCS collects information on both companies and individuals.<sup>17</sup>

### 1.5.1 Companies

The delivery of data on companies takes place through the government as well as through companies who have their own commercial credit rating services such as

<sup>13</sup> Department of Foreign Affairs and Trade (DFAT), *Country information report People's Republic of China*, 3 October 2019, p. 74.

<sup>14</sup> Human Rights Watch (HRW), *Voice biometric collection threatens privacy*, 22 October 2017. British Broadcasting Corporation (BBC), *Chinese residents worry about rise of facial recognition*, 5 December 2019. Radio Free Asia (RFA), *China gears up to collect citizens' DNA nationwide*, 23 August 2019. Confidential source, 7 May 2020.

<sup>15</sup> The full name of the State Council in English is: *State Council of the People's Republic of China*. The State Council has an English-language website: <http://english.www.gov.cn/>.

<sup>16</sup> Confidential source, 28 February 2019.

<sup>17</sup> Confidential source, 26 February 2020. Confidential source, 28 February 2019.

Alibaba, sector organisations who compile their own sectoral credit ratings, and companies themselves who provide data such as their financial statements. This data is compiled and integrated in databases of the Chinese national and local government authorities. Being blacklisted is the most important sanction a company could face, as it would then be excluded from public tendering procedures or from receiving credit.<sup>18</sup>

### 1.5.2 *Individuals*

Individuals can also be blacklisted or assigned a social credit score. The most important blacklist is the national blacklist that monitors non-compliance with court judgements, under the authority of the Supreme People's Court (SPC). There are also blacklists that track default of payment and non-compliance with regulations. These blacklists can be local or sector-specific in nature, such as the regulations for waste separation or the rules of conduct when using means of transportation.<sup>19</sup> There is a large variety of local SCS pilots at the provincial and local level. Any government agency can create a list. A few local SCS pilots use a scoring system that tracks each individual resident. Points are added or deducted to the score depending on whether an individual has been sanctioned or rewarded according to what has locally been deemed desirable or undesirable conduct. The types of conduct that lead to points being added or deducted, and how many, are determined locally and can therefore vary.<sup>20</sup>

### 1.5.3 *Consequences of being blacklisted*

The consequences of being blacklisted, or having a negative SCS score, can range from, for example, not being able to book train or plane tickets and hotels to being refused access to certain jobs and exclusive schools, and loans being refused. This means that millions of people annually are unable to book train or plane tickets and are thus indirectly restricted in their freedom of movement. No information is available on whether being blacklisted due to the SCS can directly lead to a restriction of freedom of movement. A formal exit travel ban, for example, does not in itself formally come about due to being blacklisted. The travel ban is based on a provision in the Exit and Entry Administration Law of the People's Republic of China (see 7.2 for more information about leaving the country). Consequently, it is not the SCS itself that introduces rules that curtail freedoms, but it does contribute to the enforcement of these rules due to the fact that some citizens fear a low SCS score more than a fine for an infraction related to, for example, a waste substances by-law.<sup>21</sup> Because the system is still under development, however, for example with regard to the integration and actual use of all the collected data, it cannot yet be said that there is a uniform application of the SCS throughout China.<sup>22</sup>

Individuals can indirectly suffer repercussions if a company is blacklisted. Such cases emerge if individuals are held accountable as management, which, for example, could exclude them from CCP membership. The SCS compelled both individuals and companies to pay many debts, taxes and fines in 2018.<sup>23</sup>

<sup>18</sup> For more information, see: European Union Chamber of Commerce China, *The Digital Hand – How China's Corporate Social Credit System Conditions Market Actors*, August 2019.

<sup>19</sup> An example of a sector-specific list is the list for transportation, pertaining to misbehaviour on trains.

<sup>20</sup> Confidential source, 26 February 2020. AI, *Der dressierte Mensch*, 25 July 2019.

<sup>21</sup> Associated Press (AP), *China bars millions from travel for social credit offences*, 23 February 2019.

<sup>22</sup> HRW, *China's bumbling police state, The only thing protecting human rights from the bureaucracy? Inefficiency*, 26 December 2018

<sup>23</sup> Confidential source, 26 February 2020. Confidential source, 28 February 2019. Wired, *The complicated truth about China's social credit system*, 7 June 2019. BBC, *Shanghai rubbish rules, New law sends Chinese city into frenzy*, 4 July 2019.

1.5.4 *Appeals and duration of blacklisting*

There is still unclarity about the possibility of lodging an appeal against registered information in the SCS. For example, court judgements are tracked by the SPC. Non-compliance with court judgements within the allotted time will lead to placement on the national blacklist. If the person in question complies with the judgement as yet, placement on the blacklist will be rescinded. Other listings are deleted after a specific term, such as being placed on the sector-specific transportation blacklist for misbehaviour on a train. It is not known if these registrations remain visible in the system even after they are erased.<sup>24</sup>

<sup>24</sup> Confidential source, 26 February 2020.

## 2 Documents

### 2.1 Household registration booklet (*hukou*)

The household registration booklet (*hukou*) contains the data of all persons living together in a single household. This document is needed for a variety of purposes, such as applying for identity documents or travel documents. The Public Security Bureau (PSB) records all household changes and family law-related changes such as marriages, moving to a new address, births and deaths. For a detailed description of the *hukou* system, refer to the country of origin information report for China of December 2012 and the country of origin information report for China of February 2018.<sup>25</sup>

For information on the impact of *hukou* registration on the freedom of movement of persons in China, see 7.1.

In some urban provinces and provinces, the *hukou* is now also available in digital form. For example, a digital version has been available since July 2019 in Shanghai, since late October 2019 in the province of Guangdong, and since December 2019 in the entire province of Hunan.

Local authorities either offer a digital service platform in many provinces, or they have started constructing such platforms. This platform is part of the comprehensive WeChat app<sup>26</sup> and can store digital versions of a variety of documents such as a driving licence, ID card, passport, the Taiwan Travel Permit, and the Residence Permit. In some provinces, and in any case the provinces of Guangdong, Hunan and Shanghai, it became possible to store the *hukou* in a digital system at some point over the course of 2019. In the abovementioned provinces, people can carry their *hukou* with them by storing it in an app on their mobile phone. It is expected that all provinces will gradually roll out this type of digital platform.<sup>27</sup>

### 2.2 Identity and travel documents in general

The residence identity card serves as the primary proof of identity and it can also be used for domestic travel. In addition to the residence identity card, there are other options that can also be used as proof of identity such as a temporary resident identity card, a permanent residence permit (in some cities), and identity documents issued by the army. A passport can also be used as proof of identity. The Chinese passport serves as an international travel document.<sup>28</sup>

For a more detailed description of the abovementioned identity and travel documents, refer to the country of origin information report for China of 2018. Since the publication of the previous country of origin information report, only passports and travel documents have been subjected to any changes. It is possible there are

<sup>25</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 2012 and 2018.

<sup>26</sup> WeChat is a messaging app developed by the company Tencent. It contains numerous functions such as allowing users to make electronic payments.

<sup>27</sup> Confidential source, 7 May 2020.

<sup>28</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 19. Confidential source, 10 May 2019.

regional discrepancies in procedures due to local differences in bureaucratic or technological developments.<sup>29</sup>

### 2.3 Passports and travel documents

For residents of mainland China, the application procedure for passports and for travel documents for Hong Kong, Macao and Taiwan has been simplified by the National Immigration Administration.<sup>30</sup> Since 1 May 2018 it is possible to book an appointment for a passport application online and fill in data beforehand to prepare the application. With this process, applicants only have to appear at the counter in person once when submitting an application.<sup>31</sup>

Another new development since 1 April 2019 is that residents of mainland China no longer have to travel to the address stated in their official *hukou* booklet in order to apply for a passport or travel documents; applicants can apply for a passport or travel document at the Exit/Entry Administrative Department of any PSB bureau at the district level or higher, regardless of their officially registered residential address. Individuals who wish to submit their application at a location that is not their registered *hukou* address are required to first make the necessary preparations prior to the appointment for submitting the application. They cannot directly go to a counter at the Exit/Entry Administrative Department for an application. They first have to book an appointment online through a new official website, a mobile phone app, or through private platforms such as WeChat or Alipay. Their personal data is then checked and once it is approved, a time and location for submitting the application can be chosen. Fingerprints and photographs are taken for first-time applications.<sup>32</sup>

Since April 2019, certain travellers<sup>33</sup> can also request exit documents for Hong Kong, Macao and Taiwan using a self-service machine at PSB bureaus, so a civil servant does not have to be involved in the process. The document will be issued at a pick-up point selected online. In some places it is possible to have the procedure described above carried out by a delivery service.<sup>34</sup>

While applicants have to apply in person for their first passport or travel document, these documents can either be picked up in person or delivered. A third party can be authorised to apply for subsequent travel documents.<sup>35</sup>

### 2.4 Refusal to issue a passport

<sup>29</sup> Confidential source, 26 July 2019.

<sup>30</sup> The National Immigration Administration was established in April 2018 and just like the Public Security Bureaus (PSBs), it is organised under the Ministry of Public Security. PSBs are tasked with the Chinese population records. Confidential source, 26 July 2019.

<sup>31</sup> China Global Television Network (CGTN), *China simplifies passport application procedures for citizens*, 30 April 2018. Confidential sources, 10 May and 26 July 2019.

<sup>32</sup> CGTN, *China simplifies passport application procedures for citizens*, 30 April 2018. Confidential sources, 10 May and 26 July 2019.

<sup>33</sup> The self-service machines are available for people with a *hukou* registration at an address served by the PSB bureau, and for people without a registered *hukou* address in that area who have previously received an exit stamp. Confidential source, 26 July 2019.

<sup>34</sup> CGTN, *Easier procedures to get passport in China*, 26 March 2019; China Daily, *Easier access to begin next month for travel permits*, 27 March 2019.

<sup>35</sup> Confidential source, 26 July 2019.

Pursuant to the Chinese Passport Law, there are cases where a passport is not issued to certain persons. Persons can be refused passports for a variety of reasons such as if the individual is suspected or convicted of a crime and serving a sentence, involved in unresolved civil litigation, or if the individual is someone the authorities believe will undermine national security or harm other national interests. According to reports, there have been cases where human rights defenders and their relatives were refused passports,<sup>36</sup> possibly on the grounds of the abovementioned reasons. Furthermore, the government can refuse to issue a passport for a period spanning six months to three years to individuals who have received a criminal sanction for circumventing border control or illegally exiting the country.<sup>37</sup> In addition to the *hukou* registration, every Chinese citizen also has a personal file (largely work-related), known as the *dang'an*.<sup>38</sup> The personal file can be viewed by PSBs, and negative entries can supposedly present an obstacle to being issued a passport.<sup>39</sup> It is unclear to what extent it is possible to sidestep the abovementioned provisions (through bribery, for example) and still obtain a passport.

## 2.5 Second-generation identity cards

Identity cards without a digital chip and printed on laminated paper are referred to as first-generation identity documents. The validity of first-generation documents expired on 1 January 2013. Upon presenting a *hukou*, these obsolete identity cards can be exchanged for a new identity card which is made of plastic and contains a microchip. These are referred to as second-generation identity cards.<sup>40</sup> In addition to an individual's passport photograph, the new identity cards state the bearer's name, gender, date of birth, permanent address and ethnicity. The date of expiry and the eighteen-digit ID number are also printed on the card. The microchip in the identity card contains the same information as well as information on the bearer's employment history, educational background, religion, police record, health insurance status, the telephone number of a landlord (if applicable), and reproductive history. In most ethnic minority regions, the identity cards contain corresponding information in the minority language, while identity cards belonging to Han Chinese in these regions contain the information in Chinese.<sup>41</sup>

These second-generation cards are reportedly difficult to counterfeit and there have been trials since 2013 with fingerprints on the card. Places such as banks, train stations and airports have card readers to run identification checks by reading these ID cards.<sup>42</sup>

## 2.6 Applications submitted abroad

The rules for applying for a passport abroad have been relaxed since 1 January 2019. Effective from that date, Chinese nationals, with the exception of Uighurs abroad (see 7.3, 12.5 and 12.9.1), can apply for a Chinese passport at Chinese embassies without having to prove they intend to stay abroad permanently. There is

<sup>36</sup> Confidential source, 20 May 2020.

<sup>37</sup> English-language website of the National People's Congress (NPC), Articles 13 and 14 of the Chinese Passport Law, consulted on 17 June 2019.

<sup>38</sup> For more detailed information on the personal file, see: Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 17. Sinosphere, *A rare look into one's life on file in China*, 15 March 2015.

<sup>39</sup> Confidential source, 7 May 2020.

<sup>40</sup> Confidential source, 24 June 2020.

<sup>41</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 73.

<sup>42</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 74.

also an online application procedure available for these applicants. Additionally, the procedure for the required supporting documents needed for passport applications has been standardised at all Chinese diplomatic missions abroad.<sup>43</sup> In practice, working procedures at different embassies may vary, but according to the information available, the Chinese diplomatic mission in the Netherlands has implemented the new standard requirements:<sup>44</sup>

If an applicant is applying for a passport for the first time and the application is submitted abroad, this individual must produce the following at the Chinese consulate/embassy:

- the completed application form for a passport or travel document issued by the People's Republic of China;
- a recent passport photograph;
- if applicable, a copy of the residence permit for the country of residence and the original residence permit document;
- a copy and original document showing proof of Chinese nationality (such as a *hukou* registration booklet, ID card or birth certificate).

To replace a standard passport, applicants must produce the following documents:

- the completed application form for a passport or travel document issued by the People's Republic of China;
- a recent passport photograph;
- the original expired passport and a copy of the same. An expired passport will be marked to show it has been cancelled and then returned to the applicant;
- A certificate of Chinese nationality (国籍状况声明书 *Guoji zhuangkuang shengming shu*).

To replace a standard passport that has been lost or damaged, the applicant must produce the following:

- the completed application form for a passport or travel document issued by the People's Republic of China;
- a recent passport photograph;
- the original and copies of a document showing proof that the applicant has Chinese nationality (such as a *hukou* registration booklet, ID card, or birth certificate);
- a personal written statement regarding the circumstances of the loss of the passport (lost, stolen or damaged)<sup>45</sup>;
- in cases where a passport has been lost or stolen, the bearer must declare that he will not use the old passport (if found) again, the application for a new passport will not be withdrawn, and that the bearer understands the legal consequences of these regulations. A damaged passport must be returned;

<sup>43</sup> Confidential sources, 26 July 2019 and 24 June 2020.

<sup>44</sup> Confidential source, 24 June 2020.

<sup>45</sup> It appears that there is no standard format for this statement. This can be seen in how Chinese diplomatic missions in the Congo and in France each give different examples of the statement on their websites: <http://cg.chineseembassy.org/chn/zqzgg/lsw/lsw/P020190409860523550339.pdf> and <http://fr.china-embassy.org/chn/zqzfg/zqsg/lsw/bgxz/P020140506817769326434.pdf>

- a certificate of Chinese nationality (国籍状况声明书 *Guoji zhuangkuang shengming shu*).

Similar requirements apply to applications for diplomatic or service passports or other travel documents (for Macau or Hong Kong, for example). A complete overview can be found on the Consular Affairs page<sup>46</sup> on the Chinese Ministry of Foreign Affairs website.<sup>47</sup>

The rules have also been relaxed for minors younger than sixteen years of age. Previously, when a minor wished to extend or replace a passport at a Chinese diplomatic mission abroad, both parents or guardians were required to be present when submitting the application. Following the legislative amendment, only one parent or guardian is required to give his or her permission.<sup>48</sup> When applying for a minor's first passport, the original passports of both parents or legal guardians must be presented and copies thereof must be submitted, unless special circumstances prevent this, such as a divorce. The implementation of these new regulations may differ between Chinese diplomatic missions abroad. The Chinese diplomatic mission in the Netherlands states that only one parent is required to give permission and accompany the minor, provided that all documents for the minor's application are complete. In cases of an 'exceptional' family situation where only one of both parents is able to come to the embassy and the accompanying parent is unable to produce the passport of the absent parent, proof must be provided, such as a divorce certificate or divorce order.<sup>49</sup> For more information on Chinese single mothers and their minor children abroad, see also 8.2.5.

The current Nationality Law of the People's Republic of China, as stated on the Chinese Ministry of Foreign Affairs website, has not been amended since 2003. If both parents have or one of both parents has Chinese nationality, and the child is born in China, then the child will have Chinese nationality by operation of law. If one of both parents has Chinese nationality, and the child is born abroad, then that child will also have Chinese nationality; but if both parents have or one of both parents has both Chinese nationality as well as a permanent residence permit abroad, and the child automatically receives the nationality of the country of birth<sup>50</sup>, then the child does not have Chinese nationality.<sup>51</sup> It is possible to apply for Chinese nationality, but according to a Chinese confidential source, this is seldom granted. The source states that 7,356 applications in total were approved between 2004 and 2018, estimated to represent less than 1% of all applications. In such cases, Chinese law does not recognise dual nationality.<sup>52</sup>

In addition to passports, Entry Permits for Hong Kong or Macau, or temporary (return) travel documents can also be applied for at Chinese embassies or consulates abroad. Based on the information available, other documents (such as the *hukou* registration for a child with Chinese nationality born abroad) must be applied for in China.<sup>53</sup>

<sup>46</sup> <http://cs.mfa.gov.cn/zggmzhw/hzlxz/>

<sup>47</sup> Confidential source, 24 June 2020.

<sup>48</sup> CGTN, *China to implement amended passport policy for overseas citizens on Jan 1*, 29 December 2018. Confidential source, 26 July 2019. Confidential source, 29 May 2020.

<sup>49</sup> Confidential source, 29 May and 24 June. When applying for a passport for a minor, no information is available regarding whether there must be evidence demonstrating the accompanying parent's sole parental custody in cases involving divorce.

<sup>50</sup> This differs from country to country and depends on a country's nationality legislation.

<sup>51</sup> Confidential source, 26 July 2019.

<sup>52</sup> [https://k.sina.cn/article\\_7181056006\\_1ac06380600100lboxi.html?from=news](https://k.sina.cn/article_7181056006_1ac06380600100lboxi.html?from=news); Confidential source, 24 June 2020.

<sup>53</sup> Confidential source, 7 May 2020.

## 2.7 Identification obligation

China has a specific identification obligation applicable to all Chinese citizens aged sixteen and older. Article 15 of the Law of the People's Republic of China on Resident Identity Cards describes the situations in which Chinese citizens are required to present proof of identity:

- In situations where an individual is in violation of the law;
- In situations involving spot controls conducted in accordance with the law;
- In emergency situations;
- In situations where an individual is present at a train station, a long-distance bus station, a port, a pier or an airport, or in the vicinity of a location where important events will be held;
- In any situation where the law stipulates that proof of identification must be presented.

While the law does not stipulate a general identification obligation, authorities have enough scope for interpretation to give them extensive powers to ask citizens for proof of identity. According to the Ministry of Public Security (MPS), an identification obligation is in force at specific places like airports, train stations and other public places. As a rule, the police can only ask for proof of identity if there is cause to do so, such as suspicious behaviour, or if public safety is at stake.<sup>54</sup> Refusal to present proof of identity can lead to a warning, a two hundred thousand yuan<sup>55</sup> fine, or a maximum of ten days in detention.<sup>56</sup> No information is available regarding whether sanctions are imposed, or what these sanctions entail. A valid ID card is further required to change the information in the *hukou* or to request one's own *hukou*, enter into employment contracts, open a bank account, apply for a passport and driving licence, apply for tertiary education, travel by train or aircraft, marry, and engage in litigation. Internet cafés and some shops also require an ID card.<sup>57</sup> An ID card must be presented when purchasing a SIM card. Since 1 December 2019, a facial scan is also mandatory when purchasing a SIM card.<sup>58</sup>

## 2.8 Document fraud

China has a highly hierarchical structure in its bureaucracy, there are severe penalties for corruption (see 4.3.4 for information on *liuzhi*), and public servants are relatively well paid. That is why they usually adhere to the rules and generally do not have a tendency to participate in document fraud. However, according to a researcher and an NGO, it is possible to obtain passports through bribery. While these passports are produced and issued by the relevant authorised body, they are based on a false identity.<sup>59</sup>

<sup>54</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 21 and 22. Article 15 of the Law of the People's Republic of China on Resident Identity Cards.

<sup>55</sup> According to the currency converter CoinMill.com, on 25 June 2020, 200 and 1,000 yuan were equal in value to 25.07 and 125.33 euro.

<sup>56</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 74.

<sup>57</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 74. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 32

<sup>58</sup> A new 'notice' (通知) from the Ministry of Industry and Information Technology came into force on 1 December 2019 stipulating that a face scan is mandatory for every purchase of a new SIM card, or when renewing an old SIM card and retaining the original number. See: Quartz, *China launches mandatory face scan for mobile users*, 1 December 2019. Confidential source, 19 May 2020.

<sup>59</sup> Confidential source, 28 January 2020. Bitter Winter, *Chinese Refugees, Seeking asylum in Italy*, 26 October 2019. Centro Studi sulle Nuove Religioni (CESNUR), *Asylum Seekers from the Church of Almighty God (CAG)*, 23 July

A report from the Australian DFAT states that there is a noticeable reduction in fraud by public servants due to strict anti-corruption legislation. Consequently, an increase in the number of manipulated electronic images of documents in online visa application systems has been observed, however. These forgeries often involve the ID number and place of residence or issuance location, where cities with a heightened risk of fraud are avoided. In spite of efforts to combat corruption, the DFAT also reports that authentic documents such as the *hukou* registration, proof of employment, academic transcripts, bank records and ID cards<sup>60</sup> are obtained using fraudulent practices. It is not known how widespread these practices are.<sup>61</sup>

## 2.9 Biometric data

Biometric data and fingerprints embedded in passports and identity cards are checked at Chinese airports using a centralised system. This system is controlled by a special department for documents based at the airport in Beijing. The National Immigration Administration (NIA) also wants to connect smaller regional airports to this system. It is unclear whether other government agencies also have access to this system.<sup>62</sup>

For information on the collection of biometric data and DNA, see 1.4.

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2019. CESNUR, based in Turin, is referred to as the Center for Studies on New Religions in English. For more information about CESNUR, visit: [cesnur.org](http://cesnur.org).

<sup>60</sup> The identity cards referred to as second-generation identity cards are more difficult to counterfeit than the first-generation ID cards.

<sup>61</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 74.

<sup>62</sup> DFAT, *Country Information Report People's Republic of China*, 3 October 2019, p. 74.

## 3 Legal context - human rights

### 3.1 International conventions

Based on the information available, China has not signed or ratified any international conventions related to human rights over the course of the reporting period of this country of origin information report. China signed the International Covenant on Civil and Political Rights (ICCPR) on 5 October 1998, but did not ratify it.<sup>63</sup>

### 3.2 Constitution

As stated earlier, the Chinese constitution was amended on 11 March 2018, removing the maximum term of office for the presidency and enshrining Xi Jinping's ideology in the constitution (see 1.2 for more information). The amended constitution also provided for the establishment of the National Supervision Commission (NSC), a government body charged with the implementation of the National Supervision Law (NSL).<sup>64</sup> A brief explanation of the NSL can be found in 3.3.1 and the NSL is explored in more detail in 4.3.4.

### 3.3 Other national legislation and regulations

Over the course of the reporting period, there were legal developments relevant to China's human rights situation and the civil society organisations in the country, as new laws were passed and existing laws were amended. Legislative proposals and newly passed laws that are relevant to the human rights situation in Hong Kong are dealt with in Chapter 10.

#### 3.3.1 *National Supervision Law*

The NSL was passed on 20 March 2018 and came into force on the same date. The NSL replaced the Administrative Supervision Law and the *shuanggui* system (see 1.3).<sup>65</sup> The NSL provides for more far-reaching surveillance of public servants and provides the NSC with sweeping powers to place individuals in incommunicado detention. The substance and implementation of the NSL is covered in more depth in 4.3.4.

#### 3.3.2 *Heroes and Martyrs Protection Law*

The Heroes and Martyrs Protection Law was passed on 27 April 2018 and came into force on 1 May 2018.<sup>66</sup> This law makes it a punishable offence to express criticism of Communist war heroes of the Second Sino-Japanese War (1937-1945) and the Chinese Civil war that ended with the communists being victorious over the nationalist forces in 1949. Critics believe that with this law the CCP is attempting to establish a monopoly on the historical record where only the narrative of China's

<sup>63</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 24. Confidential source, 20 April 2020. OHCHR, *UN Treaty Body Database, Ratification Status for China*, undated, consulted on 24 April 2020. Confidential source, 2 May 2020.

<sup>64</sup> MERICS, *China's National Supervision Commission, Impacts on foreigners and foreign companies*, 9 March 2018. *The Diplomat*, *What's so controversial about China's new anti-corruption body?, Digging into the National Supervision Commission*, 30 May 2018.

<sup>65</sup> National People's Congress (NPC) Observer, *Supervision Law*, undated, consulted on 21 April 2020.

<sup>66</sup> NPC Observer, *Heroes and Martyrs Protection Law*, undated, consulted on 21 April 2020.

governing party is permitted. The Heroes and Martyrs Protection Law reduces the scope for independent historical research and interpretations of China's history that deviate from the party line.<sup>67</sup>

### 3.3.3 *Amended Criminal Procedure Law*

The Criminal Procedure Law (CPL), or the Code of Criminal Procedure which sets out criminal proceedings, was amended on 26 October 2018.<sup>68</sup> An important amendment was related to the abovementioned NSL. Before the NSL came into force, government employees suspected of corruption were subjected to criminal investigation and prosecution by the People's Procuratorate. With the entry into force of the NSL, government employees suspected of corruption are investigated by the NSC, the government body charged with implementing the NSC, and subjected to criminal prosecution by the People's Procuratorate.<sup>69</sup>

Another important amendment to the CPL is described below. If an individual is suspected of corruption, terrorism or a crime related to national security and this person is residing abroad, the suspect can be prosecuted in criminal proceedings in absentia.<sup>70</sup> Critics fear that this amendment can be used to accuse dissidents abroad of one of the three abovementioned crimes and confiscate their property in China.<sup>71</sup>

### 3.3.4 *Cryptography Law*

The Cryptography Law, also known as the Encryption Law, was passed on 26 October 2019 and came into force on 1 January 2020. The State Cryptography Administration (SCA) is an agency of the CCP and is charged with the implementation of the Cryptography Law. This law regulates the encryption technology market, which deals with how digital information is encrypted. The law paves the way for encrypting blockchain technology. This is a technology frequently used for cryptocurrencies as well as for encrypting messaging between private persons. There are three distinct categories specified by the law: core, common<sup>72</sup> and commercial cryptography. Core and common cryptography are intended for the encryption of government communications and state secrets, while commercial cryptography refers to business-related and private persons' encrypted information. The Cryptography Law permits the sale and use of foreign cryptography for commercial use without an import license. If foreign commercial cryptography has an impact on China's national security or public interests, then an import license must be applied for.<sup>73</sup> The significance of this law for encrypted messaging between private persons is explained further in 5.8 on freedom of expression.

<sup>67</sup> Reuters, *China makes defaming revolutionary heroes punishable by law*, 27 April 2018; Washington Post, *China criminalizes the slander of its 'heroes and martyrs', as it seeks to control history*, 27 April 2018

<sup>68</sup> NPC Observer, *Criminal Procedure Law*, undated, consulted on 21 April 2020.

<sup>69</sup> Covington, *China amends Criminal Procedure Law, Creating more anti-bribery prosecution tools*, 14 November 2018. NPC Observer, *NPCSC amends Criminal Procedure Law, Overhauls judicial system organic laws, Loosens stock buyback restrictions & designates SPC as National IP Appeals Court*, 28 October 2018. Confidential source, 30 April 2020. Confidential source, 2 May 2020.

<sup>70</sup> Covington, *China amends Criminal Procedure Law, Creating more anti-bribery prosecution tools*, 14 November 2018. NPC Observer, *NPCSC amends Criminal Procedure Law, Overhauls judicial system organic laws, Loosens stock buyback restrictions & designates SPC as National IP Appeals Court*, 28 October 2018.

<sup>71</sup> RFA, *China's parliament expands use of in absentia trials targeting 'absconders'*, 30 October 2018. Confidential source, 30 April 2020. Confidential source, 2 May 2020. On our part, no information is available regarding whether persons have already been sentenced in default and what happens to these persons if they return to China. Confidential source, 23 June 2020.

<sup>72</sup> Als referred to as ordinary.

<sup>73</sup> NPC Observer, *NPCSC passes Cryptography Law, grants State Supervision Commission rulemaking power & approves new free trade zone pilots*, 27 October 2019. South China Morning Post (SCMP), *China hopes cryptography law will provide security and profitability*, 27 October 2019. The Diplomat, *Decoding China's Cryptography Law*, 30 October 2019. NPC Observer, *Cryptography Law*, undated, consulted on 7 May 2020.

### 3.3.5 *Community Corrections Law*

The Community Corrections Law was passed on 28 December 2019 and came into force on 1 July 2020.<sup>74</sup> When a convicted person is handed a community correction sentence, he/she is not permitted to leave his/her place of residence and travel abroad without permission. Furthermore, the convicted person is required to perform community service work such as cleaning streets and waterways, and attending courses on civics.<sup>75</sup> The following categories of convicted persons are subject to mandatory participation in community corrections:

- Individuals given a suspended sentence;
- Individuals who have been released on parole;
- Individuals who are unable to serve their sentence in a detention facility or prison due to health reasons.<sup>76</sup>

The implementers of the community corrections system were confronted with a tangle of regulations.<sup>77</sup> The Community Corrections Law regulates how community corrections should be applied, how participants are to be monitored and taught, and the conditions under which they can be released from community corrections.<sup>78</sup>

### 3.3.6 *Custody & Education abolished*

The Custody & Education (C&E) extrajudicial detention system, known as *shourong jiaoyu* in Chinese, was abolished on 28 December 2019. The C&E system gave the police the authority to incarcerate prostitutes and their clients without trial for periods ranging from six months to two years in so-called 're-education centres'. Detainees were instructed in law and morality and encouraged to perform 'productive' labour. They were also subjected to mandatory testing for sexually transmitted diseases (STDs) and individuals testing positive had to undergo mandatory treatment. In practice, the C&E system turned out to be susceptible to abuse and the misuse of authority. Detainees were subjected to corporal punishment, sexual violence, psychological abuse, and forced labour. The prisoners were expected to support themselves and bear the costs of their stay in the re-education centres, as well as pay for the STD testing and treatments. Human rights experts welcomed the abolition of the C&E system, but pointed out that it is no more than a modest step in protecting the rights of sex workers. Prostitution is still illegal in China. Sex workers and their clients face a maximum fine of five thousand yuan<sup>79</sup> and a maximum of fifteen days 'administrative detention' (for more information on the concept of 'administrative detention', refer to 4.3.3).<sup>80</sup>

<sup>74</sup> NPC Observer, *Community Corrections Law*, undated, consulted on 22 April 2020.

<sup>75</sup> The Economist, *A bigger cage, Justice in China is notoriously harsh, but reforms are afoot*, 31 October 2019.

<sup>76</sup> Confidential source, 30 April 2020. Confidential source, 2 May 2020. Since the Community Corrections Law will come into force on 1 July 2020, we do not know whether convicted human rights defenders with health issues will be eligible for community correction instead of a custodial sentence. Confidential source, 23 June 2020.

<sup>77</sup> The Economist, *A bigger cage, Justice in China is notoriously harsh, but reforms are afoot*, 31 October 2019.

<sup>78</sup> NPC Observer, *NPCSC abolishes 'custody & education' detention system, Revises Securities Law & approves Community Corrections Law, Civil litigation reform pilot*, 30 December 2019.

<sup>79</sup> According to the currency converter CoinMill.com, on 22 April 2020, 5,000 yuan was equal in value to 650.92 euro.

<sup>80</sup> NPC Observer, *Recording & review Part 4, The last days of 'Custody & Education'*, 25 December 2018. BBC, *China ends forced labour for sex workers*, 28 December 2019. Independent, *China axes 'custody and education' system which subjected sex workers to forced labour*, 29 December 2019. NPC Observer, *NPCSC abolishes 'custody & education' detention system, Revises Securities Law & approves Community Corrections Law, Civil litigation reform pilot*, 30 December 2019. Sixth Tone, *On the failure of 'Custody and Education' and the importance of rule of law*, 3 March 2020. It is not known to us whether sanctions apply to businesses that facilitate sexual services, such as massage parlours and hotels, and if so, these sanctions entail. Confidential source, 23 June 2020.

### 3.3.7

#### *Legislation dealing with sexual harassment*

Since 1 December 2005, sexual harassment of women is punishable pursuant to article 40 of the Protection of Women's Rights and Interests Law.<sup>81</sup> The scope of this legislative section of law remained limited to the domain of criminal law, which means only the State can charge an offender with sexual harassment.<sup>82</sup> Influenced by the #MeToo movement (see 8.2.2), the Supreme People's Court (SPC) decided that effective 1 January 2019, the charge of sexual harassment would also be applied in civil law. Consequently, victims of sexual harassment can summon an individual offender to appear before the court.<sup>83</sup> On 28 May 2020, the National People's Congress (NPC), China's highest legislative body, adopted the country's first ever Civil Code. The Civil Code will come into force on 1 January 2021.<sup>84</sup> The second chapter of the Civil Code regulates "rights to life, body and health". In this chapter, Article 1010 stipulates that employers, including government agencies, businesses and schools, are required to take measures to prevent sexual harassment in the workplace and investigate reports of sexual harassment in the workplace.<sup>85</sup>

### 3.3.8

#### *Legislation pertaining to the right to reside*

China's new Civil Code also includes the 'right to reside'. This right stipulates that the owner of a residential property can give another the right to reside in the property after the death of the owner, barring the legal heirs from having the right to lay claim to the residential property. LGBTI organisations hope that this will allow LGBTI owners of residential properties to bequeath the residence to their same-sex partner. At the time of writing, it is not clear if this will actually be the case in practice.<sup>86</sup> For more information on the position of the LGBTI community in China, refer to 8.3.

<sup>81</sup> Congressional Executive Commission on China (CECC), *Protection of Women's Rights and Interests Law of the People's Republic of China*, undated, consulted on 28 May 2020.

<sup>82</sup> Confidential source, 28 May 2020.

<sup>83</sup> China Law Translate, *SPC notice on the addition of civil case causes of action*, 2 January 2019. Confidential source, 28 May 2020.

<sup>84</sup> Xinhua, *China's Civil Code adopted at national legislature*, 28 May 2020. Confidential source, 28 May 2020.

<sup>85</sup> NPC Observer, *2020 NPC Session, A guide to China's Civil Code*, 21 May 2020.

<sup>86</sup> Reuters, *China's same-sex couples heartened by property protection rights in new civil code*, 28 May 2020. Confidential source, 5 June 2020.

## 4 Compliance and violations

### 4.1 Introduction

The general situation for human rights in China continued to deteriorate during the reporting period, while the government and the CCP continued to expand their authority. Groups that are particularly affected by the far-reaching restrictions on their freedoms are journalists (including citizen journalists) who report on controversial topics, human rights defenders, ethnic minorities such as Uighurs, Kazakhs, and Tibetans, and banned or unregistered religious minorities.

The Chinese authorities frequently restrict freedoms in the context of guarding public order or enforcing counter-terrorism legislation. This legislation is broadly worded, in effect giving the authorities carte blanche to arrest people. In November 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reiterated the call on China made by the Committee against Torture (CAT) to specify its definition of terrorism in order to avoid arbitrary enforcement of counter-terrorism legislation.<sup>87</sup> Up to now, China has not acted upon this call.

In its surveillance of Chinese citizens, the Chinese government makes extensive use of new technology. The most obvious examples of this are the surveillance state in Xinjiang and Tibet, and online censorship.

### 4.2 Judicial process

The previous country of origin information report already reported that the judicial process is not independent in relation to human rights. The CCP has a high degree of leverage in the legal system. It has the power to dismiss judges who do not toe the party line. In China, the legal system is a means for the CCP to exercise its power, and the law is subordinate to the politics of China's governing party.<sup>88</sup>

The situation portrayed above did not change during the reporting period of this country of origin information report. There is no separation of powers in China. The courts are an integral component of state structures and they do not operate independently from the legislative and executive powers. The CCP appoints all judges and manipulates the results of some court cases, especially when cases are politically sensitive. In other words, China's governing party uses the legal system as an instrument to rule. In this context, it is more a case of 'rule by law' rather than 'rule of law'.<sup>89</sup>

There are no indications that the judicial process will be reformed in the near future to make it an independent legal system. On the contrary, in February 2019, Xi Jinping made it clear that for China's stability, it is extremely important that the

<sup>87</sup> Universal Periodic Review (UPR) China 2018, *Compilation of UN Information*, 27 August 2018, no.

A/HRC/WG.6/31/CHN/2, p. 3. Committee against Torture (CAT), *Concluding observations on the fifth periodic report of China*, 3 February 2016, no. CAT/C/CHN/CO/5, para. 37.

<sup>88</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 46 and 47.

<sup>89</sup> USDOS, *China (includes Tibet, Hong Kong and Macau), 2019 human rights report*, undated, pp. 2 and 14. AI, *Het rechtssysteem in China*, published in January 2020. The Guardian, *China 'bars lawyer from going home' after prison release, Wang Quanzhang's wife fears Covid-19 may be used as pretext to keep him under house arrest*, 19 April 2020.

legal system remain under CCP control. In line with this statement, Xi contended that China should not strive for a separation of powers in which the judiciary operates independently of the legislative and executive powers.<sup>90</sup>

### 4.3 Arrests, custody and detentions

China has different forms of criminal and administrative detention. Criminal detention is based on criminal law and is part of criminal proceedings. When detention in criminal proceedings has not yet been imposed by a judge, such as pre-trial detention pending investigation, this is referred to as extrajudicial detention. Administrative detention is not imposed by a court. It is based on a decision in an individual case made by the police or a government agency, and is therefore always referred to as extrajudicial detention. In China, extrajudicial detention, whether criminal or administrative, can last for months or years.<sup>91</sup>

In line with China's general trend towards codification (rule by law), detention at secret locations and extrajudicial detention has been legalised in the Criminal Procedural Law and the National Supervision Law respectively.<sup>92</sup> For further elaboration, see 4.3.2 (RSDL) and 4.3.4 (*liuzhi*).

During the reporting period, political or religious convictions also led to different types of detention. The most common type of detention in such cases was 'residential surveillance at a designated location' (RSDL). Referring to its own Political Prisoner Database (PPD), the US Congressional Executive Commission on China (CECC) reports 1,587 persons detained on the grounds of their religious or political convictions in China as of 1 September 2019, compared to 1,392 political prisoners in the preceding year. According to the CECC however, the actual number of political prisoners is many times higher.<sup>93</sup> According to data from the San Francisco-based foundation Dui Hua, an organisation which advocates for the interests of prisoners in China, as of 31 December 2019, China had incarcerated 7,231 prisoners for their political or religious convictions. Of the 7,231 prisoners documented by Dui Hua, 3,433 prisoners are detained due to involvement in a *Xie Jiao*, or 'heterodox teachings'.<sup>94</sup> Dui Hua also states that the actual number of prisoners is likely higher.<sup>95</sup>

During the reporting period, conditions in detention remained dire, with detainees subjected to abuse and torture. There is a higher risk of this in pre-trial detention in relation to forced confessions. No information is available on the scale of these abuses. Medical treatment was denied when the need arose.<sup>96</sup> More specific information can be found in 4.3.2 and 4.3.4.

#### 4.3.1 Criminal detention

During the reporting period, the Chinese authorities used criminal detention as a means of dealing with political dissidents, human rights defenders, and ethnic and

<sup>90</sup> The Diplomat, *Xi: China must never adopt constitutionalism, separation of power or judicial independence*, 19 February 2019.

<sup>91</sup> Amnesty International Mensenrechtenencyclopedie: *Administratieve detentie*, consulted on 15 May 2020 (<https://www.amnesty.nl/encyclopedie/administratieve-detentie>).

<sup>92</sup> Amnesty International, Human Rights in Asia-Pacific, Review of 2019, China. Confidential source, 17 April 2020.

<sup>93</sup> Detainees in camps in Xinjiang have not been included in these figures. CECC, *Annual Report, 2018*, p. 2. CECC, *Annual Report, 2019*, p. 34. For the political prisoners database, see: <http://ppdcecc.gov>.

<sup>94</sup> For more information on the concept of *Xie Jiao*, refer to 6.1.

<sup>95</sup> Dui Hua, *Political Prisoner Database (PPDB)*, last updated on 31 December 2019.

<sup>96</sup> CECC, *Annual Report, 2019*, p. 86.

religious minorities. The PRC Criminal Law and the PRC Criminal Procedural Law (CPL) grant limited procedural guarantees to detained suspects. Some of these guarantees include terms for formal charges, notification of family members, and access to a lawyer. It should be noted that there are exceptions to these guarantees if the government believes state security is at stake. In order to obtain procedural guarantees, a suspect is thus dependent on the same government services that are conducting the investigation against him and ordering his detention. Critics believe this exception in the regulations seriously undermines the procedural guarantees. It also increases the risk of torture.<sup>97</sup>

#### 4.3.2 *RSDL*

Introduced by law in 2012, RSDL is a fairly new type of criminal detention which allows for detaining persons at a secret location. Pursuant to Article 73 of the CPL, this type of detention applies in case of charges such as terrorism, threats to national order and security, and large-scale corruption. RSDL locations are regarded as the successors to the 'black jails', which according to the government were abolished following widespread criticism. Human rights defenders (see 8.1) were frequently placed in RSDL detention instead of regular prisons.<sup>98</sup> Foreign nationals can also be placed in RSDL detention. A notable example of this involves Canadian citizens Michael Kovrig and Michael Spavor who were placed in RSDL detention around the same time as a high-ranking manager of Huawei was arrested in Canada. Both men are still in custody.<sup>99</sup>

NGOs and international organisations are deeply concerned about the vulnerability of detainees in detention, particularly in RSDL detention. Hence the UN's CAT and the OHCHR called on China in 2016 and 2018 to urgently repeal the provisions related to RSDL.<sup>100</sup> Detainees are at risk of being subjected to sleep deprivation, malnutrition, forced medication, being placed in painful positions for long periods of time, beatings, threats to family and friends, and, on occasion, forced confessions broadcast on television.<sup>101</sup> A confidential source reported on the round-the-clock presence of two police officers in a cell, constant illumination of the cell, no contact with the outside world or access to books or television, interrogations lasting for hours, being forced to sleep in the same fixed position and to sit motionless under threat of physical abuse.<sup>102</sup> For more information on human rights defenders in RSDL detention, see 8.1.

#### 4.3.3 *Administrative detention*

No judgement of a court is needed to place someone in administrative detention. Therefore, the Chinese police can place persons in detention, generally for a maximum of twenty days. A well-known example of administrative detention is the case of Hong Kong resident Simon Cheng, an employee of the British Consulate General in Hong Kong. He was arrested by the Chinese authorities and placed in administrative detention. Simon Cheng reported that he was subjected to physical and psychological torture (see 10.2).

<sup>97</sup> CECC, *Annual report, 2019*, p. 77. Michael Caster, *Systematising Human Rights Violations*, 25 October 2019.

<sup>98</sup> The collective term 'undermining state security' pertains to a number of crimes, such as subverting state power, separatism, and espionage, as specified in Articles 102 through 112 of the PRC Criminal Law. CECC, *Annual report, 2019*, p. 80. Confidential source, 17 April 2020.

<sup>99</sup> *The Diplomat*, *The cruel fate of Michael Kovrig and Michael Spavor in China*, 10 December 2019. AP, *Trudeau: China doesn't understand Canadian judicial system*, 21 May 2020. Confidential source, 20 May 2020.

<sup>100</sup> CAT/C/CHN/CO/5 para. 15 (3 February 2016) and A/HRC/40/6, para. 28,176 (26 December 2018). AI, *Human rights in Asia-Pacific, Review of 2019, China*. AP

<sup>101</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 47. USDOS, *China (includes Tibet, Hong Kong and Macau), 2019 human rights report*, undated, p. 18. CECC, *Annual report 2019*, p. 80. The Guardian, *China thinks it can arbitrarily detain anyone, It is time for change*, 4 January 2019.

<sup>102</sup> Confidential source, 5 June 2020.

Additionally, there are cases of long-term administrative detention, sometimes with a legal basis as described below, on the grounds of the National Supervision Law (NSL). Another clear example of administrative detention are the camps in Xinjiang (see 9.2). Until 28 December 2019, the police had the authority to order sex workers or their clients to be detained and subjected to forced treatment for terms ranging from six months to a maximum of two years. This option has been abolished, see 3.3.6.<sup>103</sup>

The Chinese authorities also applied administrative detention in psychiatric facilities, in so-called 'black jails', and in what are referred to as 're-education through labour' facilities (RTL). While the latter two forms have been officially abolished according to the Chinese government, there are still instances where they occur in practice. According to CECC, the RTL facilities have been partly converted into closed addiction treatment clinics for drug users.<sup>104</sup>

#### 4.3.4

##### *Liuzhi*

A new kind of administrative detention was introduced in the NSL. Effective 20 March 2018, this law instituted the National Supervision Commission (NSC). This replaced the existing system for the surveillance of government officials (*shuanggui*). Following a constitutional amendment, the NSC is subject to the direct authority of the National People's Congress (NPC), just like the other three main state agencies - the State Council, the Supreme People's Court (SPC), and the highest-ranking public prosecutor. The NSC thus is expressly not part of the judiciary, but when the case arises, it does work together with the judiciary. NSCs have also been established<sup>105</sup> at the local level.<sup>106</sup>

The NSC conducts investigations into possible misconduct of public officials and focuses particularly on corruption. The NSL's scope of application with regard to personnel is more extensive than its predecessor, the *shuanggui* system. The NSC monitors not only CCP party officials, it also monitors employees of state-run companies, judges, personnel of public hospitals, university lecturers, and teachers. It is estimated that these groups comprise approximately one hundred million people in total. Private persons who are suspected of any involvement in the misconduct of the abovementioned persons can also be investigated by the NSC.<sup>107</sup>

The most significant instrument of the NSC is *liuzhi*, a custodial measure of three months, with the possibility of extension to a maximum of six months.<sup>108</sup> *Liuzhi* allows people to be placed in a 'designated location'<sup>109</sup> without any procedural guarantees such as access to a lawyer. NGOs have expressed deep concerns about this measure because this new system bypasses all judicial proceedings, operates in secret and is therefore not subject to monitoring by any external agency. Amnesty

<sup>103</sup> CECC, *2019 Annual report*, p. 77.

<sup>104</sup> CECC, *2019 Annual report*, pp. 77 and 161. Black jails have been abolished according to the Chinese government, but they still exist in practice. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 18 February 2018, p. 50.

<sup>105</sup> Local commissions can be found at all local levels ranging from provinces to municipal districts, and they are accountable to the People's Congress at the corresponding local level. See Articles 7 and 9 of the National Supervision Law, which can be consulted through the NPC Observer website.

<sup>106</sup> The Law Library of US Congress, *China, Supervision Law enacted establishing a new state supervisory organ*, 9 July 2018. MERICS, *China's National Supervision Commission*, consulted on 8 July 2019.

<sup>107</sup> CECC, *Annual Report 2018*, p. 9. AI, *China, New Supervision Law a systemic threat to human rights*, 20 March 2018. Confidential source, 17 April 2020.

<sup>108</sup> The NSC can place individuals in *liuzhi* if a case is complex, if there a threat they will evade the charges by fleeing or committing suicide, disrupt the collection of evidence, or impede the investigation by some other means. See Article 22 of the National Supervision Law, which can be consulted on the NPC Observer website.

<sup>109</sup> The NSL stipulates that a 'designated location' for incarceration must be governed by the relevant provisions of the state (Article 22, sub. 4).

International (AI) calls the NSL a 'systemic threat to human rights in China'.<sup>110</sup> The NGO Safeguard Defenders estimates that<sup>111</sup> between 10,000 and 20,000 people are placed in *liuzhi* annually, with the numbers continuing to rise.<sup>112</sup>

The first media reports of a death occurring during detention in *liuzhi* emerged in April 2018. Chen Yong was a driver for the deputy district chief of the Jianyang district. He was interrogated for a month as a witness in an investigation into possible corruption involving his employer, and he died during interrogation. No cause of death was specified. Family members found bruising on his body and his face was disfigured.<sup>113</sup>

China is also attempting to use the NSL to prosecute and sentence Chinese public officials residing abroad. Meng Hongwei, the chief of Interpol at the time, disappeared at the end of September during a visit to China. It emerged later that he had been placed in *liuzhi*. He was sentenced to thirteen years in prison on charges of corruption in January 2020.<sup>114</sup> China submitted an extradition request to Sweden based on allegations of corruption involving a former provincial administrator who lived in Sweden at the time.<sup>115</sup>

#### 4.4 Enforced disappearances

There were incidents of enforced disappearances in China during the reporting period covered in this country of origin information report. Many enforced disappearances were linked with two detention methods employed by the Chinese authorities, namely *liuzhi* and RSDL. In both cases, detainees are held for six months at a secret location where they cannot speak to a lawyer or contact their family. Under these conditions, there is a high risk of detainees being subjected to torture. *Liuzhi* is the system applied to CCP members and government officials, while RSDL is primarily employed for human rights defenders (HRDs).<sup>116</sup>

An enforced disappearance that generated a great deal of media attention was the case of Ren Zhiqiang, a CCP member and businessman. Ren is known for his critical attitude towards China's governing party and had expressed criticism of Xi Jinping's coronavirus policy. Ren disappeared in March 2020 and in the following month, the

<sup>110</sup> CECC, *Annual Report 2018*, p. 9. AI, *China, New Supervision Law a systemic threat to human rights*, 20 March 2018.

<sup>111</sup> The NGO Safeguard Defenders focuses on campaigning for human rights in Asia. For more information, visit the website: [www.safeguarddefenders.com](http://www.safeguarddefenders.com).

<sup>112</sup> Safeguard Defenders, *Submission to select UN Special Procedures on China's National Supervision Commission and its detention tool liuzhi*, 21 August 2019.

<sup>113</sup> RSDL Monitor, *First Death reported in liuzhi*, 8 May 2018. Caixin, *Death in custody raises questions about new anti-graft oversight*, 9 May 2018. USDOS, *China (includes Tibet, Hong Kong and Macau), 2018 human rights report*, undated, p. 47.

<sup>114</sup> Media have linked the disappearance of the former Interpol chief with Interpol's removal of a Chinese international arrest warrant for the leader of the World Uyghur Congress in February 2018. A few days after his disappearance, Interpol confirmed that he had decided to step down from his position. BBC, *Meng Hongwei, China sentences ex-Interpol chief to 13 years in jail*, 21 January 2020. Reuters, *China upset as Interpol removes wanted alert for exiled Uighur leader*, 24 February 2018. The Guardian, *Former Interpol chief 'held in China under new form of custody'*, 9 October 2018. NOS, *Vrouw van in China gearresteerde ex-Interpoltopman klaagt Interpol aan*, 7 July 2019.

<sup>115</sup> Reuters, *Sweden rejects China's request to extradite former official*, 9 July 2019. Qiao Jianjun, also known by the name Feng Li, was the provincial administrator of a grain storage facility. He is accused of large-scale bribery and embezzlement in China. AP, *Swedish court will not extradite fugitive sought by China*, 9 July 2019. Sweden's Supreme Court blocked the extradition because there was a risk that the case was politically motivated.

<sup>116</sup> BBC, *China disappearances show Beijing sets its own rules*, 17 October 2018. HKFP, *International Day of the Disappeared, China must put a halt to secret detention and all forms of enforced disappearances*, 30 August 2019. HKFP, *A missing Chinese property tycoon exposes how Xi Jinping governs through enforced disappearance*, 13 April 2020. Confidential source, 17 April 2020.

Chinese authorities announced there was an ongoing investigation of Ren in connection with corruption and bribery.<sup>117</sup> At the time of writing it was not known where Ren was being held.<sup>118</sup>

#### 4.5 Extrajudicial executions and killings

During the reporting period covered in this country of origin information report, it was not possible to obtain any coherent information with regard to extrajudicial executions and killings. The information below on this topic of investigation is anecdotal and fragmented in nature.

Foreign Policy (FP), an American magazine that reports on global news and political developments,<sup>119</sup> reported in September 2018 that Chinese security forces were committing extrajudicial executions with impunity in Xinjiang. FP did not quantify these extrajudicial acts of violence, but indicated that it was not occurring systematically.<sup>120</sup>

Freedom House, a human rights organisation that is partially funded by the American government,<sup>121</sup> reports that Falun Gong practitioners are still being subjected to extrajudicial executions.<sup>122</sup> The Church of Almighty God (CAG) issues a report annually that describes the treatment of CAG members at the hands of the Chinese authorities. In 2018 and 2019, CAG says that respectively, twenty and nineteen CAG worshippers reportedly died as a result of extrajudicial killings.<sup>123</sup> The death tolls stated by the CAG could not be corroborated by objective, verifiable sources.

#### 4.6 The death penalty

The death penalty is still imposed and carried out in China. This sentence is also handed down for non-violent crimes such as drug trafficking and corruption.<sup>124</sup> In practice, China uses two methods to carry out executions, namely a lethal injection and a firing squad.<sup>125</sup> Death Penalty Worldwide (DPW), an online database that compiles death penalty information from all over the world,<sup>126</sup> reports that since 2010, China solely uses lethal injection to execute persons sentenced to death.<sup>127</sup> A confidential source asserts that while lethal injection gradually replaced death by firing squad, provinces can decide which execution method will be used. The same

<sup>117</sup> ND, *Chinese criticus noemde president Xi Jinping 'clown', Nu is hij vermist en hij is de enige niet*, 17 March 2020. The Guardian, *Critic who called Xi a 'clown' over Covid-19 crisis investigated for 'serious violations'*, 8 April 2020. HKFP, *A missing Chinese property tycoon exposes how Xi Jinping governs through enforced disappearance*, 13 April 2020.

<sup>118</sup> Confidential source, 17 April 2020.

<sup>119</sup> For more information about FP, visit: <https://foreignpolicy.com>.

<sup>120</sup> FP, *China has chosen cultural genocide in Xinjiang – for now*, 19 September 2018.

<sup>121</sup> For more information about Freedom House, visit: <https://freedomhouse.org>.

<sup>122</sup> Freedom House, *Falun Gong's secrets for surviving in China*, 19 July 2019.

<sup>123</sup> The Church of Almighty God (CAG), *The Chinese communist government's persecution of the Church of Almighty God, Annual report, 2018*, undated, pp. 14 and 15. CAG, *The Chinese communist government's persecution of the Church of Almighty God, Annual report, 2019*, undated, pp. 14 and 15.

<sup>124</sup> AI, *De doodstraf is springlevend in China*, 29 January 2019. Death Penalty Worldwide (DPW), *Death Penalty Database, China*, undated, consulted on 9 April 2020.

<sup>125</sup> DPW, *Death Penalty Database, China*, undated, consulted on 9 April 2020. Confidential source, 9 April 2020.

Confidential source, 11 April 2020. AI, *Death sentences and executions, 2019*, published in 2020, p. 10.

<sup>126</sup> For more information about DPW, visit the following website: [www.deathpenaltyworldwide.org](http://www.deathpenaltyworldwide.org).

<sup>127</sup> DPW, *Death Penalty Database, China*, undated, consulted on 9 April 2020.

source also asserts that firing squads are still used in Xinjiang.<sup>128</sup> Since 2007, every death sentence has to be ratified by the Supreme People's Court (SPC).<sup>129</sup>

The number of executions carried out in China is a state secret. The international human rights organisation Amnesty International (AI) believes that China executed thousands of prisoners in 2018 and 2019. According to AI, this makes China the country that carries out the most death sentences in the world.<sup>130</sup> Dui Hua, a San Francisco-based foundation that monitors the human rights situation in the Chinese prison system, estimates that two thousand executions took place in 2018.<sup>131</sup> A confidential source estimates that two thousand executions were carried out in 2019.<sup>132</sup>

During the reporting period of this country of origin information report, the following death penalty case generated a great deal of media coverage. On 14 January 2019, a Chinese court sentenced Canadian citizen Robert Lloyd Schellenberg to death for drug trafficking. According to the Chinese court, there was 'ample and compelling' evidence, but the Canadian authorities dismissed the verdict as 'arbitrary'. The death sentence escalated the already heightened tensions between China and Canada.<sup>133</sup> Based on the information available at the time of writing, Schellenberg's death sentence will be heard in an appeal hearing.<sup>134</sup>

<sup>128</sup> Confidential source, 9 April 2020.

<sup>129</sup> *Dui Hua, Death penalty reform*, undated, consulted on 9 April 2020. Confidential source, 11 April 2020.

<sup>130</sup> AI, *Death sentences and executions, 2018*, published in 2019, pp. 6, 7, 9, 20, 21, 46 and 47. AI, *Death sentences and executions, 2019*, published in 2020, pp. 6, 8, 22 and 24.

<sup>131</sup> *Dui Hua, Death penalty reform*, undated, consulted on 9 April 2020.

<sup>132</sup> Confidential source, 9 April 2020.

<sup>133</sup> *The New York Times, China sentences a Canadian, Robert Lloyd Schellenberg, to death*, 14 January 2019. De Volkskrant, 'Willekeurige' terdoodveroordeling Canadees zet relatie China en Canada nog verder onder druk, 14 January 2019.

<sup>134</sup> Taipei Times, *Chinese court delays Canadian's death penalty ruling*, 10 May 2019. Confidential source, 9 April 2020.

## 5 Freedom of expression

### 5.1 Introduction

While the Chinese constitution guarantees freedom of expression, this right is heavily restricted in practice. The wide scope of application of the legal provisions for safeguarding national public order and security considerably impedes journalists in their work, and puts them at substantial risk of criminal prosecution. China was ranked at 177 in this year's Reporters Without Borders ranking (Reporters sans frontières, RSF).<sup>135</sup> China ranks fourth globally in restricting freedom of expression. Both private and state traditional media such as television and newspapers remained subject to strict censorship during the reporting period. Control of online communications was expanded by using technology such as internet filters and the use of measures such as shutting down websites or individual accounts.<sup>136</sup> The freedom for journalists to carry out their work and express themselves is diminishing, as demonstrated by the severe penalties handed down for critical publications in individual cases.<sup>137</sup>

### 5.2 Professional journalists

Journalists are increasingly encountering more and more obstacles in their work and find themselves risking obstruction, dismissal, having their telephones disconnected, threats, and detention. Government officials employ tactics like criminal prosecution, civil litigation and other measures, including violence, detention and other forms of intimidation to silence journalists and prevent them from disseminating unsanctioned information on a wide range of topics. It is difficult to estimate the number of incidents, but the Committee to Protect Journalists (CPJ) reports that, as far as is known, 54 journalists were placed in detention for their activities in 2018 and 48 journalists were placed in detention in 2019. These figures show that China imprisons more journalists than any other country in the world.<sup>138</sup> Threats to family members as well as interviewees also impede the work of journalists. The CPJ describes the Chinese censorship system as the most advanced and comprehensive system in the world. In its 2019 annual report, the CECC calls the current conditions for journalists 'an era of total censorship'.<sup>139</sup>

Independent reporting from Xinjiang was extremely difficult (see Chapter 9).

On 26 June 2018, a Sichuan provincial court sentenced political cartoonist Jiang Yefei to six and a half years imprisonment after charging him with 'inciting subversion of state power' and 'illegally crossing a national border'. Jiang had fled to Thailand in 2008 after his cartoons criticised the government's response to the

<sup>135</sup> RSF is an international NGO that investigates and advocates freedom of the press. For more information about RSF and its ranking, visit the website: [rsf.org/en/ranking](https://rsf.org/en/ranking).

<sup>136</sup> China was ranked 176 in 2018. In 2019, only Eritrea, Turkmenistan and North Korea were ranked lower. Reporters without borders, *China*, consulted on 17 February 2020. CECC, *Annual report, 2019*, 18 November 2019, p. 41.

<sup>137</sup> Confidential source, 7 May 2020.

<sup>138</sup> Website of the Committee to Protect Journalists (CPJ), consulted on 24 June 2020. Time Magazine, *At least 250 journalists have been imprisoned in 2019 and China is the Top Jailer*, CPJ says, 12 December 2019.

<sup>139</sup> USDOS, *China (includes Tibet, Hong Kong and Macau), 2018 human rights report*, undated, p. 22. Website of the Committee to Protect Journalists (CPJ), consulted on 2 March 2020. CECC, *Annual report, 2019*, 18 November 2019, p. 37.

Sichuan earthquakes of 2008. He was forcibly repatriated to China in 2015<sup>140</sup> and subsequently held incommunicado until the court ruling in June 2018. The court's ruling came after the cartoonist was tried and sentenced in a secret trial.<sup>141</sup> Chinese police in Shandong interrupted the retired professor Sun Wenguang during a live interview with the American broadcaster Voice of America (VOA) and subsequently placed him under house arrest. The police later also shortly detained VOA journalists who tried to once again interview Sun.<sup>142</sup>

### 5.3 Citizen journalists

Both journalists and citizen journalists posted content on social media regarding major events of national significance, such as the coronavirus outbreak and the riots in Hong Kong, but also the situation in Xinjiang. This development has been accompanied by increased censorship of freedom of expression, particularly on social media. Citizen journalism or messages shared on social media resulted in content being removed, accounts blocked, and the criminal prosecution or enforced disappearance of reporters (see also 5.12 for information about influencers, bloggers and vloggers).<sup>143</sup> The NGO Chinese Human Rights Defenders (CHRD) reports 254 cases of Chinese citizens who were punished in January 2020 because they had commented online on the approach used to deal with the novel coronavirus.<sup>144</sup>

Chen Jieren, a former professional journalist, was sentenced to fifteen years in prison on 30 April 2020 for criticising the Chinese Communist Party (CCP). His brother was also sentenced to four years in prison as an accomplice. After Chen had been fired by various newspapers for an 'overly critical attitude', he continued publishing through his own channels. After exposing a corruption scandal in the CCP, he was apprehended in June 2018 and subsequently disappeared after being placed under house arrest at a secret RSDL location. He was only formally arrested in November 2018; he was ultimately sentenced one and a half years later on the frequently used charge of 'picking quarrels and provoking trouble'.<sup>145</sup>

Following the outbreak of the novel coronavirus in December 2019, the World Health Organization (WHO) praised China in early 2020 for its transparency with regard to the spread of the virus. On the other hand, Western media, Chinese internet users and citizen journalists accused local authorities of deliberately using harsh censorship in the initial weeks when the virus appeared. Local authorities reportedly did not adequately inform the public in the early phase of the coronavirus outbreak and actively prevented information from being disseminated. For example, the Chinese doctor Li Wenliang, who in December 2019 had already informed his colleagues of a new virus appearing in his patients, was forced by the local authorities to sign a confession admitting to spreading false information. In the hours following this doctor's death from the virus, the government ordered hashtags calling for freedom of expression to be removed from social media, after these had been viewed and shared by millions of Chinese citizens. Chen Qiushi, a Chinese citizen journalist, and Fang Bin, a textile trader, went missing after they had shared

<sup>140</sup> Refer to 12.1 for more information on the deportation of Chinese dissidents by the Thai authorities.

<sup>141</sup> USDOS, *China (includes Tibet, Hong Kong and Macau), 2018 human rights report*, undated, p. 24.

<sup>142</sup> HRW, *World report 2019, China, Events of 2018*, undated.

<sup>143</sup> HRW *World report 2019, China, Events of 2018*, undated, p. 6. Nederlandse Omroep Stichting (NOS), *Chinese burgerjournalist vermist na kritiek op overheid over coronavirus*, 1 February 2020. The New York Times, *They documented the corona crisis in Wuhan, Then they vanished*, 14 February 2020.

<sup>144</sup> Chinese Human Rights Defenders (CHRD), *China, Protect human rights while combatting coronavirus outbreak*, 31 January 2020.

<sup>145</sup> Confidential source, 7 May 2020.

videos about the novel coronavirus online. The authorities have stated that Chen Qiushi has been placed in quarantine, even though his family members report he was not exhibiting any symptoms of the illness. In the last video he posted before his disappearance, Fang Bin reported he was surrounded by plainclothes officers.<sup>146</sup>

#### 5.4 Foreign journalists

In January 2019, foreign journalists in China asserted that they were being confronted with the most difficult working conditions they have faced in years. In extreme cases, foreign journalists can be deported, and while in China, their work is impeded by obstruction, limited term of validity of visa, or threats being made against their Chinese colleagues. An example illustrating these conditions was when three correspondents of The Wall Street Journal were deported. The official reason was an article considered to be racist that had been published in this paper, even though the correspondents had not contributed to the article. In 2019, two of the journalists had reported on corruption involving a cousin of Xi Jinping in Australia.<sup>147</sup>

#### 5.5 Science and education

During the reporting period, there were also instances of curtailing freedom of expression in academia and education. University lecturers and scholars were suspended or jailed for opinions expressed as part of their job. For example, a professor of law at Tsinghua University in Beijing, Xu Zhangrun, was suspended from his position for critical publications in 2018. He was placed under house arrest and his access to internet was cut off. Xu Zhijong, a former professor of law and activist, was arrested in February 2020 for publicly criticising Xi Jinping and his response to the coronavirus outbreak.<sup>148</sup> Some Chinese universities, such as Fudan University, scrapped freedom of expression from their charters and replaced it with references to CCP ideology. The Australian Strategic Policy Institute (ASPI) reports that increasingly close ties with the defence sector are being formed at many Chinese universities and these universities are also conducting classified research.<sup>149</sup>

In October 2019, the Ministry of Education ordered all primary and secondary schools to dispose of any illegal or undesirable materials in their libraries. A public library also proceeded to reduce its book collection by burning books. On the orders of the central authority, new teaching materials have been introduced in Chinese primary schools as of 1 September 2019. The purpose of the new materials is to teach children patriotic values from a young age.<sup>150</sup>

<sup>146</sup> The Guardian, *What China's empty new coronavirus hospitals say about its secretive system*, 12 February 2020. NOS, *Chinese burgerjournalist vermist na kritiek op overheid over coronavirus*, 1 February 2020. The Economist, *Li Wenliang's death exposes the costs of China's authoritarianism*, 13 February 2020. Business Insider, *Chinese citizens are demanding increased free speech after the death of a coronavirus whistleblower doctor, China censored their calls*, 7 February 2020. CECC, *2019 Annual report*, 18 November 2019, p. 37. CPJ website, consulted on 2 March 2020. HRW, *World Report 2019, China, Events of 2018*, undated, p. 6.

<sup>147</sup> The Independent, *Chinese authorities 'cut off foreign reporter's phone call with young son', Amid growing crackdown on journalists*, 29 January 2019. De Groene Amsterdammer, *De schuld van Xi*, 26 February 2020. HRW, *World report 2019, China, Events of 2018*, p. 6.

<sup>148</sup> The Guardian, *Chinese activist detained after calling Xi Jinping 'clueless' on coronavirus crisis, Detention of prominent scholar Xu Zhiyong comes amid wider crackdown on freedom of speech*, 17 February 2020. AI, *Detention of activist shows unrelenting assault on freedom of expression*, 18 February 2020.

<sup>149</sup> ASPI, *Exploring the military and security links of China's universities*, 25 November 2019.

<sup>150</sup> The New York Times, *A Chinese law professor criticized Xi, Now he's been suspended*, 26 March 2019. The Independent, *China University removes reference to 'free thinking' in charter*, 19 December 2019. The Guardian, *China cuts 'freedom of thought' from top university charters*, 18 December 2019. NPR, *Chinese universities are enshrining Communist Party control in their charters*, 20 January 2020. The Guardian, *Book burning by Chinese*

## 5.6 The internet

The Cyberspace Administration of China (CAC) is the central state agency for controlling the internet and internet content, and is responsible for the overall coordination of cybersecurity. There is more to the Chinese approach to cybersecurity than just the technical aspects: the main emphasis of Chinese policy on cybersecurity is the risks associated with online information in a political, economic and societal context. The CAC was initially founded as a 'leading group' in 2014 and was later promoted to 'commission' status in 2018. Along with an increase in funding, this promotion gave the CAC a higher degree of autonomy and more scope for action. The CAC is directly accountable to the Central Cyberspace Affairs Commission. This commission has been headed by Xi Jinping since the former chairman, Lu Wei, was removed amid allegations of corruption in 2017. Lu Wei's censorship measures were also said not to have been strict enough. He was sentenced to fourteen years in prison in March 2019.<sup>151</sup> In addition to the CAC, there are four other agencies charged with the task of internet surveillance: the Ministry of Public Security (MPS) operates the Great Firewall (see below); the Ministry of Industry and Information Technology (MIIT) regulates the ICT sector; the National Information Security Standardization Technical Committee (Technical Committee 260 or TC260) drafts legislation within the framework of the Cybersecurity Law; and the traditional intelligence services tasked with monitoring state security are often involved in internet-related surveillance, since control of the internet, according to the government, often arises from the need to protect state security.<sup>152</sup>

Internet users in China occasionally encounter restricted access to the Chinese internet and ongoing restricted access to the worldwide internet, as well as substantive censorship and self-censorship. The authorities also make it mandatory for Chinese social media platforms, websites and apps to direct users to content that adheres to key values.<sup>153</sup>

## 5.7 Great Firewall

The Chinese government maintains a domestic internet system. China's access portals to the global internet are under state control, enabling the authorities to prevent cross-border information searches and to block websites. All service providers, most of which are in private hands, have to register with the gateway operators. These gateway operators are monitored by the MIIT. This set-up is the foundation for a comprehensive internet censorship system, informally known as the Great Firewall. Most international social media and messaging platforms are completely blocked in China, including Facebook, WhatsApp, Twitter, Instagram, YouTube, Telegram and Pinterest, the websites of Amnesty International and Human Rights Watch (HRW), all Wikipedia versions in other languages and a large number of other international news websites. In early 2019, Microsoft's Bing, the only major

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*county library sparks fury*, 9 December 2019. De Groene Amsterdammer, *De schuld van Xi*, 26 February 2020. Bitter Winter, *Obedient 'Red Successors' cultivated from young age*, 10 October 2019. HRW, *World report 2019, China, Events of 2018*, p. 7. Confidential source, 19 May 2020.

<sup>151</sup> Reuters, *China jails former internet regulator for 14 years over graft*, 26 March 2019.

<sup>152</sup> New America, *China's Cybersecurity Law one year on*, 30 November 2017.

<sup>153</sup> The Star, *China's internet regulator order AI to promote mainstream values*, 12 September 2019.

foreign search engine, was not accessible from China for a few days for reasons which are unclear. An anonymous Chinese source of the newspaper *The Financial Times* stated that this disruption was the result of a request made by China Unicom, a state company; Microsoft's explanation was that the disruption occurred due to technical reasons.<sup>154</sup>

## 5.8 Regulations pertaining to the internet

Due to rapid technical developments and expanding access to the internet, the Chinese government endeavours to control the internet using a complex matrix of interlocking regulations on data protection, critical infrastructure, encryption, and internet content, as well as the reinforcement of the Chinese ICT industry. The Cybersecurity Law<sup>155</sup> was by far the main focal point, but it serves as a foundation for a much more comprehensive vision of security, expressed in a multitude of strategies, rules, laws and standards.<sup>156</sup> A new package of measures to regulate the internet came into force on 1 November 2018. One of these measures is a regulation that grants government officials access to business premises to secure information or detect security vulnerabilities in the network. The new regulations also oblige businesses to monitor and sometimes block undesirable articles.<sup>157</sup>

Another set of regulations, the Provisions on the Governance of the Online Information Content Ecosystem, came into force on 1 March 2020. These regulations build on the State Security Law and the Cybersecurity Law, and are intended to promote the sharing of exclusively positive content. They discourage the sharing of negative content and provide for sanctions when prohibited content is shared. An example of positive content is sharing party doctrine or socialism, while the promotion of excessive materialism or sexual innuendos are negative content. Prohibited content refers to actions such as spreading rumours, disturbing the social or economic order, subverting state power, and undermining national unity. The law places responsibility with internet users, producers and internet platforms.<sup>158</sup>

The Cryptography Law, also known as the Encryption Law, came into force on 1 January 2020. The State Cryptography Administration (SCA) is an agency of the CCP and is charged with the implementation of the Cryptography Law and issuing encryption technology licences. It is unclear what kind of impact the law will have on the privacy of users of encrypted communications since the law contains no provisions concerning decryption – the release of decryption keys. A provision from an earlier draft of the law making it mandatory for businesses to transfer the key to their encryption code to the police, security services and public prosecutors in the

<sup>154</sup> Freedom House, *Country report freedom on the net, China, 2019*, undated, para. A3. Cable News Network (CNN), *China's censors face a major test in 2019, But they've spent three decades getting ready*, 7 January 2019. Frankfurter Allgemeine Zeitung (FAZ), *Hatte Bings Ausfall wirklich nur „technische“ Gründe?*, 28 January 2019. The Financial Times, *China blocks Bing access in curb on last foreign search engine*, 24 January 2019.

<sup>155</sup> The Cybersecurity Law has a broad scope of application and focuses on the protection of personal and national security-related data, a hierarchical categorisation of information networks with accompanying security requirements, the protection of critical data infrastructure and increased control of online processes.

<sup>156</sup> The infographic in this 2017 article gives a good picture of the multiplicity of Chinese regulations for regulating the internet at that time: Center for Strategic and International Studies (CSIS), *China's Emerging Cyber Governance System*.

<sup>157</sup> The US Law Library of US Congress, *New regulation on policy cybersecurity supervision and inspection powers issued*, 13 November 2018. An unofficial translation is available at: China Law Translate.

<sup>158</sup> See China Law Translate: *Governing the E-cosystem*, 18 September 2019 and *Governing the E-cosystem 2*, 1 March 2020. The Guardian, *China cracks down on 'sexual innuendo' and 'celebrity gossip' in new censorship rules*, 2 March 2020. Business insider, *China enacted a sweeping new law that bars people from posting negative content online, and it could be used to suppress coronavirus news*, 2 March 2020. Confidential source, 12 March 2020.

interest of national security was deleted from the definitive version. However, the law does stipulate that any failure to register the use of encryption methods which entails risks to national security will result in a fine of up to 100,000 yuan<sup>159</sup> for a company, depending on the company's profits.<sup>160</sup>

## 5.9 VPN

For the majority of Chinese internet users, it is almost impossible to gain access to uncensored internet content. However, a minority of these users, estimated to number about twenty million, succeeds in accessing blocked websites and uncensored content through a variety of means such as virtual private networks (VPNs), even though the use of VPNs that have not been officially approved is prohibited. Service providers are not permitted to install VPNs without government approval. Measures such as closing down or blocking websites were increasingly employed when these regulations were circumvented and hundreds of VPN services have been banned since 2017.<sup>161</sup>

## 5.10 Total internet shutdown

In addition to the abovementioned targeted shutdowns to block access to foreign websites, the government is also capable of shutting down the entire internet. This has been done mainly for specific events to maintain control of public perceptions. The most extreme example of this in the past was the government's ten-month total internet shutdown in Xinjiang in 2009. During this reporting period too, entire regions experienced internet shutdowns in May 2019, possibly as a test to prevent the commemoration of the crackdown on protesters at Tiananmen Square on the thirtieth anniversary of the protests. Individuals, such as activists, also sometimes have their access to the internet cut off.<sup>162</sup>

<sup>159</sup> According to the currency converter CoinMill.com, on 25 June 2020, 100,000 yuan was equal in value to 12,569.89 euro.

<sup>160</sup> Chief Privacy Officer (CPO) Magazine, *China's new Encryption Law highlights cryptography as a strategic priority*, 11 November 2019. China Law Blog, *China's new Cryptography Law, Still no place to hide*, 7 November 2019. NPC Observer, *NPCSC passes Cryptography Law, grants State Supervision Commission rulemaking power & approves new free trade zone pilots*, 27 October 2019. SCMP, *China hopes cryptography law will provide security and profitability*, 27 October 2019. The Diplomat, *Decoding China's Cryptography Law*, 30 October 2019. Confidential source, 26 June 2020.

<sup>161</sup> Freedom House, *Country report freedom on the net, China, 2019*, undated, para. B1. The Guardian, *The great firewall of China, Xi Jinping's internet shutdown*, 29 June 2018.

<sup>162</sup> Freedom House, *Country report freedom on the net, China, 2019*, undated, para. A3. The Epoch Times, *China tested internet shutdown ahead of 30<sup>th</sup> anniversary of Tiananmen Massacre*, 4 June 2019.

### 5.11 Internet companies in China: data protection and censorship

Internet companies in China are required by law to store user data, and share this data with the authorities when requested to do so, for example if this information could serve as evidence in a criminal trial.<sup>163</sup> The Cybersecurity Law additionally obliges<sup>164</sup> internet companies to censor user content if it involves banned information or information that threatens state security, incites terrorism, extremism, racism or discrimination, the overturning of the socialist system, economic disruptions, disinformation, separatism or criminal acts. In light of the broad definitions in the legislation, companies often have to determine for themselves what information falls within the scope of the law. Internet companies therefore have large surveillance units that censor undesirable content. A source refers to this type of surveillance as the privatisation of censorship, facilitated by the fact that high-ranking managers of internet companies frequently also hold political office.<sup>165</sup> For example Inke, China's largest live-streaming app with 25 million users every month, decided to cut off an entire region's access to the app after live-stream images appeared of protests against the construction of a waste incineration plant.<sup>166</sup>

China's largest internet companies, Baidu and Tencent, are ranked second and third from the bottom by the NGO Ranking Digital Rights (RDR) among the world's internet companies for freedom of expression and the privacy of online users. Baidu and Tencent release little to no information about their internal policies with respect to requests from third parties for restricting access to content or accounts, or with respect to requests for sharing user data.<sup>167</sup>

If a company does not adequately censor content, in extreme cases the website could be barred from the Chinese internet, something that has already happened to foreign companies such as Facebook and Twitter. In June 2019, the CAC temporarily cut off access to the financial news website *wallstreetcn.com* and ordered Q Daily, a news website known for its content on social issues, to cease publishing new articles for a period of three months.<sup>168</sup> The authorities also ordered the social media platform Weibo to suspend a number of its popular apps in 2018.<sup>169</sup>

The online gaming industry is also subjected to censorship. All posts related to the online game *Devotion* on the social media platform Weibo were removed by the authorities in March 2019. The game's distribution partners withdrew after public outrage was sparked by a wall poster in the game which compared Xi Jinping to Winnie the Pooh. Chinese gamers expressed their irritation regarding the Taiwanese game developer's hidden political message, saying they believed they had purchased a politically neutral game.<sup>170</sup>

<sup>163</sup> CNN, *China's censors face a major test in 2019, But they've spent three decades getting ready*, 7 January 2019.

<sup>164</sup> Cybersecurity Law of the People's Republic of China (2016), unofficial translation on China Law Translate, see Articles 12 and 46; and HRW, *China, Abusive Cybersecurity Law Set to be Passed*, 6 November 2016.

<sup>165</sup> For example, Robin Li (CEO of the search engine Baidu) is a member of the People's Political Consultative Conference advisory body, and Lei Jun (CEO of the telecom company Xiaomi) is a representative in the People's National Congress. The Guardian, *The great firewall of China, Xi Jinping's internet shutdown*, 29 June 2018.

<sup>166</sup> The Star, *China's internet regulator orders online AI algorithms to promote 'mainstream values'*, 12 September 2019.

<sup>167</sup> Ranking Digital Rights, *2019 ranking digital rights, Corporate accountability index*.

<sup>168</sup> HRW, *World report China 2019, China, Events of 2018*, undated, p. 6.

<sup>169</sup> HRW, *World report 2019, China, Events of 2018*, undated, p. 6.

<sup>170</sup> De Standaard, *Het is allemaal de fout van Winnie de Poeh*, 28 March 2019. The Verge, *Taiwanese horror game, Devotion vanishes from steam after angry Chinese gamers find Winnie the Pooh meme*, 25 February 2019.

## 5.12 Influencers, bloggers and vloggers on social media

The Chinese internet also has its influencers, bloggers and vloggers who cater to a public numbering in the millions. This makes them important for opinion-forming on political and other issues. The primary social media platforms, Tencent's WeChat (a messaging app with many other uses such as online payment), and Sina Weibo (comparable to Twitter) are subjected to strict censorship by the government.

In many cases, filters make it impossible to post banned words or images online. These filters automatically erase messages with undesirable content, so that these posts never appear publicly on the internet or in communications between users.<sup>171</sup> However, these censored messages are, temporarily at least, visible to the authorities, and this can lead to prosecution of the individual who created the censored content.<sup>172</sup>

Messages with undesirable content that do manage to circumvent the filters and appear on social media can also be used as evidence in criminal proceedings, and providers can be obliged to share user names if requested by the authorities. The government can initiate proceedings against individual users based on this evidence, and shut down the accounts. For example, the social media accounts belonging to Ma Ling were deleted on suspicion of spreading false information in 2019. Ma Ling was a clickbait blogger with more than sixteen million followers.<sup>173</sup> In July 2019, the police in Hunan arrested blogger Chen Jieren after he had written articles on the corrupt practices of provincial party officials; state media described Chen as an 'internet pest' who had 'polluted the online space'.<sup>174</sup>

It is mandatory for companies to store user data on servers located in China and users must use their real names when registering. Since November 2018, the police have been permitted to gain access to business premises to copy information deemed relevant to state security. Among the businesses potentially affected by this practice are social media data centres and cybercafés.<sup>175</sup>

## 5.13 Cybercafés

All cybercafés and other public internet access points are required to have a licence issued by the Ministry of Culture, the PSB, and the State Administration for Industry and Commerce. Patrons of cybercafés have to provide proof of identity with a photo ID, and sometimes using facial recognition technology as well. In 2018, all cybercafés in Henan Province located within two hundred metres of primary and secondary schools were forced to close down.<sup>176</sup> Meanwhile, the use of cybercafés is becoming increasingly rare due to the rising use of mobile phones. This has caused many cybercafés to either close or convert the business into a gaming cafe.<sup>177</sup>

<sup>171</sup> Confidential source, 26 May 2020. Confidential source, 28 May 2020. The Citizenlab, *Censored Contagion - How Information on the Coronavirus is Managed on Chinese Social Media*, 3 March 2020.

<sup>172</sup> Confidential source, 26 June 2020.

<sup>173</sup> HRW, *World report 2019, China, Events of 2018*, undated. What's on Weibo, *Welcome to WeChat, Anything you post may be used against you in a court of law*, 4 October 2016.

<sup>174</sup> HRW, *World report 2019, China, Events of 2018*.

<sup>175</sup> Technode, *Chinese police can now inspect internet service providers*, 8 October 2018. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 33

<sup>176</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 32. Freedom House, *Country report freedom on the net, China, 2019*, para. A2.

<sup>177</sup> Confidential source, 6 March 2020.

#### 5.14 **Censorship and repression of media abroad**

It appears that social media operating outside the Great Firewall, thus involving sites not readily accessible from within China, are now also subject to Chinese censorship. Users of the Chinese app TikTok outside China are not able to view any content related to topics considered politically sensitive in China, such as the crackdown on the Tiananmen Square protests in 1989, or Xinjiang. Posts on Twitter were also monitored by the Chinese authorities during the reporting period. Users residing in China who were still able to access Twitter from China using VPNs encountered a wide range of responses when they created a Twitter account, responded to a post, or posted content themselves: some users received a request from the police to delete their posts or their entire account, salaries were frozen, and others - numbering in the hundreds according to HRW - were arrested. The arrests were based on suspicion of a range of offences, such as violating a professional code of conduct in the case of a lawyer or insulting the public authorities. Some detainees were interrogated for hours at a time.<sup>178</sup>

#### 5.15 **Chinese users abroad**

Chinese users abroad who visit social media sites need to keep in mind that their online behaviour is being monitored by the Chinese government. Fake accounts on the same social media platforms are one method used for surveillance.<sup>179</sup> The Chinese government does not attach consequences to every critical post, but there are examples of Chinese users abroad who encountered problems due to posting content online, especially if these users had a large number of followers.<sup>180</sup> The *Washington Post* reported on a Chinese internet user in the United States who posted critical messages on WeChat. According to the paper, family members, likely under pressure from the Chinese authorities, subsequently sent him messages urging him to return to China.<sup>181</sup> A Chinese student who posted critical tweets on Twitter during his stay in the United States was arrested upon his return to China. In February 2019, following months in detention, the student was sentenced to six months in prison for allegedly posting denigrating content that had a negative impact on society.<sup>182</sup>

<sup>178</sup> The Financial Times, *Chinese authorities step up crackdown on Twitter users*, 15 April 2019. HRW, *World report 2020, China, Events of 2019*, undated, p. 135

<sup>179</sup> Confidential source, 6 March 2020.

<sup>180</sup> Confidential source, 12 March 2020.

<sup>181</sup> The Washington Post, *Russia and China are taking different but equally dangerous approaches on coronavirus*, 27 February 2020.

<sup>182</sup> Time, *University of Minnesota student jailed for 6 months for critical tweets he sent in the U.S.*, 23 January 2020. Axios, *University of Minnesota student jailed in China over tweets*, 23 January 2020. Confidential source, 9 March 2020.

## 6 Freedom of religion and belief

### 6.1 Introduction

China's religious landscape is categorised into three markets, namely a 'red', a 'black' and a 'grey' market. The 'red' market refers to religious communities recognised by the Chinese Communist Party (CCP) and under party control. In this context, the colour 'red' refers to the colour of the CCP's communist ideology. The 'black' market refers to religious and spiritual movements that have been regarded as a *Xie Jiao* by the Chinese authorities. This term is commonly translated as 'evil cult', but 'heterodox teachings' is a more appropriate translation.<sup>183</sup> Well-known examples of movements that have been banned as *Xie Jiao* are Falun Gong (FG) and the Church of Almighty God (CAG). From the Chinese government's point of view, followers of a *Xie Jiao* are not followers of a religion and are 'subversive'. Pursuant to Article 300 of the Chinese criminal statutes, individuals who are followers of a *Xie Jiao* can be sentenced to prison for a term of three to seven years or longer, and life imprisonment in the most serious cases. Most faith communities in China belong to the 'grey' market. These communities are not under the supervision of state religious bodies, as in the case of 'red' religious communities, and according to the letter of the law, they are illegal. However, they are not viewed as *Xie Jiao*, and as such, they are not persecuted like the movements in the 'black' market.<sup>184</sup>

The Chinese authorities recognise five religions in total: Buddhism, Catholicism, Taoism,<sup>185</sup> Islam, and Protestantism. Each of these religions has its own Patriotic Religious Association (PRA). A PRA is a state-led coordinating entity responsible for monitoring the selection, education, further training and actions of members of the clergy of the religion concerned. Buddhists come under the Buddhist Association of China (BAC), Catholics under the Chinese Patriotic Catholic Association (CPCA), Taoists under the Chinese Taoist Association (CTA) and Muslims under the Islamic Association of China (IAC). There are two PRAs for Protestants, the Three-Self Patriotic Movement (TSPM) and the China Christian Council (CCC). The religious communities represented by a PRA belong to the 'red' market of China's religious landscape.<sup>186</sup>

<sup>183</sup> In this context, 'heterodox teachings' could refer to teachings that 'deviate' from conventional teachings.

<sup>184</sup> The Sociological Quarterly, *The red, black, and gray markets of religion in China*, published in 2006, pp. 93 and 97. The Journal of CESNUR, *Would the real article 300 please stand up? Refugees from religious movements persecuted as Xie Jiao in China, The case of the Church of Almighty God*, September/October 2019, p. 12. Confidential source, 31 January 2020. Confidential source, 3 February 2020.

<sup>185</sup> Also known as Daoism.

<sup>186</sup> The Sociological Quarterly, *The red, black, and gray markets of religion in China*, published 2006, p. 100. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 37. Freedom House, *The battle for China's spirit, Religious revival, repression and resistance under Xi Jinping*, February 2017, p. 15. Confidential source, 5 March 2020. Massimo Introvigne, *Inside the Church Almighty God, The most persecuted religious movement in China*, published in 2020, pp. 126-127.

The previous country of origin information report on China observed that freedom of religion and belief was coming under increasing pressure.<sup>187</sup> This trend has continued unabated during the reporting period of this country of origin information report. A new regulation on religious affairs in China came into effect on 1 February 2018. The purpose of the new regulation was to place further restrictions on the scope of religious activities, particularly those associated with the 'grey' market. 'Grey' religious communities were forced to choose between aligning with a PRA or being disbanded or prosecuted by the Chinese authorities.<sup>188</sup> A significant change in governance was implemented in March 2018. Previously, the PRAs were accountable to the State Administration of Religious Affairs (SARA). After the change, the United Front Work Department (UFWD)<sup>189</sup> exercised this control. The UFWD is a CCP body and as such, the supervision of religious affairs came directly under President Xi Jinping and his governing party. The impact of this change is that it has blurred the distinction between state and party structures.<sup>190</sup>

The February 2018 religious affairs regulations and the subsequent replacement of the SARA by the UFWD are part of a religion policy known as 'Sinicisation'. This term does not refer to a process in which believers in China adapt their religion to local customs and cultural conditions, but to the CCP's efforts to co-opt the state-recognised religions into the CCP's interpretation of communism.<sup>191</sup>

The degree of lack of freedom varies according to the religious community and the 'colour' of the market ('red', 'black', or 'grey'). Generally speaking, the Chinese authorities adopt a fairly tolerant attitude towards Taoists and Chinese Buddhists. From the CCP's perspective, Taoism and the Chinese variants of Buddhism are part of China's cultural past and historical legacy, and these religions are useful when it comes to stirring up a sense of Chinese nationhood. By contrast, Christianity, Islam and Tibetan Buddhism are seen as 'foreign' religions that are susceptible to 'anti-Chinese' sentiment from the outside world. Followers of religious and spiritual movements that have been deemed to be *Xie Jiao*, such as FG practitioners and CAG believers encounter a high degree of repression. The same applies to Uighur Muslims and Tibetan Buddhists (the position of Uighurs and Tibetans is described in Chapters 9 and 11 respectively in this report).<sup>192</sup> As already stated, the mounting pressure on the 'grey' religious groups is perceptible. According to a source, there have been cases in which an individual who has been sentenced to prison for his or her religious beliefs is further punished by being deprived of parental authority.<sup>193</sup>

## 6.2 Criminal prosecution of members and leaders of a *Xie Jiao*

<sup>187</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 37.

<sup>188</sup> One confidential source related that there were accounts circulating of 'grey' religious communities that had aligned themselves with a PRA, but was unable to corroborate this information. Confidential source, 23 June 2020.

<sup>189</sup> Commonly referred to as the 'United Front'.

<sup>190</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 38. United States Commission on International Religious Freedom (USCIRF), *Annual report 2019*, 24 April 2019, pp. 35-36. Confidential source, 31 January 2020. Confidential source, 3 February 2020. Confidential source, 7 February 2020.

<sup>191</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 37. Lausanne Global Analysis (LGA), *The sinification of religion in China, Will enforcing conformity work?*, 10 September 2019, consulted on 22 January 2020. Confidential source, 6 February 2020. Massimo Introvigne, *Inside the Church of Almighty God, The most persecuted religious movement in China*, published in 2020, p. 17.

<sup>192</sup> Freedom House, *The battle for China's spirit*, February 2017, pp. 6, 9, 18 and 19. Asia Times, *Chinese Christians live in fear, fleeing abroad, Part 1*, 21 March 2019. Council on Foreign Relations (CFR), *The state of religion in China*, last updated on 11 October 2018, consulted on 5 February 2020. Confidential source, 3 February 2020.

<sup>193</sup> Confidential source, 28 January 2020.

The Chinese authorities keep a list of movements they consider to be a *Xie Jiao*. Based on the information available, this list was last updated in September 2017. In addition to FG and CAG, the list contains nineteen other banned movements. These are: *The Shouters, Full Scope Church*,<sup>194</sup> *The Disciple Society*,<sup>195</sup> *The Lingling Sect, Anointed King, Guanyin Method, Mainland China Administrative Deacon Station, Children of God, Dami Mission, True Buddha School, New Testament Church, Bloody Holy Spirit, World Elijah Gospel Mission Society, The Unification Church, Lord God Sect, Three Grades of Servants*,<sup>196</sup> *Yuandunfamen, Zhonggong, South China Church* and the *Pure Land Learning Association*.<sup>197</sup> See 13.2 for an overview of groups designated as *Xie Jiao* with the English and Chinese names (the names in Chinese are written in both Latin and Chinese script).

Reporting by ChinaAid, a Christian non-profit organisation that advocates for freedom of religion in China<sup>198</sup>, reveals that members of religious associations can be prosecuted under Article 300 of the Chinese criminal statutes, even if the association in question has not publicly been designated as *Xie Jiao*. ChinaAid reported that eighteen Jehovah's Witnesses were charged by the Chinese authorities in June 2019 for engaging in proselytising activities in Xinjiang, a province in northwest China that has traditionally had a strong Islamic character. According to the authorities, the Jehovah's Witnesses were guilty of disseminating 'superstition and heresy', which is prohibited under Article 300.<sup>199</sup> To date, it is unclear whether the Jehovah's Witnesses have been formally added to the blacklist of banned movements or if these proceedings are an isolated case.<sup>200</sup>

If a member of a group that has been designated as *Xie Jiao* moves to another province and does not publicly disseminate his or her faith there, a confidential source reports that this person may be able to avoid criminal prosecution. However, the same source adds the following: after moving to a new province, if this individual again engages in activities for the *Xie Jiao*-designated group, for example by attending religious gatherings or engaging in proselytising activities, this individual again runs the risk of criminal prosecution.<sup>201</sup> Another source asserts that a member of a group can sometimes escape prosecution by moving away, but this tactic does not always prove effective. The source goes on to say it depends on the distance from the original province of residence and whether the person is considered by the authorities to be a high-profile figure. The same source adds that it is difficult to go unnoticed due to the omnipresent surveillance equipment, even though China is a vast country.<sup>202</sup>

There is no clear answer to the question of whether the Chinese authorities make a distinction between members and leaders of a *Xie Jiao*. In theory, leaders receive more severe penalties than members. However, Article 300 of the Chinese criminal statutes cited above, which offers a legal framework for prosecuting *Xie Jiao*-designated groups, is not administered uniformly throughout China. This may result in some cases where a member receives a more severe sentence than a leader.<sup>203</sup>

<sup>194</sup> Also known as the *All Sphere Church, World of Life Church of Born-Again Movement*.

<sup>195</sup> Also known as the *Association of Disciples of Society of Disciples*.

<sup>196</sup> Also known as the *Three Kinds of Servants Sect*.

<sup>197</sup> Dui Hua, *Identifying cult organizations in China*, 10 July 2014. The Journal of CESNUR, *The list, The evolution of China's list of illegal and evil cults*, January/February 2018, pp. 42-45.

<sup>198</sup> For more information about ChinaAid, visit: [www.chinaaid.org](http://www.chinaaid.org).

<sup>199</sup> ChinaAid, *18 indicted for being Jehovah's Witnesses*, 12 June 2019, last updated 1 July 2019, consulted on 30 January 2020.

<sup>200</sup> Confidential source, 31 January 2020.

<sup>201</sup> Confidential source, 28 January 2020. Confidential source, 31 January 2020.

<sup>202</sup> Confidential source, 6 February 2020.

<sup>203</sup> Confidential source, 28 January 2020.

The following analysis of two hundred convictions focuses solely on CAG worshippers. These prosecutions took place between January 2018 and July 2019. The judgments were published by the Chinese Supreme People's Court (SPC) on China Judgments Online. They showed that the Chinese authorities did not so much look at whether a CAG worshipper held a leadership role within his or her local congregation, but rather at the activities performed by the individual in question. The possession and/or dissemination of religious literature was already sufficient grounds to be sentenced to a prison term under Article 300. The same applied to evangelising family members or neighbours, assisting in recording evangelical film materials, writing a script for an evangelical film, attending and/or arranging religious gatherings, and printing, copying and binding religious literature.<sup>204</sup>

Falun Gong is a special case when it comes to the alleged distinction between leaders and members, since this community does not have a hierarchy and consists only of practitioners. At most, there is a distinction between 'regular' practitioners and those who organise and coordinate group activities.<sup>205</sup> According to one source, practitioners with coordinating responsibilities are subjected to more severe torture and longer prison sentences than 'regular' practitioners,<sup>206</sup> while another source asserts that the Chinese authorities make no distinction between merely practising FG and/or disseminating FG information on the one hand and coordinating FG-related group activities on the other.<sup>207</sup>

Based on the statistical information released by the SPC, the American non-profit organisation Dui Hua came to the conclusion that between 1998 and 2016, more than 40,000 people were prosecuted on the basis of Article 300. Of this number, 96 people were acquitted. Most of the individuals convicted were FG practitioners or CAG worshippers. Dui Hua adds the caveat that the information above does not present a complete picture because the undocumented cases of extrajudicial detention were not included in the statistical data.<sup>208</sup>

<sup>204</sup> The Journal of CESNUR, *Would the real article 300 please stand up? Refugees from religious movements persecuted as Xie Jiao in China, The case of the Church of Almighty God*, September/October 2019, pp. 19-25.

<sup>205</sup> Confidential source, 14 February 2020. Confidential source, 21 February 2020.

<sup>206</sup> Confidential source, 14 February 2020.

<sup>207</sup> Confidential source, 21 February 2020.

<sup>208</sup> Dui Hua, *Detailed court statistics on article 300, Part I*, 28 May 2020; Dui Hua, *Detailed court statistics on article 300, Part II*, 4 June 2020.

### 6.3 Falun Gong (FG)

Falun Gong, also referred to as *Falun Dafa* ('Great Law of the Wheel of Law'), is a spiritual discipline that builds on Buddhism, Taoism and Confucianism, known as *sanjiao* ('Three Teachings') in China. FG is not an institutionalised religion with a hierarchical structure, clergy, houses of worship or membership records. It has a meditative component consisting of five gentle movements, and moral teachings whose core values are *Zhen* ('truthfulness'), *Shan* ('compassion') and *Ren* ('tolerance'). FG was established by 'Master' Li Hongzhi in 1992. His primary book of teachings is titled *Zhuan Falun*, which means 'Revolving the Law Wheel'. This book has been translated into multiple languages, including English and Dutch. Li has resided permanently in the United States since 1998. The Chinese authorities designated FG as a *Xie Jiao* in 1999. Although the movement had millions of practitioners who practised Falun Gong in public places like parks and squares in the late nineties, the teachings are now practised behind closed doors in mainland China, out of fear of the government.<sup>209</sup> FG has spread beyond the mainland China and has sizeable and visible communities in the United States, Hong Kong and Taiwan in particular.<sup>210</sup> According to a source, there are at least seventy FG practitioners in the Netherlands.<sup>211</sup>

The previous country of origin information report stated that FG prisoners were reportedly victims of organ harvesting.<sup>212</sup> In a June 2019 report, the China Tribunal asserted that the authorities were harvesting organs from FG prisoners.<sup>213</sup> The tribunal reached this conclusion based on testimony and calculations using available statistical sources.<sup>214</sup> Upon being questioned, four sources indicated that it is impossible to ascertain with full certainty whether or not the Chinese authorities actually harvest organs from FG detainees. In this light, they believe the alleged organ harvesting from FG prisoners to be 'possible', 'quite possible' or 'plausible'.<sup>215</sup>

It is not entirely clear how the Chinese authorities deal with the family members of FG practitioners. A source reports that family members are pressured by the Chinese authorities to turn in an FG family member or convince him or her to give up this spiritual practice.<sup>216</sup> Two other sources state that the authorities use coercion against the practitioner, threatening to have the individual's family members dismissed from their jobs and/or to impede the educational career of a practitioner's child.<sup>217</sup>

<sup>209</sup> Home Office, *China, Falun Gong*, November 2016, pp. 9 and 10. Freedom House, *The battle for China's spirit*, February 2017, p. 110. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 42, 43. The Economist, *What is Falun Gong?*, 5 September 2018. Hong Kong Free Press (HKFP), *20 years on, Falun Gong survives underground in China*, 23 April 2019. Confidential source, 14 February 2020. Confidential source, 21 February 2020. Confidential source, 13 March 2020. Confidential source, 16 March 2020.

<sup>210</sup> Confidential source, 6 February 2020. Confidential source, 14 February 2020.

<sup>211</sup> Confidential source, 16 March 2020.

<sup>212</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 42.

<sup>213</sup> In its own words, the China Tribunal is an independent research group consisting of five human rights lawyers, one professor, one businessman, and one historian. The China Tribunal was established by the International Coalition to End Transplant Abuse in China (ETAC), an Australia-based non-profit organisation that campaigns against the alleged organ harvesting in China. For more information about the China Tribunal and ETAC, visit: chinatribunal.com.

<sup>214</sup> Independent Tribunal Into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal), *Final judgment & summary report*, 17 June 2019.

<sup>215</sup> Confidential source, 3 February 2020. Confidential source, 7 February 2020. Confidential source, 12 March 2020. Confidential source, 17 March 2020.

<sup>216</sup> Confidential source, 6 February 2020.

<sup>217</sup> Confidential source, 14 February 2020. Confidential source, 21 February 2020.

## 6.4 Church of Almighty God (CAG)

The CAG is a church that was established in 1989, with roots in Protestantism. CAG worshippers believe that Jesus Christ has incarnated as 'Almighty God' in a Chinese woman named Yang Xiangbin. Even though Jesus has returned in a woman's body according to CAG worshippers, they refer to Almighty God as a male figure. Most CAG members are not aware that the woman in whom Jesus has incarnated is named Yang Xiangbin. This is because it is not customary to speak her name in the CAG. Since the CAG believes that Jesus has returned to earth in the East, this church is also known as 'Eastern Lightning'. The CAG's teachings are set out in Scriptures under the title *The Word Appears in the Flesh*. There are a number of reasons why believers are attracted to CAG theology. Some are attracted to the idea that Jesus has returned to the world. Others draw strength from the idea that believing in the second coming of Almighty God will gain them entry into heaven on the Day of Judgement.<sup>218</sup>

In 1995 the Chinese authorities designated the CAG as a *Xie Jiao*, and in 2000, Yang and Zhao Weishan moved to the United States where they were granted political asylum in 2001. Zhao holds the role of administrative leader of the CAG.<sup>219</sup> Contrary to some outsiders, CAG members deny that Yang and Zhao have a romantic or sexual relationship, marital or otherwise, with each other.<sup>220</sup>

It is difficult if not impossible to ascertain exactly how many CAG members there are in China. The CAF does not publish any information on the number of members, and due to state repression, CAG worshippers cannot publicly profess their faith. The Chinese authorities put the number of CAG members at four million, but most Western scholars believe this number is exaggerated. Due to the high degree of lack of freedom, CAG worshippers frequently change their address, making it difficult to pinpoint where in China most members of the church can be found. It is known, however, that the CAG originated from the central Chinese province of Henan and has spread to all parts of mainland China, including Xinjiang. The CAG's mission is to bring all of humanity into contact with the 'work of Almighty God', and it therefore does not have an exclusively ethnic character. With almost 92% of the Chinese population consisting of Han Chinese,<sup>221</sup> they also comprise the largest population group in the CAG. But there are also known cases of Uighurs with a Muslim background who have converted and joined this church. The CAG has more female than male members.<sup>222</sup>

<sup>218</sup> Holyspiritspeaks.org (Official CAG website), *A brief introduction about the background of the appearance and work of Christ of the Last Days in China*, 13 December 2015. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 43. PierLuigi Zoccatelli, *A dynamic religion in China, The Church of Almighty God*, 13 and 14 April 2018, p. 5. CESNUR en International Observatory of Religious Liberties of Refugees (ORLIR), *The Church of Almighty God*, June 2018, pp. 7, 8 and 12. Confidential source, 13 February 2020. Confidential source, 17 February 2020. Ni.godfootsteps.org (CAG website in the Netherlands), *Boeken, Het Woord verschijnt in het vlees*, publication date not provided, consulted on 11 March 2020.

<sup>219</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 43. PierLuigi Zoccatelli, *A dynamic religion in China, The Church of Almighty God*, 13 and 14 April 2018, p. 5. CESNUR and ORLIR, *The Church of Almighty God*, June 2018, p. 9.

<sup>220</sup> Confidential source, 8 July 2020. Confidential source, 9 July 2020.

<sup>221</sup> In a 2010 estimate, the vast majority of China's population was Han Chinese, comprising 91.6 percent of the population. Central Intelligence Agency (CIA), *The World Factbook, China, People and society*, last updated on 28 January 2020.

<sup>222</sup> The Journal of CESNUR, *Would the real article 300 please stand up? Refugees from religious movements persecuted as Xie Jiao in China, The case of the Church of Almighty God*, September/October 2019, p. 20. Confidential source, 28 January 2020. Confidential source, 13 February 2020.

Due to the lack of religious freedom experienced on the Chinese mainland, some CAG members have settled elsewhere and there are now CAG communities in other places such as the United States, Italy, South Korea, Hong Kong, Taiwan and the Philippines. Non-Chinese nationals such as Americans, Filipinos and South Koreans have now also converted and joined the CAG.<sup>223</sup> It is estimated there are five to ten thousand CAG worshippers outside China.<sup>224</sup> There have also been signs that CAG is trying to establish a foothold in the Netherlands through social media.<sup>225</sup> The CAG is registered in the Commercial Register of the Chamber of Commerce twice: in Rotterdam and in Groningen. While the church has no house of worship in the Netherlands, it does have two correspondence addresses and two websites.<sup>226</sup>

The Chinese government justifies its criminal prosecution of the CAG by referring to the church's alleged criminal, violent and sectarian attributes. A case frequently cited by the authorities is a murder that took place on 28 May 2014 at a McDonald's diner in Zhaoyuan, a city in the province of Shandong in eastern China. A group of six CAG members asked a female customer, Wu Shuoyan, for her phone number. When she refused to give her number, the group considered her to be an evil spirit and murdered her. The Chinese authorities assert that the perpetrators were members of the CAG, but since then, religious studies scholars have determined that the perpetrators were members of a community which also bore the name 'Church of Almighty God', but was separate from the CAG that reveres Yang as 'Almighty God'. The Chinese authorities disseminated such disinformation in a bid to discredit the CAG and justify criminal proceedings against the religious community.<sup>227</sup>

The narrative pushed by the Chinese government claiming that the CAG calls on its members to cut ties with their family turns out to also be unfounded. In 2018, an Italian scholar conducted a survey among 337 CAG worshippers in the United States, South Korea, and the Philippines, all of whom had become members of the church before fleeing China. Approximately seventy percent of the respondents stated they had been converted by a family member or relative. This demonstrates that family ties actually play a meaningful role in the CAG's proselytising activities.<sup>228</sup>

## 6.5 'Grey' religious denominations

As stated earlier, the 'grey' market of China's religious landscape faced increasing repression during the reporting period of this report. A number of examples are provided below to illustrate how the Chinese authorities have placed restrictions on the scope of activities of 'grey' religious denominations. This list should by no means be considered exhaustive.

The church building of the Protestant Zion Church in Beijing was demolished in September 2018. This church was not registered with the government. The leader of

<sup>223</sup> CESNUR and ORLIR, *The Church of Almighty God*, June 2018, pp. 9 and 10. Interdisciplinary Journal of Research on Religion, *Family networks and the growth of the Church of Almighty God*, published in 2018, pp. 10 and 11.

<sup>224</sup> Confidential source, 28 January 2020.

<sup>225</sup> Algemeen Dagblad (AD), *Chinese 'sekte' vestigt zich in Nederland*, 24 December 2018. RTV Noord, *Chinese 'sekte' staat ingeschreven in Groningen*, 28 December 2018. De Gelderlander, *Wat doet een in China verboden sekte in Nederland?*, 22 January 2019.

<sup>226</sup> Confidential source, 13 February 2020. ANBI.nl, *De Kerk van Almachtige God*, consulted on 11 March 2020. Confidential source, 13 March 2020.

<sup>227</sup> Journal of Religion and Violence, *Gatekeeping and narratives about 'cult' violence, The McDonald's murder of 2014 in China*, published in 2018, pp. 375-376. The Journal of CESNUR, *Fake news! Chinese mobilization of resources against the Church of Almighty God as a global phenomenon*, July/August 2018, pp. 15-16.

<sup>228</sup> Interdisciplinary Journal of Research on Religion, *Family networks and the growth of the Church of Almighty God*, published in 2018, pp. 12, 14 and 17.

the church, minister Jin Mingri, was presented with a 1.2 million yuan bill for the demolition costs.<sup>229</sup> Roughly half a year later, on 24 March 2019, the authorities once again shut down a Protestant church in the Chinese capital, this time the Shouwang Church. This religious denomination had refused to join the TSPM, a government body that supervises Protestant churches.<sup>230</sup>

In December 2018 the police raided the Early Rain Covenant Church, a 'grey' Protestant religious denomination based in the southwestern Chinese city of Chengdu. A number of people were arrested in the raid, including the minister Wang Yi, and church elder Qin Defu. On 25 November 2019, Qin was sentenced to four years in prison for 'illegal trade', which referred to the dissemination of Christian literature within his congregation. Wang was sentenced to nine years in prison on 30 December 2019 for leading an 'illegal religious denomination'.<sup>231</sup>

It is not possible to clearly answer whether 'grey' churches are being assimilated by government-aligned churches, and if so, what this assimilation process entails. This is because the assimilation process is highly dependent on the local power dynamics. Local authorities sometimes turn a blind eye to a 'grey' church for pragmatic reasons, for example because they have numerous other challenges to contend with and the 'grey' religious denomination is not conspicuous in the public domain. The local authorities are also quite likely to decide to pressure 'grey' churches into registering with the relevant PRA, in the hope of gaining favour with the central government in Beijing. If a 'grey' church eventually does join the relevant PRA, the degree to which the church will be permitted to retain its distinctive religious character once again depends on the local power dynamics. Depending on the political agendas of local government officials, Sinicisation is pursued more rigorously in some communities than others.<sup>232</sup>

If a member of a 'grey' religious denomination moves to another province and does not publicly disseminate his or her faith there, a confidential source reports that this person may be able to avoid prosecution. However, the same source adds the following: after moving to a new province, if this individual again joins a 'grey' religious denomination, this individual again runs the risk of criminal prosecution.<sup>233</sup>

## 6.6 Justification by Faith (*Sola Fide*)

The Lutheran movement Justification by Faith stems from the Protestant faith and is also referred to by the Latin phrase *Sola Fide*, which means 'by faith alone'. The followers of Justification by Faith are known as conservative Lutherans who adhere to the doctrines of church reformer Martin Luther (1483-1546). They refuse to align themselves with the TSPM because they regard the Sinicised theology of this government body as 'heresy'. Justification by Faith does not have a clearly delineated hierarchy and structure, but consists of a loose network of groups of worshippers who hold clandestine church services. Some say the movement has a

<sup>229</sup> Reuters, *China outlaws large underground Protestant church in Beijing* 10 September 2018; The Guardian, *'We are scared, but we have Jesus', China and its war on Christianity*, 28 September 2018. According to CoinMill.com, an online currency converter, 1.2 million yuan was equivalent to 156,334.90 euro on 22 January 2020.

<sup>230</sup> Nederlands Dagblad (ND), *Huiskerk in Peking moet deur sluiten*, 28 March 2019; Bitter Winter, *Shouwang Church, The rise and fall of Beijing's largest megachurch*, 30 March 2019.

<sup>231</sup> ChinaAid, *Church elder receives four year sentence*, 29 November 2019. AI, *China, 'Appalling' jail sentence for outspoken pastor makes mockery of religious freedoms*, 30 December 2019. De Volkskrant, *Chinese dominee krijgt 9 jaar cel voor runnen van een 'subversieve huiskerk'*, 30 December 2019.

<sup>232</sup> Confidential source, 6 February 2020.

<sup>233</sup> Confidential source, 28 January 2020.

few million followers, but no reliable information on the number of members is available.<sup>234</sup>

The previous country of origin information report stated that Justification by Faith was designated as a *Xie Jiao*,<sup>235</sup> but this Lutheran movement does not appear in the list of organisations designated as *Xie Jiao* referred to in 6.2. Over the course of the reporting period of this report, Justification by Faith, like other 'grey' religious denominations, has faced restrictions on its freedom of religion.<sup>236</sup>

## 6.7 The Roman Catholic church in China

The Roman Catholic church in China is divided into a 'red' market that is recognised and supervised by the state, and a 'grey' market that is not registered with the CPCA, the government body responsible for Roman Catholic churches and church leaders. The bishops appointed by the Chinese government have traditionally not been recognised by the Vatican. The Pope retained the right of nominating bishops and excommunicated the Chinese government-appointed bishops affiliated with the CPCA. This issue of appointment disrupted diplomatic relations between China and the Vatican for decades, but on 22 September 2018 the two parties concluded a provisional agreement that will remain in force until 21 September 2020.<sup>237</sup> The details of this agreement were not made public, but according to three confidential sources, the Chinese government selects candidates for the position of bishop. The Pope then gives his formal approval of the selected candidates.<sup>238</sup> It remains unclear whether the Pope can veto candidates nominated by China. Since the Vatican and China signed the agreement, two bishops have so far been selected by China and both were approved by the Pope.<sup>239</sup>

While the September 2018 agreement aims to merge the 'grey' and 'red' branches of the Catholic church in China, there are bishops, priests and worshippers who refuse to join the CPCA. By doing so, they risk imprisonment or house arrest. Vincenzo Guo Xijin, the former bishop of Mindong (a diocese in the south-eastern coastal province of Fujian), refuses to join the CPCA. In January 2020, AsiaNews, the press agency of the Roman Catholic Pontifical Institute for Foreign Missions, reported that the Chinese authorities had evicted Guo from his home. Earlier, the Union of Catholic Asian News (UCAN), a press agency that focuses on Catholicism in Asia, reported that the Chinese government had prevented Guo from attending Christ Mass<sup>240</sup> because of his refusal to comply with religious laws and regulations.<sup>241</sup>

<sup>234</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 42. Bitter Winter, *Sola Fide (Justification by Faith) house churches in China*, 15 April 2019. Confidential source, 31 January 2020.

<sup>235</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 42.

<sup>236</sup> Confidential source, 31 January 2020.

<sup>237</sup> The Guardian, *Vatican signs historic deal with China – but critics denounce sellout*, 22 September 2018. CECC, *Annual report 2019*, 18 November 2019, p. 107. Trouw, *Het Vaticaan doet een stevige concessie en erkent door China benoemde bisschoppen*, 22 September 2018.

<sup>238</sup> Confidential source, 31 January 2020. Confidential source, 3 February 2020. Confidential source, 4 March 2020.

<sup>239</sup> Union of Catholic Asian News (UCAN), *Vatican-China bishops' deal 'bearing fruit'*, 11 September 2019. China Zentrum, *News update on religion and church in China*, 28 June – 2 October 2019, pp. 15-17. Confidential source, 31 January 2020. Confidential source, 3 February 2020.

<sup>240</sup> The Christ Mass is a religious service celebrated on the Thursday before Easter.

<sup>241</sup> UCAN, *Bishop told to toe party line before celebrating Christ Mass*, 5 April 2019. AsiaNews, *Mindong's Msgr. Guo evicted from the curia, he will sleep on the street. Several priests and elderly also made homeless*, 16 January 2020. Confidential source, 31 January 2020, Confidential source 3 February 2020.

## 7 Freedom of movement

### 7.1 *Hukou*

In order to have the option of settling elsewhere, such as in a more urban environment, the *hukou* (household registration booklet) continues to be the determining factor during this reporting period, particularly for people living in rural areas. Registration in the city is needed to have access to good working conditions, social insurance, public services, medical care, and schooling for children. According to the Chinese government, in 2019, approximately 286 million people do not reside in the locality where they are officially registered according to their *hukou*. As a result, they do not enjoy the same rights in their actual place of residence as their officially registered fellow residents. In keeping with the government's urbanisation policy, approximately one hundred million unregistered people should obtain a registration, particularly in smaller cities. The government is working to remove all barriers to internal relocations in smaller cities with a population of less than three million, and relax *hukou* regulations in cities with three to five million residents. For larger cities with more than five million residents, a points system is being implemented allowing people to apply for a *hukou* registration in that city.<sup>242</sup> For example, in January 2020, the governor of the southern province of Guangdong announced a relaxation of the registration system for all cities except the larger cities of Guanzhou and Shenzhen.<sup>243</sup>

In addition to this relaxation of the *hukou* regulations for the benefit of urbanisation, a number of other rules were also relaxed. For example, it is no longer required to apply for a passport in the city stated in the *hukou* registration. Instead, the application can be submitted in the locality where the applicant actually resides (see 2.3 for information about documents).

### 7.2 Leaving the country

A ban on leaving the country (exit ban) is imposed for a maximum of one year and can be subsequently extended.<sup>244</sup>

Pursuant to the law, exiting China is denied to:

- anyone who is not in possession of a valid travel document;
- anyone who evades border inspection;
- anyone who is awaiting a judgment in a criminal case or the implementation of a criminal sentence;
- anyone who is prohibited by a civil-court judge from leaving China pending a civil judgment;

<sup>242</sup> Points can be earned with permanent employment, a good education, good housing and other past work-related accomplishments. USDOS, *China report on human rights practices for 2018*, undated, p. 41. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 19. Freedom House, *Annual report on political rights and civil liberties in 2019*.

<sup>243</sup> Reuters, *China's most populous province to loosen grip on internal migration*, 14 January 2020.

<sup>244</sup> SCMP, *China's mysterious 'Bian Kong' system that can bar anyone from entering or leaving the country*, 5 August 2019.

- anyone who has evaded national border controls or has been prohibited from leaving China following illegal exit from China, illegal residence or illegal employment in another country;
- anyone who has had an exit ban imposed by the State Council of China because he or she represents a danger to public order or security; and
- anyone prohibited from leaving China pursuant to other applicable laws and administrative regulations.<sup>245</sup>

China's external border control system is based on a large number of laws and subordinate regulations. This has created a fragmented and opaque system where numerous authorities at a variety of levels have the power to impose an exit ban.<sup>246</sup> The broad wording in the legislation makes it possible to arbitrarily impose exit bans. During the reporting period, this resulted in exit bans being imposed on activists and human rights defenders or their relatives. Even though legal remedies are formally available, it proves almost impossible to contest an exit ban in practice.<sup>247</sup>

It was not possible to ascertain whether all imposed exit bans and other reasons for imposing a ban on leaving the country - such as awaiting sentencing in criminal proceedings - are actually visible in border post computer systems. The checks are said to be most thorough at large airports. Large airports have access to a central system with lists of names of incoming and departing passengers. Departing passengers pass through a number of identity checks involving passport and boarding pass inspection. Facial recognition technology is also widely deployed at border posts (air, land and sea).<sup>248</sup> The names of individuals with an exit ban are kept on various lists, but there is some uncertainty regarding these lists. Sources indicate that there is a national exit ban list and multiple exit ban lists at the provincial level, as well as another list of crime-related exit bans. The local police can have an exit ban placed on the last of these lists by notifying the Police Security Bureau (PSB). Other authorities, such as the Ministry of Public Security and the Ministry of State Security can also place names on the national list. Authorities at the airports have access to all of these lists.<sup>249</sup>

In spite of the strict monitoring described above, the system for exit checks is not watertight. For example, it is sometimes possible for an individual to leave the country before a locally imposed exit ban is entered into the provincial system, or when an extension of an expired exit ban has not yet been entered into the system. It is also possible to apply to have an exit ban lifted for urgent matters involving family or for health reasons. It is not known how often such requests are granted. HRW informed the Canadian Immigration and Refugee Board that it was aware of examples of individuals who had an exit ban in one province being able to leave China through another province.<sup>250</sup>

<sup>245</sup> Art. 12 of the *Exit and Entry Administration Law of the People's Republic of China* of 1 July 2013, consulted on 10 February 2020.

<sup>246</sup> SCMP, *China's mysterious 'Bian Kong' system that can bar anyone from entering or leaving the country*, 5 August 2019.

<sup>247</sup> Foreign Policy, *China's dissidents can't leave*, 23 July 2019. Research Directorate, Immigration and Refugee Board of Canada, *Exit controls and security measures at airports, particularly Beijing airport, for Chinese citizens travelling overseas, including procedures at check points and the use of computerized identity verification and facial recognition technology*, August 2019.

<sup>248</sup> DFAT, *Country information report People's Republic of China*, 3 October 2019, para. 5.40.

<sup>249</sup> Research Directorate, Immigration and Refugee Board of Canada, *Exit controls and security measures at airports, particularly Beijing airport, for Chinese citizens travelling overseas, including procedures at check points and the use of computerized identity verification and facial recognition technology*, August 2019.

<sup>250</sup> Research Directorate, Immigration and Refugee Board of Canada, *Exit controls and security measures at airports, particularly Beijing airport, for Chinese citizens travelling overseas, including procedures at check points and the*

Crossing a border using fraudulent means by taking advantage of corruption is not very likely, according to the Australian DFAT and a confidential source, because this would require high-level bribery, particularly at airports. The government's tough action against corruption has led to a decrease in bribery of government officials and opened the way for increased fraud through electronic manipulation of documents.<sup>251</sup>

### **7.3 The situation for Uighurs when leaving the country**

Legally leaving Xinjiang was made virtually impossible for Uighurs during the reporting period. Their Chinese passports were either withdrawn or their passport applications were refused, making it impossible for them to travel out of Xinjiang. If Uighurs living abroad attempted to extend their passports at a Chinese embassy, they were usually told to return to China for this purpose. Upon returning to China, they were arrested or disappeared.<sup>252</sup>

In practice, a foreign passport for children of Uighur parents did not guarantee that they would be able to leave, since the parents were unable to leave on their Chinese passports. A number of newspapers reported that several children with both Chinese and Australian nationality were trapped in Xinjiang.<sup>253</sup>

### **7.4 The situation for Tibetans when leaving the country**

Tibetans are increasingly confronted with restrictions on their freedom of movement. They encounter difficulties when trying to obtain a passport, or they face obstructions when trying to leave the country, especially when travelling to Nepal or India. The Chinese police subject Tibetan Buddhist pilgrims in particular to lengthy interrogations, withdrawal of their passports, or refusal of permission to leave with little or no compensation for the travel costs they have incurred. Leaving the country is practically impossible for Buddhist nuns and monks. Tibetan pilgrims in Nepal and India were called upon to return home under the threat of invalidation of the passports of their family members. Some relatives of human rights activists who advocate for the Tibetan cause were denied the possibility of emigration. Han Chinese residents in Tibetan regions did not encounter the same difficulties.<sup>254</sup>

### **7.5 Domestic restriction of freedom of movement**

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*use of computerized identity verification and facial recognition technology*, August 2019. DFAT, *Country information report People's Republic of China*, 3 October 2019, para. 5.40

<sup>251</sup> DFAT, *Country information report People's Republic of China*, 3 October 2019, p. 75. Confidential source, 26 February 2020.

<sup>252</sup> USDOS, *Yearly report on Human Rights 2018*, China, p. 42. The Guardian, *Uyghur woman says she was threatened by the Chinese police after husband appeared on Q&A*, 26 February 2020.

<sup>253</sup> Australian Broadcasting Corporation (ABC) News, *Australia requests Beijing let family of Uyghur man leave China following Four Corners program*, 17 July 2019. The Guardian, *Revealed, Five Australian children trapped in China amid Uighur crackdown*, 5 April 2019. Radio Free Europe/Radio Liberty (RFE/RL), *Kazakhs from Xinjiang say relatives not allowed to leave China*, 26 November 2018.

<sup>254</sup> USDOS, *China report on human rights practices for 2018*, undated, p. 42. RFA, *Tibetan passport restrictions limit attendance at Dalai Lama prayer gathering*, 26 December 2018. Free Tibet, *Hundreds of Tibetans ordered to immediately return from pilgrimage sites*, 4 January 2019.

The government can use what is referred to as a community correction to limit the freedom of movement of the following persons: individuals who have been given a suspended sentence; individuals who have been released on parole; individuals who are unable to serve their sentence in a prison or detention facility for health reasons (see 3.3.5 for a more comprehensive description).

Intensive surveillance by the Chinese authorities also makes travel within China practically impossible for some Chinese. Human rights defenders, for example, were closely monitored by the authorities and faced obstacles when attempting domestic or international travel. A confidential source states that this is primarily the case with high-profile individuals, due to the cost of using a surveillance team. This measure is usually not based on a court sentence.<sup>255</sup>

The differences between provinces with respect to measures regulating population growth can present obstacles to families should they wish to reside in another province. Since 2016, all families have been permitted to have two children. This represents a relaxation of what is referred to as the one-child policy. Generally, ethnic minorities are permitted to have two to three children, depending on regional policy and its enforcement by the local authorities.<sup>256</sup> In Xinjiang, Han Chinese, like ethnic minorities, are permitted to have two children in urban areas and three children in rural areas. See also 9.2. Even though the authorities continue to regulate population growth throughout China, since the change in the law fewer families have been at risk of sanctions such as high fines, dismissal, reductions in state benefits, and sometimes detention. The fine for having more children than permitted by law varies from province to province, but it can be as high as ten times the annual salary. While there are fewer cases of forced sterilisation and abortion, the practice still persists. Families with only one child are eligible for a monthly benefit payment which varies from twelve yuan to three thousand yuan, depending on the province.<sup>257</sup> In some provinces, families are required to obtain permission from the authorities prior to conceiving a child.<sup>258</sup>

See 9.6 for more information on domestic travel restrictions to and from Xinjiang.

<sup>255</sup> Confidential source, 12 March 2020. Confidential source, 26 March 2020; HKFP, *Missing Chinese rights lawyer Jiang Tianyong returns home but 'still not free', says wife*, 3 March 2019.

<sup>256</sup> See the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, *National Minorities Policy and Its Practice in China*, consulted on 26 May 2020 (<http://www.china-un.ch/eng/bjzl/t176942.htm>).

<sup>257</sup> On 25 June 12 yuan was equivalent to 1.51 euro, and 3,000 yuan was equivalent to 377.10 euro, according to CoinMill.com, a currency converter.

<sup>258</sup> Freedom House, *Annual report on political rights and civil liberties in 2019*. USDOS, *China (includes Tibet, Hong Kong and Macau), 2019 human rights report*, undated, p. 66. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 9.

## 8 Position of specific groups

### 8.1 Human rights defenders

The previous country of origin information report on China already reported that conditions for human rights defenders (HRDs) had deteriorated.<sup>259</sup> This trend has continued unabated during the period of this report. The examples below serve to illustrate this development and should not be considered exhaustive.

HRDs who belong to the Han majority are frequently prosecuted pursuant to Article 105 of the PRC Criminal Law. This article consists of two subsections: Article 105 (1) stipulates that anyone who attempts to subvert state power may receive a maximum sentence of life imprisonment, and Article 105 (2) stipulates that anyone who incites others to subvert state power may receive a maximum sentence of fifteen years imprisonment. HRDs who belong to an ethnic minority are usually prosecuted on the grounds of inciting separatism. Since Xi Jinping came to power, the number of criminal prosecutions of HRDs has risen and the sentences imposed have been generally more severe.<sup>260</sup>

According to Chinese Human Rights Defenders (CHRD), a network that monitors the human rights situation in China,<sup>261</sup> there were 879 HRDs in prison in 2018. Of these, 334 were in pre-trial detention or had forcibly disappeared, and 545 had received a prison sentence.<sup>262</sup> CHRD reported 1,016 HRDs in prison in 2019. Of these, 335 were in pre-trial detention or had forcibly disappeared, and 681 had received a prison sentence.<sup>263</sup> The information above only concerns the number of cases of imprisonment confirmed by CHRD. Consequently, the actual figures for imprisoned HRDs are likely higher.

Another trend that continued during the reporting period is that HRDs are subjected to a practice known as residential surveillance in a designated location (RSDL), prior to being officially charged. RSDL refers to a situation where an HRD is detained at a secret location while being denied access to a lawyer or contact with family members. Detained under these conditions, an HRD is not protected by procedural guarantees and can potentially be subjected to various torture methods. RSDL detention can last for up to six months.<sup>264</sup> See 4.3.2 for a description of the living conditions in RSDL detention.

Another pattern is that HRDs with health problems are deprived of adequate medical care. Two sources report that two HRDs died in detention in 2019 as a result of being denied adequate medical care.<sup>265</sup> One other source claims to have information

<sup>259</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 50.

<sup>260</sup> CECC, *Annual report, 2011*, 10 October 2011, p. 229. Confidential source, 12 March 2020. Confidential source, 16 March 2020. Confidential source, 20 March 2020. Confidential source, 25 March 2020. Confidential source, 25 March 2020. Confidential source, 26 March 2020.

<sup>261</sup> For more information about CHRD, visit the website: [www.nchrd.org](http://www.nchrd.org).

<sup>262</sup> CHRD, *Defending rights in a "no rights zone", Annual report on the situation of human rights defenders in China, 2018*, 21 February 2019.

<sup>263</sup> CHRD, *Defending human rights in the era of dystopia, The situation of defenders in China, 2019*, 12 February 2020.

<sup>264</sup> Made in China Journal, *Systematising human rights violations*, 25 October 2019. Confidential source, 20 March 2020. Confidential source, 25 March 2020. Confidential source, 25 March 2020. Confidential source, 26 March 2020.

<sup>265</sup> Confidential source, 20 March 2020. Confidential source, 25 March 2020.

that three HRDs died in detention in 2019 after being denied adequate medical care.<sup>266</sup>

Information provided by CHRD indicates that at the time of writing, there are ten HRDs in detention who do not have access to medical care.<sup>267</sup> One of them is Huang Qi, the founder and director of 64 Tianwang, a website that draws attention to the human rights situation in China. Following a trial held behind closed doors, he was sentenced to twelve years in prison on 29 July 2019. Huang struggles with various health issues, including a terminal kidney disease.<sup>268</sup>

Even after an HRD has officially been released from detention, he or she may still be subjected to various forms of repression by the state. This was made apparent in the situation involving a lawyer named Jiang Tianyong. In the past, he had defended the interests of clients in court who included FG practitioners and Tibetan protesters. Following a period of enforced disappearance, Jiang was sentenced to two years in prison in November 2017 for incitement to subvert state power. Jiang was released from prison in February 2019 and has been under house arrest at his parental home in the central Chinese province of Henan. He is under constant surveillance by the Chinese authorities who are preventing him from practising his profession as a lawyer in Beijing. This type of release from prison, which does not result in unconditional freedom, is known as a 'non-release-release'. In addition to the surveillance, Jiang is also denied access to a physician and his health complaints remain untreated. The house arrest and domestic travel ban are both extrajudicial measures that have not been ordered by a judge.<sup>269</sup>

The Chinese authorities have not limited their criminal prosecution solely to HRDs who draw attention in public to China's human rights record. A number of HRDs met in late December 2019 in Xiamen, a city in the eastern coastal province of Fujian, to share a meal and discuss the human rights situation in China. Even though their meeting was of an informal and private nature, it was sufficient cause for the Chinese authorities to arrest more than twelve of the activists and lawyers present.<sup>270</sup>

In late 2019/early 2020, the coronavirus pandemic broke out in Wuhan, a Chinese port city in the central Chinese province of Hubei. Keeping China's human rights situation in mind, it is relevant that HRDs who were critical of the Chinese government's policy on coronavirus risked being subjected to prosecution.<sup>271</sup> According to a confidential source, this resulted in a new category of prisoners: HRDs, journalists and medical personnel who had criticised the Chinese government's coronavirus policy.<sup>272</sup> For example, in February 2020, the authorities arrested Xu Zhiyong in the southern city of Guangzhou and imprisoned him at a secret location. Xu had asserted that President Xi Jinping had tried to cover up the

<sup>266</sup> Confidential source, 26 March 2020.

<sup>267</sup> CHRD, *Watch list of detainees and prisoners of conscience in need of medical attention*, last updated on 17 March 2020.

<sup>268</sup> CHRD, *Huang Qi*, 19 December 2016. OHCHR, *UN human rights experts gravely concerned about Huang Qi's health*, 20 December 2018. CPJ, *Chinese court sentences journalist Huang Qi to 12 years in prison*, 29 July 2019. The Guardian, *China's first 'cyber-dissident' jailed for 12 years*, 29 July 2019.

<sup>269</sup> BBC, *Jiang Tianyong, Chinese human rights lawyer disappears on release day*, 28 February 2019. OHCHR, *Harassment of human rights lawyer Jiang Tianyong must stop, say UN experts*, 24 September 2019. Confidential source, 12 March 2020. Confidential source, 20 March 2020. Confidential source, 8 April 2020.

<sup>270</sup> DW, *China arrests pro-democracy activists in year-end crackdown*, 2 January 2020. HKFP, *China detains more than 12 lawyers and activists in end of year crackdown – rights groups*, 3 January 2020. Confidential source, 12 March 2020. Confidential source, 20 March 2020.

<sup>271</sup> Confidential source, 4 March 2020. Confidential source, 8 April 2020.

<sup>272</sup> Confidential source, 26 March 2020.

coronavirus outbreak in central China. Xu had also participated in the abovementioned human rights meeting in Xiamen and was still incarcerated at the time of writing.<sup>273</sup>

The Chinese authorities also used the coronavirus crisis to restrict the freedom of movement of HRDs who had been 'released'. Wang Quanzhang, a lawyer who had previously defended FG practitioners in court, was released from prison on 4 April 2020 after four and a half years. Wang had been arrested on 9 July 2015 together with more than two hundred other HRDs in a wave of arrests known as the '709 crackdown'.<sup>274</sup> Following his release from prison, Wang was not immediately reunited with his wife and son in Beijing. Instead, he was placed in mandatory 'house quarantine' in Jinan, four hundred kilometres south of the Chinese capital. Wang was permitted to travel to Beijing on 27 April 2020, because his wife had fallen ill. At the time of writing it is unclear whether the family has been temporarily or permanently reunited.<sup>275</sup>

## 8.2 Women

### 8.2.1 Introduction

The previous country of origin information report had already noted that there is gender inequality in China.<sup>276</sup> This situation regarding gender inequality did not change during the reporting period. For example, a 2019 report published by the World Economic Forum (WEF)<sup>277</sup> shows that women are under-represented in leadership roles and higher political and official echelons. Around 17% of legislators, senior civil servants and managers are women. Approximately one quarter of the parliament is comprised of women, and only 6.5% of the council of ministers are women.<sup>278</sup> Even though communist ideology states that men and women are equal, the Chinese government is guilty of discrimination against women in the labour market. The international human rights organisation Human Rights Watch (HRW) examined 16,144 job ads posted by the Chinese government in 2018. Almost three thousand vacancies, or nineteen percent, explicitly specified 'men only' or 'men preferred'.<sup>279</sup>

### 8.2.2 The #MeToo movement in China

#MeToo, a movement against sexual harassment and abuse, acquired prominence in China in January 2018. Luo Xixi took to Weibo (the Chinese equivalent of Twitter) to accuse her former professor Chen Xiaowu of attempted rape. Her post went viral and the Beijing-based university dismissed the professor. In response, the Chinese

<sup>273</sup> The New York Times, *China detains activist who accused Xi of coronavirus cover-up*, 17 February 2020. Trouw, *Chinese mensenrechtenactivist Xu weer opgepakt*, 17 February 2020. AD, *China duldt geen enkele kritiek op president Xi of zijn optreden in coronacrisis*, 17 March 2020. Confidential source, 8 April 2020.

<sup>274</sup> For more information on the 709 Crackdown, refer to: Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 50 and 51.

<sup>275</sup> The Guardian, *'Shameless', Anger as China quarantines freed human rights lawyer 400 km from home, Wang Quanzhang released from jail but sent far from his wife and son in Beijing*, 5 April 2020. Trouw, *Chinese mensenrechtenadvocaat Wang Quanzhang vrijgelaten*, 5 April 2020. The New York Times, *Chinese human rights lawyer released from prison after term of nearly 5 years*, 6 April 2020. Confidential source, 8 April 2020. The Guardian, *China 'bars lawyer from going home' after prison release, Wang Quanzhang's wife fears Covid-19 may be used as pretext to keep him under house arrest*, 19 April 2020. Aljazeera, *Chinese human rights lawyer Wang Quanzhang reunites with family*, 28 April 2020. China Human Rights Lawyers Concern Group (CHRLCG), *Wang Quanzhang eventually reunited with his family in Beijing*, 28 April 2020. Confidential source, 7 May 2020.

<sup>276</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 51.

<sup>277</sup> For more information about the WEF, visit: [www.weforum.org](http://www.weforum.org).

<sup>278</sup> WEF, *Global gender gap report 2020*, published in 2019, p. 125.

<sup>279</sup> HRW, *"Only men need apply", Gender discrimination in job advertisements in China*, published in 2018, pp. 22, 23.

Ministry of Education declared it would adopt a zero-tolerance policy against any sexual misbehaviour by professors and pledged to take action against such behaviour on campuses. Even though Chen's dismissal and the Ministry of Education's response seemed like a promising start for the #MeToo movement in China, the movement was confronted by obstacles and setbacks. The university had dismissed Chen for 'violating the code of conduct for professors' rather than for sexual misconduct. Moreover, the Chinese authorities restricted the scope of activities permitted for #MeToo activists. For example, the #MeToo hashtag was no longer tolerated by Chinese state censorship, and in March 2018, the authorities shut down the social media accounts of Feminist Voices, an NGO that works for gender equality. The Guangzhou Gender and Sexuality Education Center (GSEC) closed in December 2018 under mounting government pressure. The GSEC worked for gender equality, fought against sexual misconduct and provided information on sexual diversity.<sup>280</sup>

In spite of the obstacles and setbacks mentioned above, China's women's rights movement has shown itself to be resilient. Feminist activists developed successful strategies to evade government censorship on social media, enabling them to continue drawing attention to women's rights issues and the issue of sexual misconduct. The women's movement also received a boost on 11 July 2019 when a Chengdu court ruled in favour of Liu Li, a victim of sexual misconduct. She had accused her previous employer Liu Meng of sexual misconduct, and the court ruled that Liu Meng had to issue a public apology. This court ruling marked the first legal victory for the #MeToo movement in China. Since the guilty party was not required to pay damages to the victim, the case was a modest victory. Nevertheless, it represented a source of inspiration and hope for other women's rights activists and victims of sexual misconduct.<sup>281</sup>

### 8.2.3

#### *Domestic violence*

On 1 March 2016, the Chinese government enacted the first national law against domestic violence, known as the 'PRC Anti-Domestic Violence Law'. The February 2018 country of origin information report noted that the effects of this legislation coming into force fell short of expectations and that domestic violence was a serious issue in China.<sup>282</sup> Domestic violence continued to be a sizeable problem in China during the reporting period. A study published by the official government newspaper *People's Daily* in November 2018 found that thirty percent of married women in China had experienced some form of domestic violence. Since the law on domestic violence came into force in March 2016, 5,860 applications for protection orders have been submitted to Chinese courts, of which 3,718 (63%) have been approved.<sup>283</sup>

There are various identifiable reasons that could explain the relatively low number of reports of domestic violence. Domestic violence is commonly viewed as a matter that should be resolved privately rather than in court. Additionally, it is difficult for victims of domestic violence to meet the evidential requirements, and this has a

<sup>280</sup> BBC, *China professor accused in #MeToo campaign is sacked*, 12 January 2018. HKFP, *Prominent Chinese feminist social media account censored on International Women's Day*, 9 March 2018. SupChina, *Guangzhou Gender and Sexuality Education Center Shuts down*, 6 December 2018. FP, *China's #MeToo activists have transformed a generation*, 10 January 2019. Quartz, *The future of #MeToo in China hinges on a lawsuit against the country's most famous TV presenter*, 31 January 2019.

<sup>281</sup> Aljazeera, *#MeToo movement in China, Powerful yet fragile*, 22 October 2018. The Guardian, *China's women's movement has not only survived an intense crackdown, it's grown*, 7 March 2019. The Guardian, *'It is not hopeless', China's #MeToo movement finally sees legal victories*, 4 November 2019.

<sup>282</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 27, 51, 52.

<sup>283</sup> CECC, *Annual report, 2019*, 18 November 2019, p. 152.

discouraging effect. Furthermore, police officers and judges do not always have the skills and knowledge to properly implement and enforce the Domestic Violence Law. Implementation and enforcement of this law can vary from province to province.<sup>284</sup>

According to a confidential source, the Ministry of Civil Affairs (MCA) runs 1,534 facilities known as relief stations. Such shelters are not designated for a single specific target group, but instead serve a range of homeless groups, including female victims of human trafficking and of domestic violence.<sup>285</sup>

The media reported that domestic violence increased during the coronavirus crisis. The quarantine measures had the unintended result of trapping women with violent partners. The increase in domestic violence was not quantifiable at the national level and reporting on the issue was fragmented. The director of a women's rights organisation in Beijing announced that the number of domestic violence reports received by her organisation had tripled compared to the period before the lockdown was implemented. The founder of an NGO in Jingzhou, a city in the central Chinese province of Hubei, reported that a single police station had received 162 reports of domestic violence in February 2020, compared to 47 in February 2019.<sup>286</sup>

#### 8.2.4 *Single mothers and single women in China*

There is little or no research data available on the social position of single mothers and single women.<sup>287</sup> However, it is clear from the following that under certain conditions, single mothers do not enjoy the same rights as mothers who are married.

For example, media reports show that single mothers in the southern province of Guangzhou are entitled to a maternity benefit and a *hukou* registration for their child, while single mothers in Shanghai are denied such services. If a child is not given a *hukou* registration, he or she does not have access to basic services such as education and health care. Based on media reports, the local authorities in the large cities no longer impose a 'social compensation fee' (SCF), i.e. a fine for conceiving a child in violation of the family planning regulations. However, an SCF is reportedly still levied in provincial towns and regions for giving birth to a third child or an illegitimate child. It should also be noted that single women who wish to have children cannot use the services of government regulated sperm banks. The north-eastern province of Jilin reportedly forms the only exception to this rule. This situation has prompted wealthy single women who wish to have a child to go abroad and become pregnant through artificial insemination.<sup>288</sup>

#### 8.2.5 *Single Chinese mothers living abroad*

Single Chinese mothers living abroad can encounter difficulties in obtaining confirmation of Chinese nationality for their children born abroad. Pursuant to Chinese nationality legislation, a child born abroad is entitled to Chinese nationality if one of the parents is a Chinese citizen. For more details about nationality legislation, refer to 2.6. If a single Chinese mother returns to China, the child must

<sup>284</sup> SupChina, *Domestic violence in China and the limitations of law*, 10 October 2018; Sixth Tone, *Silent no more, How China's domestic abuse victims spoke out*, 2 January 2020. Confidential source, 5 March 2020.

<sup>285</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 53. Confidential source, 26 February 2020.

<sup>286</sup> Sixth Tone, *Domestic violence cases surge during COVID-19 epidemic*, 2 March 2020. BBC, *Coronavirus, Five ways virus upheaval is hitting women in Asia*, 8 March 2020.

<sup>287</sup> Confidential source, 5 March 2020.

<sup>288</sup> Global Times, *Unmarried mothers demand rights for children born out of wedlock*, 10 March 2019. Sixth Tone, *The single mothers left out of maternity leave*, 17 October 2019. Bloomberg, *Baby shortage prompts China's unwed mothers to fight for change*, 28 October 2019. National Public Radio (NPR), *In China, kids of unwed mothers may be barred from public health care, education*, 6 November 2019. Confidential source, 26 February 2020.

travel using a travel document prepared and issued by the relevant Chinese embassy. Upon arrival in China, the mother is required to submit an application to the Public Security Bureau (PSB) to obtain confirmation of Chinese nationality for her child. The PSB is the government agency responsible for maintaining population records. This process involves presenting a birth certificate to the PSB which has been prepared and issued by the authorities in the child's country of birth. This certificate has to be translated and verified by a firm of civil law notaries based in China and recognised by the Chinese Ministry of Justice. If the certificate contains no information about the father, this could lead to problems with registration. The Chinese authorities reportedly do not have a clear approach to processing such applications with missing personal data concerning the father. In some places, the single mother is required to pay an SCF in order to acquire a *hukou* registration for her child. Subsequently, the child's Chinese nationality can be confirmed.<sup>289</sup>

### 8.3 LGBTI<sup>290</sup>

#### 8.3.1 Introduction

The Chinese government has an ambivalent attitude towards the LGBTI community in China. On the one hand, there is no legislation in China that prohibits having an LGBTI orientation or identity. On the other hand, there are no regulations protecting the LGBTI community against discrimination based on their sexual orientation or gender identity (SOGI). Likewise, the Chinese government system does not have an agency that specifically deals with LGBTI matters. Moreover, it is prohibited for gay couples to marry and adopt children. The ambivalence of the Chinese authorities towards sexual minorities has created a grey area in which LGBTI individuals, activists and organisations are trying to find their way.<sup>291</sup>

#### 8.3.2 Homosexuality and censorship

The ambivalence mentioned above is expressed in a number of ways, including an inconsistent censorship policy with respect to homosexuality.<sup>292</sup> On 13 April 2018, Weibo, the Chinese equivalent of Twitter, announced that from that date on, any gay-related content posted would be censored. This led to such a backlash that Weibo reversed its decision on 16 April 2018, a move that some saw as a victory in the fight for LGBTI rights.<sup>293</sup> However, when the censored version of *Bohemian Rhapsody*, a biographical film about Freddie Mercury (1946-1991), the gay lead singer of Queen, was screened in Chinese cinemas in 2019, the gay scenes had been cut from the film.<sup>294</sup> In January 2020, a television ad was broadcast in China which featured two parents welcoming their son and his same-sex partner. This was hailed by LGBTI activists as a gesture of tolerance towards sexual minorities.<sup>295</sup>

<sup>289</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 52 and 53. Confidential source, 26 and 28 February, and 18 May 2020.

<sup>290</sup> In this country of origin information report, the acronym LGBTI is used as a collective term for people with a minority sexual orientation, namely: lesbian, gay, bisexual, transgender, and intersex.

<sup>291</sup> Bloomberg, *A \$300 billion rainbow economy is booming the middle of China*, 18 June 2019. Confidential source, 7 February 2020. Confidential source, 3 March 2020. Confidential source, 5 March 2020. The New York Times Magazine, *How a dating app helped a generation of Chinese come out of the closet*, 5 March 2020.

<sup>292</sup> Confidential source, 3 March 2020. The New York Times Magazine, *How a dating app helped a generation of Chinese come out of the closet*, 5 March 2020.

<sup>293</sup> Trouw, *Na een storm van kritiek mag je toch homo zijn op de Chinese variant van Twitter*, 17 April 2018. AP, *China's Weibo site backtracks on gay censorship after outcry*, 17 April 2019. The Diplomat, *China's complicated LGBT movement*, 1 June 2018.

<sup>294</sup> The New York Times, *'Bohemian Rhapsody' with no gay scenes? Censored film angers Chinese viewers*, 26 March 2019; Vlaamse Radio- en Televisieomroeporganisatie (VRT), *China censureert 'Bohemian Rhapsody'*, "Bang dat heel China homoseksueel wordt", 27 March 2019.

<sup>295</sup> Sixth Tone, *Ad featuring same-sex couple wins hearts and minds in China*, 10 January 2020.

### 8.3.3 *Homosexuality and the judicial process*

There is also ambiguity in the administration of justice with respect to sexual diversity. For example, in one instance a local judge may rule in favour of a transgender person, while in another case a local judge may deem homosexuality as a threat to China's social mores and traditions. Few LGBTI individuals possess the financial means and the right contacts to go to court if they face discrimination based on SOGI.<sup>296</sup> One source adds that financial resources and the right contacts alone are not sufficient to gain access to the courts. LGBTI individuals who are victims of discrimination must also be prepared to publicly reveal their orientation, which could have a negative impact on their social life or opportunities in the labour market.<sup>297</sup>

During the reporting period, there was a court case that generated a great deal of media coverage. The case involved a 31-year-old teacher from the eastern Chinese province of Shandong who had been dismissed by his employer on 6 August 2018 when it emerged he was gay. The man, known by the pseudonym Ming Jue, filed a complaint against the school. Based on the information available, this is the first time in China that a teacher sued a school for discrimination based on SOGI. In November 2018, the court ruled that the school must pay the teacher an amount equal to five times his monthly salary as compensation. The plaintiff was not reinstated to his job and the court's ruling did not acknowledge his claim of discrimination leading to dismissal for his homosexual orientation.<sup>298</sup>

### 8.3.4 *Homosexuality and health care*

There are also contradictions in the response of the health care system to homosexuality. For example, China removed homosexuality from the official list of mental illnesses in 2001, but at the same time, there are homosexuals who have undergone so-called 'conversion therapy' under pressure from their families. The purpose of this treatment is to change someone's homosexual orientation to a heterosexual orientation, using various techniques such as hypnosis, drug therapy, acupuncture and electroshock therapy. Conversion therapy is offered at both public hospitals as and centres operating without a medical licence.<sup>299</sup>

### 8.3.5 *LGBTI organisations*

It is difficult for LGBTI organisations to have themselves officially registered, particularly when the chosen name explicitly refers to the LGBTI nature of the organisation and the organisation promotes an activist agenda. For this reason, some LGBTI organisations choose to register themselves as organisations that provide health services to LGBTI individuals infected with HIV or AIDS. This is something that the Chinese government views as less threatening to the established order.<sup>300</sup>

There are several organisations in China actively working for LGBTI rights. A prominent player in the LGBTI activist scene is the Beijing LGBT Center. This NGO has set itself up as a network organisation, organising galas, parties and topical

<sup>296</sup> Confidential source, 3 March 2020. Confidential source, 18 March 2020. Confidential source, 20 March 2020.

<sup>297</sup> Confidential source, 18 March 2020.

<sup>298</sup> Global Times, *Gay teacher gains arbitration after school fires him*, 27 September 2018. SCMP, *Chinese gay teacher files for unfair dismissal after being outed by parent of former pupil*, 28 September 2018. Reuters, *China school sued by fired gay teacher in potential landmark case*, 28 September 2018. Gay Star News (GSN), *Gay Chinese teacher loses case for unfair dismissal*, 27 November 2018.

<sup>299</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 54. ChinaFile, *Converting the converters*, 18 October 2019. Reuters, *Many LGBT people in China forced into illegal 'conversion therapy' groups*, 21 November 2019. Confidential source, 5 March 2020.

<sup>300</sup> Confidential source, 7 February 2020. Confidential source, 3 March 2020. Confidential source, 5 March 2020.

workshops. The Beijing LGBT Center also provides mental health support to LGBTI individuals and provides information to doctors regarding transgender issues. Parents, Families and Friends of Lesbians and Gays (PFLAG) is a network organisation of parents who have embraced the LGBTI orientation of their children. In turn, these parents encourage other parents to also accept the sexual orientation of their LGBTI children. Common Language conducts legal research and promotes the rights of LGBTI individuals in general, with a specific focus on lesbians and transgender people.<sup>301</sup>

During the reporting period, LGBTI organisations faced restrictions that limited their scope of activities. With the coming into force of the Foreign NGO Management Law on 1 January 2017,<sup>302</sup> it has become more difficult for NGOs based on the Chinese mainland to obtain permission to receive support from foreign donors. Due to this law, for example, the Beijing LGBT Center has been cut off from funding sources abroad, which according to three sources, has led to financial difficulties for this organisation.<sup>303</sup>

#### 8.3.6 *Working to legalise same-sex marriage*

Same-sex unions are prohibited by Chinese law. During the reporting period, some same-sex couples did succeed in appointing each other as legal guardians before a willing civil-law notary. This contractual arrangement is known as *yiding jianhu*. If one partner does not have legal capacity due to a medical emergency, the other partner can act on that person's behalf.<sup>304</sup> Until now, a handful of same-sex couples are said to have used this arrangement. The guardianship option is reportedly not available to the general LGBTI population. First, both partners have to be bold enough to publicly reveal their LGBTI orientation. Second, the same-sex couple must possess the financial means to engage a lawyer if the civil-law notary has to be convinced first. To date, there are no known cases in which one of the same-sex partners has had to act as a guardian for the other partner. Consequently, it is unclear to what extent an LGBTI individual would actually be accepted as a legal guardian for his or her partner.<sup>305</sup>

China's LGBTI community has become more visible, in part due to the use of social media. Public discussions regarding LGBTI topics have made their way into mainstream society.<sup>306</sup> For example, a social media channel on Weibo called Voice of LGBT has millions of followers.<sup>307</sup> This societal trend sometimes leads to successful online campaigns. In 2019, the National People's Congress (NPC) invited the general public to submit input for the creation of the Civil Code. Appeals were made on social media calling on people to request that the Chinese government legalise same-sex marriage. On 20 December 2019, an NPC spokesperson reported that almost 200,000 suggestions were submitted relating to the section on marriage laws. The NPC acknowledged that an unspecified number of submissions called for

<sup>301</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 55 and 56. Confidential source, 3 March 2020. Confidential source, 9 March 2020. Confidential source, 18 March 2020.

<sup>302</sup> For more information about the Foreign NGO Management Law, refer to: Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 25 and 26.

<sup>303</sup> Confidential source, 3 March 2020. Confidential source, 9 March 2020. Confidential source, 18 March 2020.

<sup>304</sup> Sixth Tone, *How legal guardianship made my same-sex relationship 'official'*, 13 August 2019. The Economist, *Gay Chinese take a modest first step towards civil unions*, 5 September 2019. The Conversation, *How China is legally recognising same-sex couples, but not empowering them*, 2 October 2019.

<sup>305</sup> Confidential source, 3 March 2020. Confidential source, 5 March 2020. Confidential source, 18 March 2020.

<sup>306</sup> The New York Times Magazine, *How a dating app helped a generation of Chinese come out of the closet*, 5 March 2020.

<sup>307</sup> Confidential source, 3 March 2020. Confidential source, 18 March 2020.

the legalisation of same-sex marriage.<sup>308</sup> For the time being there are no tangible indications that China will be legalising same-sex marriage in the near future.<sup>309</sup>

#### **8.4 Unaccompanied minors**

A source reports that there are 176 Minor Protection Centres in China offering temporary care and shelter to minors, including unaccompanied minors. These Minor Protection Centres have a total capacity of eight thousand beds. This number of beds is only sufficient to provide temporary shelter. In addition to beds, minors can also obtain food and health care at the Minor Protection Centres. In places where no Minor Protection Centre is available, a minor must be accommodated in a home for the elderly or in another government facility. The Minor Protection Centres are run by the Ministry of Civil Affairs (MCA). The MCA's mandate is based on several policy documents and circulars, rather than set out in a specific law. It is unclear whether NGOs are also involved in providing shelter to minors.<sup>310</sup>

#### **8.5 Environmental activists**

Environmental pollution continued to pose a serious problem for Chinese society during the reporting period. A study conducted by IQAir, a company of Swiss origin focusing on air pollution, in 2019 found that 48 of the top 100 most polluted cities in the world were located in China.<sup>311</sup> The previous country of origin information report had reported that environmental activists are at risk of being arrested and detained if their activities discredit or embarrass the Chinese authorities.<sup>312</sup>

This situation did not change during the reporting period. For example, Xue Renyi was detained by the Chinese authorities on 1 May 2018 in the city of Chongqing, in southwest China. Xue is the founder and head of Green Leaf Action, a group of environmental activists advocating food security and campaigning against air and water pollution. As far as is known to date, Xue has not been sentenced or released.<sup>313</sup>

#### **8.6 Trade union activists**

During the reporting period, activists campaigning for labour rights outside the standard state structures faced intensifying persecution.<sup>314</sup> All trade unions in China are required to be affiliated with the All China Federation of Trade Unions (ACFTU), an umbrella organisation led by the CCP. Establishing independent trade unions is prohibited in China. According to scholars and international observers, the ACFTU places the interests of the governing party above the interests of workers.<sup>315</sup>

<sup>308</sup> PinkNews, *China finally takes small step towards recognising same-sex marriage*, 8 January 2020. The Economist, *Gay prospects, China's government finds surprising support for same-sex marriage*, 23 January 2020. Sixth Tone, *Amid the epidemic, a quiet leap forward for China's LGBT community*, 19 February 2020.

<sup>309</sup> Confidential source, 4 March 2020.

<sup>310</sup> Confidential source, 26 February, 23 and 24 June 2020.

<sup>311</sup> IQAir, *2019 world air quality report, Region & City PM2.5 ranking*, published in 2019, p. 12.

<sup>312</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 57.

<sup>313</sup> CHR, *Xue Renyi*, 31 May 2019. Dui Hua, *From Hu to Xi, China's grip on environmental activism, Part II, Environmental activism from above and below*, 24 July 2019.

<sup>314</sup> Confidential source, 7 February 2020. Confidential source, 20 March 2020. Confidential source, 26 March 2020.

<sup>315</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 57. CECC, *Annual report, 2019*, 18 November 2019, p. 61.

Riot police arrested approximately fifty students in the southern province of Guangdong in August 2018. Independent media described their political orientation as Maoist or Marxist. The students had lent their support to Jasic Technology factory workers in their efforts to establish an independent union.<sup>316</sup> During the first quarter of 2019, the Chinese authorities in the province of Guangdong put three editors of the website iLabour.net, an online news platform that exposes life-threatening working conditions in Chinese factories, in detention. As far as is known to date, the three editors, Yang Zhengjun, Wei Zhili and Ke Chengbing have not been sentenced or released.<sup>317</sup>

<sup>316</sup> RFA, *Riot police in China's Shenzhen detain 50 labor activists in dawn raid*, 24 August 2018. The Guardian, *50 students activists missing in China after police raid*, 24 August 2018. The Guardian, *Student activists detained in China for supporting workers' rights*, 12 November 2018. CHDR, *China must release detained labor rights advocates*, 25 July 2019.

<sup>317</sup> CPJ, *Labor rights website editor Wei Zhili arrested in China; another is missing*, 21 March 2019. RFA, *Labor editors 'at risk of torture', Dozens of labor activists behind bars*, 30 April 2019. China Labour Bulletin (CLB), *Gone for 100 days, Three labour activists 'disappeared' in China*, 27 June 2019. HRW, *World report 2020, Events of 2019*, published in 2020, p. 134. CHDR, *China must release detained labor rights advocates*, 25 July 2019.

## 9 Xinjiang

### 9.1 Introduction

The western Chinese province of Xinjiang<sup>318</sup> is home to the Uighur people. It has a population of 23 million. Of the province's total population, roughly 63% is Muslim (fifteen million people) and approximately 48% of the total population is Uighur. This makes Xinjiang the only Muslim majority province in China. Almost two-thirds of all the mosques registered in the People's Republic of China (23,000) are located in Xinjiang. Uighurs live primarily in the south of the province, in cities such as Kashgar and Hotan, while the majority of the Han Chinese live in the north of the province. The Uighur people frequently have close cultural and social ties with bordering Central Asian countries which are home to Turkic ethnic groups. Their language is also a Turkic language. As part of the 'Belt and Road Initiative',<sup>319</sup> Xinjiang is of some importance as an export hub.<sup>320</sup>

The government's policy in Xinjiang, referred to as the 'Strike Hard Campaign', consists of far-reaching measures to gain complete control of the region. This security policy was imposed following violent resistance by the Uighurs against the government over the past two decades, and the actions of Uighur jihadis abroad.<sup>321</sup> According to the Chinese government, its goal is to ensure public order and security and clamp down on Muslim extremists. Critics believe that the government's response is far tougher than necessary and that the policy effectively aims to eliminate the Uighurs' culture or even ethnicity by employing drastic measures. Party Secretary Chen Quanguo, known for his repressive policy as Party Secretary in Tibet until 2016, has been in charge of Xinjiang since 2016. Under him, inhabitants throughout the entire province have been confronted with harsh repression. The following elements characterise this repressive policy: there was intensive monitoring of freedom of movement throughout the region, and people were interned in so-called re-education camps where they were forced to renounce most aspects of their faith and adapt their cultural identity to what the government considers desirable. The region was cut off from communication with the outside world by the internet being shut down for months at a time and far-reaching surveillance of individuals in their contact with relatives outside China, and foreign journalists were impeded in their work, or only allowed on registered visits. International criticism was met with the argument that this is an internal matter. There has additionally been a massive deployment of security services, both in the public domain and in individual homes.<sup>322</sup>

<sup>318</sup> Xinjiang literally translates as 'New Frontier' and in the past was spelled Sinkiang. Uighur activists refer to the province as 'East Turkestan'.

<sup>319</sup> This term refers to the Chinese government's trade and infrastructure development strategy. For more information about the BRI, refer to: Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 11 and 12.

<sup>320</sup> Bundesamt für Migration und Flüchtlinge (BAMF), *Länderreport 22, China, Situation der Muslime*, February 2020, p. 15.

<sup>321</sup> An example of a prominent, mainly Uighur jihadist group operating abroad is the Turkistan Islamic Party (TIP) in Syria. See AP News: *Uighurs fighting in Syria take aim at China*, 23 December 2017. Center for Global Policy: *Uighur Jihadists in Syria*, 18 March 2020.

<sup>322</sup> HRW, *World report 2020*, p. 131. The Economist, *In Xinjiang, China applies repressive lessons learned in Tibet*, 12 December 2019. BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 16. Confidential source, 24 July 2019.

This chapter looks at internment in 're-education camps' or detention camps, cases of arbitrary detention, unfair trials, the banning of religious practices, and far-reaching surveillance of all inhabitants of Xinjiang.

## 9.2 'Re-education camps'

Many NGOs and international media have reported on so-called 're-education camps'. Starting in the spring of 2017, as part of the Strike Hard Campaign, the Chinese authorities established secure camps for the so-called 're-education' of Uighurs, members of the ethnic Kyrgyz group, Kazakhs<sup>323</sup> and Hui Chinese, who are predominantly Muslim. According to the Chinese government, the people detained need to be deradicalised and acquire knowledge of Han Chinese culture and Xi Jinping's political ideology. In addition to secure camps where individuals are usually detained for several months, there are also open camps where so-called education is provided during the day or evening, but those who attend spend the night at home. Participation is mandatory, and those who refuse may be transferred to a detention camp. Detainees can be transferred from a detention camp to criminal detention in a regular prison if they do not comply with camp regulations.<sup>324</sup>

Information on the size and extent of the camps and on camp life is based on testimony provided by former detainees, satellite images, and leaked government documents. Chinese public construction tender documents for new detention camps and the conversion of existing buildings pointed to the establishment of detention facilities for hundreds of thousands of prisoners as early as 2017.<sup>325</sup> While the Chinese authorities initially denied the existence of detention camps, journalists were later invited to the camps for official tours on which the camps were praised. Ultimately, the government announced that the detainees of these camps had been released and had received support to re-enter society.<sup>326</sup> See also 9.3 for information about forced employment.

Media and NGO reporting also contrasted sharply with government reporting. In November 2019, the International Consortium of Investigative Journalists (ICIJ) released a publication about Chinese government documents, referred to as the China Cables<sup>327</sup>. The publication revealed that the population of the camps was much larger than the Chinese government had claimed. Based on these and previously published government documents,<sup>328</sup> NGOs and media estimate that there are approximately one million inmates in the detention camps. It is reported that chiefly Uighurs, but also ethnic Kazakh or Kyrgyz Chinese and other Muslim minorities such as the Hui are forced to remain in these detention camps for many

<sup>323</sup> Bitter Winter reports that in addition to approximately ten thousand ethnic Kazakhs with Chinese nationality, there are also a few dozen Kazakhs with Kazakh nationality imprisoned in camps. According to the report, 20 Kazakhs with Kazakh nationality and 2,500 persons with both Kazakh and Chinese nationality were released. The latter group will be allowed to renounce their Chinese nationality. Bitter Winter, *The drama of Kazakh Muslims in China, Imprisoned, tortured, silenced*, 3 July 2019. See also 12.6 on Chinese Kazakhs in Kazakhstan.

<sup>324</sup> BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 15.

<sup>325</sup> Buildings such as schools, hospitals, supermarkets and institutional homes were used as camps, after being furnished and equipped with perimeter walls, security fences, watchtowers, camera surveillance, barbed wire and security doors. Journal of Political Risk, *Wash brains, Cleanse hearts, Evidence from Chinese government documents about the nature and extent of Xinjiang's extrajudicial internment campaign*, November 2019. Jamestown Foundation, *New evidence for China's political re-education campaign in Xinjiang*, 15 May 2018.

<sup>326</sup> AP, *China claims everyone in Xinjiang camps has "graduated"*, 9 December 2019.

<sup>327</sup> International Consortium of Investigative Journalists (ICIJ), *China Cables, Who are the Uighurs and why mass detention?*, 24 November 2019.

<sup>328</sup> Jamestown Foundation, *New evidence for China's political re-education campaign in Xinjiang*, 15 May 2018.

months or even years.<sup>329</sup> Internment in such a camp no longer needs to be preceded by a judicial procedure, due to an October 2018 amendment to anti-extremism legislation. Extrajudicial detention in the camps since 2017 was retroactively legalised by this amendment.<sup>330</sup>

More leaked government documents showed that the everyday behaviour or circumstances of an individual or his or her relatives could lead to internment in a secure camp. These government documents mainly list everyday circumstances such as having relatives abroad or receiving assistance from these relatives, having a spouse who wears or has worn a veil, planning to go on an Islamic pilgrimage, no longer consuming alcohol, wearing a beard, or attending a funeral. Having more than the permitted number of children – two in urban areas and three in rural areas – could also result in internment in a detention camp.<sup>331</sup> According to researcher Adrian Zenz of the Jamestown Foundation<sup>332</sup> this was the most common reason in Qaraqash for internment in such a camp.<sup>333</sup>

The regime and living conditions in the detention camps became known from the abovementioned China Cables,<sup>334</sup> and from reports from released detainees. Detainees are forced to learn Chinese and are subjected to intensive indoctrination; they are forced to sing songs praising the CCP and memorise rules. Failure to comply with the rules leads to severe abuse and torture at the hands of the camp guards, forced labour, food deprivation, and forced medication.<sup>335</sup> The camp facilities resemble those of prisons, with camera surveillance in all areas, including the sanitary facilities. Some of the cells are so crowded that prisoners have to take turns sleeping. There are reports of fatalities in the camps without any clear cause of death, possibly as a result of conditions in detention or a lack of medical treatment.<sup>336</sup> Some Uighurs reported involuntary medical tests and blood and DNA samples being taken in the camps.<sup>337</sup> Three Uighur women stated they were sterilised without their knowledge while interned in a camp.<sup>338</sup> After inspecting government documents, researcher Adrian Zenz suspects that forced mass sterilisation is being carried out both in and outside the camps and that Uighur women with two or three children have intrauterine devices inserted without their consent.<sup>339</sup>

<sup>329</sup> The New York Times, 'Absolutely No Mercy', *Leaked files expose how China organized mass detentions of Muslims*, 16 November 2019, BBC, *Data leak reveals how China 'brainwashes' Uighurs in prison camps*, 24 November 2019. BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 14.

<sup>330</sup> BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 13. Tagesschau, *Umerziehungslager jetzt offiziell*, 11 October 2018.

<sup>331</sup> The New York Times, *How China tracked detainees and their families*, 17 February 2020. Süddeutsche Zeitung, *Was mit den Uiguren nach der Internierung passiert*, 17 February 2020.

<sup>332</sup> The Jamestown Foundation is a research institute based in the United States. For more information, visit the website <https://jamestown.org>.

<sup>333</sup> The Journal of Political Risk, *The Karakax List, Dissecting the anatomy of Beijing's internment drive in Xinjiang*, February 2020, under paragraph 3.4.2 of this article.

<sup>334</sup> ICIJ, *China Cables, Who are the Uighurs and why mass detention?*, 24 November 2019.

<sup>335</sup> The China Tribunal, *Final Judgment*, 1 March 2020, p. 83, para. 261.

<sup>336</sup> BAMF, *Länderreport 22, China Situation der Muslime*, February 2020, p. 15. Confidential source, 26 March 2020.

<sup>337</sup> China Tribunal, *Final Judgment*, point 193 on p. 59.

<sup>338</sup> The Independent, *Muslim women 'sterilised' in China detention camps, say former detainees*, 12 August 2019, CECC, *2019 Annual report*, p. 123.

<sup>339</sup> The Journal of Political Risk, *The Karakax List, Dissecting the anatomy of Beijing's internment drive in Xinjiang*, February 2020, pp. 15 and 18.

For the moment, there is insufficient evidence to prove forced organ donation in the detention camps. The investigative committee China Tribunal expressed its concerns before the UN Human Rights Council in September 2019 regarding the vulnerability of Uighurs to the alleged forced organ donation in detention camps. Even though there was found to be insufficient evidence of forced organ donation, China Tribunal expressly did not rule out the possibility that this practice was occurring.<sup>340</sup> Other NGOs have likewise not ruled out this possibility, but they have insufficient opportunities for gathering evidence.<sup>341</sup>

### 9.3 Forced labour

Muslim minority residents in Xinjiang, such as Uighurs and Kazakhs, were subjected to forced labour in factories during the reporting period – both those in detention camps and those residing at home. Some of these factories are located in Xinjiang near where the workers live, but others are situated far from Xinjiang in other parts of China. The Australian Strategic Policy Institute (ASPI) estimates that between 2017 and 2019 approximately eighty thousand inhabitants of Xinjiang were subjected to forced labour in factories outside their own province. Some factories have a branch in a detention camp. Sometimes forced labour occurs following internment in a detention camp, and sometimes it involves individuals not interned in a detention camp. Employment is one component of the Xinjiang Aid government campaign which aims to reduce poverty and unemployment.<sup>342</sup>

Even though some workers in Xinjiang voluntarily agree to this employment, a researcher states that there are frequently elements of coercion: workers belonging to Muslim minorities live in separate quarters and eat in separate canteens from their Han Chinese colleagues. In some factories Uighurs are paid less for the same work than their colleagues. Relatives in Xinjiang are reportedly threatened when Uighur workers consider quitting their jobs.<sup>343</sup>

### 9.4 Arrests, detention and unfair trial

In addition to the threat of being sent to open camps or detention camps, an unknown number of Muslims in Xinjiang are also subjected to arbitrary arrests and detentions, and an unfair judicial process. According to official Chinese government figures, in 2017 roughly 20 percent of all arrests in China were registered in Xinjiang, a province that is home to 1.5 percent of the country's population. The Chinese government explains that these high numbers are the result of its counter-terrorism efforts. In March 2019 the government announced that since 2014 it had eliminated approximately 1,600 violent and terrorist gangs, arrested 13,000 terrorists, seized 2,052 explosive devices, punished 30,645 people for 4,858 illegal religious activities, and confiscated 345,229 copies of illegal religious material.<sup>344</sup>

<sup>340</sup> The Independent, *China is killing religious and ethnic minorities and harvesting their organs*, 24 September 2019.

<sup>341</sup> Confidential source, 7 February 2020. Confidential source, 12 March 2020.

<sup>342</sup> The New York Times, *Inside China's push to turn Muslim minorities into an army of workers*, 30 December 2019 and updated on 17 February 2020. CECC, *2019 Annual Report*, p. 58. Australian Strategic Policy Institute (ASPI), *Uyghurs for sale*, 1 March 2020. Confidential source, 8 April 2020.

<sup>343</sup> The Economist, *From slammer to serfdom, What happens when China's Uighurs are released from re-education camps*, 5 March 2020.

<sup>344</sup> Xinjiang accounted for 21% of all arrests and 13% of all indictments in 2017. BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 17. The Guardian, *China says it has arrested 13000 terrorists in Xinjiang*, 18 March 2019.

In statements made to HRW, Uighur former detainees described torture and abuse both during police interviews and in detention centres. They described imprisonment without trial, beatings, sleep deprivation, and detainees being chained to ceilings or walls. According to the interviewees, those detained were primarily Uighurs and Kazakhs, and some Hui Chinese. They were detained without formal charges, without being allowed to see a lawyer, and without their families being informed.<sup>345</sup>

## 9.5 Freedom of religion and assimilation into Han Chinese culture

The Uighur community's language, faith and culture are different from those of the Han Chinese population. Traditionally, Uighurs remain loyal to their own culture and faith, which the Chinese state construes as religious extremism and a threat to national unity. Consequently, since 2009, the Chinese government has responded with harsh measures to curtail the culture and faith of Uighurs. A large number of religious practices have been designated as illegal religious activities or religious extremism. In the context of Xi Jinping's rule by law policy, these existing measures have also been enshrined in law. For instance, the ban on various religious practices has been set out in a number of national, regional and local laws.<sup>346</sup> However, these laws are often so broadly worded that there is little transparency in state action.<sup>347</sup>

It is virtually impossible for Muslims in Xinjiang to freely practise their religion. Religious expressions such as the call to prayer or wearing a veil have been banned in public. An unknown number of mosques have been closed down or are being used for party propaganda. Other mosques have been demolished, access controls have been introduced such as identity checks at entrances and the use of surveillance cameras.<sup>348</sup> Xinjiang's counter-terrorism law has banned long beards, halal practices pertaining to matters other than food, Islamic aspects of family planning, weddings, funerals and inheritance. Minors are also not permitted to participate in religious activities and children may not be given Islamic names. The Arabic salutation of *assalamu alaykum* ('peace be upon you') has likewise been banned. There have been instances of government officials forcing Muslims to eat pork, drink alcohol and break their Ramadan fast (see also 9.6).<sup>349</sup>

During the reporting period, the attempted assimilation of Uighur culture into Han Chinese culture was marked by an increasing focus on the Uighur arts and entertainment sector. Uighurs who are prominent by virtue of their position within this sector are at risk of disappearing in criminal detention or in a detention camp, even if they are not politically or religiously active or if they have a lengthy record of service with the government and good ties with the CCP.<sup>350</sup> In addition to weakening the Uighur cultural landscape, it appears that these arrests are also meant to serve as a deterrent. For example, following his disappearance in 2017, the Uighur historian and publisher Iminjan Seydin was sentenced to fifteen years in prison on charges of inciting extremism. Amnesty International called his trial grossly

<sup>345</sup> HRW, "Eradicating ideological viruses", *China's campaign of repression against Xinjiang's Muslims*, September 2018, p. 27. AI, *Fears of imprisonment for missing Kazakh writer, Nagy Muhammed*, 27 April 2020.

<sup>346</sup> Some examples include counter-terrorism legislation passed in January 2016, the Xinjiang Religious Affairs Regulations of January 2015, and the February 2015 Urumqi regulations on religious attire.

<sup>347</sup> Freedom House, *The battle for China's spirit*, February 2017, p. 70. BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 18.

<sup>348</sup> BAMF, *Länderreport 22, China Situation der Muslime*, February 2020, p. 19. Confidential source, 29 October 2019.

<sup>349</sup> USDOS, *2018 report on international religious freedom, China (includes Tibet, Xinjiang, Hong Kong, and Macau)*, 21 June 2019, pp. 61-63. ChinaFile, *China's government has ordered a million citizens to occupy Uighur homes, Here's what they think they're doing*, 24 October 2018. RFA, *Chinese officials force Muslims to drink, eat pork at festival*, 6 February 2019.

<sup>350</sup> Confidential source, 12 March 2020.

unfair.<sup>351</sup> There were also cases of famous Uighur cabaret artists, singers and poets disappearing, without their families knowing where they were held.<sup>352</sup>

Chinese discourse focuses on cultural assimilation. On 21 July 2019, China published the policy document *Historical matters concerning Xinjiang*, in which it is asserted that Xinjiang has long been an inseparable part of China, and that the Uighurs are not the descendants of Turkic peoples, but revolted together with the Chinese against Turkish domination; the policy document also claims that the Uighurs are a Chinese people who were forced to convert to Islam in religious wars.<sup>353</sup>

## 9.6 Freedom of movement and daily life in Xinjiang

This section describes how further restrictions were placed on the population of Xinjiang during the reporting period through the use of checkpoints and a mandatory app that provides the government with access to users' location history. In daily life, far-reaching measures were used, such as government officials living in people's homes or the forced placement of the children of detainees in care institutions.

### 9.6.1 *Integrated Joint Operations Platform (IJOP)*

According to an HRW report, all residents of Xinjiang are required to install an application called Integrated Joint Operations Platform (IJOP) on their mobile phones. This application enables the Chinese government to monitor almost all the activities and personal information of the residents of Xinjiang, and designate activities or individuals as suspicious. The IJOP stores a vast amount of personal data, according to HRW mostly without any legal basis. Through IJOP, the police have access to name and address details, bank details, vehicles registered in the user's name, the user's political beliefs, blood type, ethnic and religious information, and electricity and fuel consumption. The application also provides access to the location history and phone use, and links this data with other data obtained through devices at checkpoints and CCTV cameras<sup>354</sup> with facial recognition technology.<sup>355</sup>

If the app detects activities or persons designated as suspicious, it sends a notification to the authorities. The police then initiate an investigation, usually based on suspicion of a public order offence. For example, the following activities are considered suspicious: religious activities such as making a donation to a mosque, preaching without authorisation, pilgrimage without authorisation, using banned social media such as WhatsApp, Viper or Telegram, or using the back door instead of the front door. Among other reasons, individuals can be designated as suspicious if they have a relative who has been sentenced to death, have been in detention, have returned from abroad, have more children than permitted, are not living at their registered address, or have concealed the fact they have an international passport.<sup>356</sup>

<sup>351</sup> AI, *Uyghur academic jailed for 'inciting extremism'*, *Iminjan Seydin*, 13 February 2020. Confidential source, 26 March 2020.

<sup>352</sup> The Guardian, *Fears for Uighur comedian missing amid crackdown on cultural figures*, 22 February 2019.

<sup>353</sup> Confidential source, 23 July 2019.

<sup>354</sup> CCTV stands for *closed-circuit television*, in other words, closed circuit security cameras.

<sup>355</sup> HRW, *China's algorithms of repression*, 1 May 2019. Confidential source, 31 May 2019.

<sup>356</sup> For a detailed list of activities and individuals regarded as suspicious, refer to p. 26 of the 1 May 2019 HRW report, *China's algorithms of repression*.

### 9.6.2 *Checkpoints*

A dense network<sup>357</sup> of checkpoints throughout the province of Xinjiang makes it impossible for residents to move around unobserved in most of the province. These checkpoints use facial recognition technology and identity checks. Some checkpoints are equipped with devices that can copy data from mobile phones so that they can be traced later. Furthermore, some checkpoints are directly linked with the IJOP app's database. If the IJOP app has identified a user as suspicious, the system will send a notification when this user attempts to pass through a checkpoint. This user can then be questioned, stopped or arrested. HRW has reports of people who were unexpectedly informed that they were banned from leaving their place of residence or region, because they had been designated as suspicious without their knowledge.<sup>358</sup>

## 9.7 **Government officials living in people's homes**

The Chinese government assigns Han Chinese government officials<sup>359</sup> to live in the homes of families in Xinjiang. This is one component of the policy of exposing all parts of Xinjiang's population to Han Chinese culture and thus also reaching those who have not been subjected to so-called re-education in camps. Once every month or two months, a government official resides in the home for a week and monitors the family, collects information on its political beliefs and religious practices, and encourages family members to study Chinese and the Han Chinese culture. Following the visit, the government official reports his or her observations to the Chinese government. Negative comments, for example, in cases where a family continues to observe Islamic traditions or refuses to provide information, can in extreme cases lead to internment in a detention camp. The visits are part of what the government describes as a voluntary cultural exchange. According to media reports, almost 1.1 million government observers are involved. In some cases, male government officials are placed with a family all of whose men are in a detention camp.<sup>360</sup>

## 9.8 **Children**

The Chinese government's assimilation attempts also target the children of Muslim minorities in Xinjiang. Teachers who only speak Chinese are assigned to schools.<sup>361</sup> Children of detainees belonging to Muslim minorities are usually placed in orphanages or other care institutions, sometimes without the permission of the parents or family. In these institutions, children are taught Chinese from pre-school age and learn about Han Chinese culture. The Chinese government has constructed

<sup>357</sup> The highest density of checkpoints can be found in areas with a high population of Uighurs. For example, the city of Hotan has a high Uighur population and four to five checkpoints per kilometre. The city of Shihezi, with its 95% Han Chinese population, has fewer if any checkpoints on the roads and the police measures are at the same level as those found elsewhere in China. BAMF, *Länderreport 22, China Situation der Muslime*, February 2020, p. 20.

<sup>358</sup> HRW, *China's Algorithms of Repression*, 1 May 2019.

<sup>359</sup> Most cases involve government officials, but there have been a few cases where a government official's relatives have also worked as observers. These observers are willingly or unwillingly sent to Xinjiang to reside there with different families, in some cases over a long period of time. ChinaFile, *China's government has ordered a million citizens to occupy Uighur homes, Here's what they think they're doing*, 24 October 2018.

<sup>360</sup> The Independent, *China sends state spies to live in Uighur Muslim homes*, 30 November 2018. Aljazeera, *Uighur refugee, I'm not very optimistic*, Video interview with Ilshat Hassan, 8 December 2018. CNN, *Chinese Uyghurs forced to welcome Communist Party into their homes*, 14 May 2018. ChinaFile, *China's government has ordered a million citizens to occupy Uighur homes, Here's what they think they're doing*, 24 October 2018.

<sup>361</sup> ChinaFile, *China's government has ordered a million citizens to occupy Uighur homes, Here's what they think they're doing*, 24 October 2018.

numerous facilities for this purpose, in some cases with security features similar to those found in the detention camps.<sup>362</sup>

## 9.9 The long arm of China abroad

Uighurs living outside China can be subjected to intimidation by the Chinese government and possibly by the Chinese embassy in their country of residence. Members of the Uighur diaspora report that the Chinese police hack their communications with relatives in Xinjiang, or contact them directly and ask them to collect information on individuals in the local Uighur community for the Chinese government. China appears to be identifying the Uighur diaspora in this way. Refusal to cooperate can lead to adverse consequences for the relatives of the person involved in Xinjiang, such as being sent to a detention camp. A few Uighurs in the Netherlands have told the media and Amnesty International that the Chinese authorities use social media to monitor and intimidate them. Attempts made by the Uighur diaspora to draw attention online to the situation in Xinjiang are regularly thwarted: their websites are hacked and disinformation is spread by trolls on social media.<sup>363</sup>

For information on the reception of Uighurs in Turkey, see 12.5.

<sup>362</sup> HRW, *China, Xinjiang children separated from families*, 15 September 2019. CECC, *Annual report, 2019*, p. 16.

<sup>363</sup> AI, *Oeigoeren zijn nergens veilig, zelfs niet in Nederland*, 21 February 2020. Nieuwe Rotterdamse Courant (NRC), *Oeigoeren in Nederland doen aangifte tegen Beijing*, 14 August 2019. NOS, *Oeigoeren in Nederland klagen de Chinese overheid aan*, 14 August 2019. BuzzFeed News, *They thought they'd left the surveillance state behind, They were wrong*, 9 July 2018. Wired, *China is trolling and hacking Uighur exiles around the world*, 6 December 2019. De Volkskrant, *Beijings grote geheim stond op haar laptop*, 7 December 2019. Reformatorisch Dagblad (RD), *China achtervolgt Oeigoer tot in Nederland*, 15 April 2020.

## 10 Hong Kong

### 10.1 Introduction

Hong Kong is a former crown colony of the United Kingdom. On 1 July 1997, the British transferred Hong Kong to the Chinese authorities. Since that date, Hong Kong has been a special administrative region (SAR) and part of the People's Republic of China. This means that Hong Kong enjoys a special status within China.<sup>364</sup> Hong Kong's autonomy is laid down in the Basic Law, Hong Kong's de facto constitution. Among the provisions set out in the Basic Law are that Hong Kong has its own judiciary and legislature, and that the central government in Beijing is responsible for defence and maintaining foreign relations. This situation in which Hong Kong and mainland China constitute the same country but are governed by two different systems is known as 'one country, two systems'.<sup>365</sup>

While the Chinese Communist Party (CCP), China's governing party, does not formally participate in Hong Kong's politics, the central government in Beijing wields a great deal of influence on the political situation in Hong Kong. The Chief Executive (CE), Hong Kong's head of government, is not directly elected by the people of Hong Kong, but by an Election Committee consisting of approximately twelve hundred members. These Election Committee members form an economic, professional, political and social elite and are largely loyal to Beijing. Carrie Lam, who is pro-Beijing, has held the office of CE since 1 July 2017. Hong Kong's Legislative Council (LegCo) has seventy members, 35 of whom are directly elected by Hong Kong's electorate. The remaining half are elected by various professional sectors. The representatives of these professional sectors are usually loyal to the central government in Beijing.<sup>366</sup>

The previous country of origin information report stated that the central government in Beijing was exerting more and more influence on Hong Kong's self-rule<sup>367</sup> and this trend continued during the reporting period. For example, in September 2018, the Hong Kong authorities banned the Hong Kong National Party (HKNP), which campaigns for an independent Hong Kong. This was the first time a political party had been banned in Hong Kong since the transfer of sovereignty in 1997.<sup>368</sup>

<sup>364</sup> Macau, a Portuguese colony until 1999, has the same status as an SAR.

<sup>365</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 61. Trouw, *Hongkong en de spraakverwarring over één-land-twee-systemen*, 3 July 2019. BBC, *Hong Kong, What is the Basic Law and how does it work?*, 20 November 2019.

<sup>366</sup> VRT, *Pro-Chinese Carrie Lam wordt eerste vrouw aan het hoofd van Hong Kong*, 26 March 2017. Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 61 and 62. Freedom House, *Hong Kong, Country report*, 30 January 2019, p. 4. Legislative Council Secretariat Education Service Team, *Composition of the Legislative Council*, May 2019. BBC, *Hong Kong, What is the Basic Law and how does it work?*, 20 November 2019.

<sup>367</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 61-62.

<sup>368</sup> BBC, *Hong Kong government bans pro-independence party*, 24 September 2018; De Volkskrant, *Hongkong verbiedt partij die streeft naar onafhankelijkheid van China*, 24 September 2018. Freedom House, *Hong Kong, Country report*, 30 January 2019, p. 1.

## 10.2 The extradition law controversy

In April 2019, the Hong Kong government put forward a bill that would allow criminal suspects to be extradited from Hong Kong to the Chinese mainland, without a treaty being required for this. Opponents feared that the Chinese authorities would use the law to prosecute critics and activists in Hong Kong in mainland China. The bill led to a wave of protests. A protest was held on 9 June 2019, organised by the Civil Human Rights Front (CHRF), a coalition of groups campaigning for the democratisation of Hong Kong's political system. The CHRF claimed that the protest mobilised more than one million protesters. The Hong Kong police estimated the number of protesters at around 240,000. This was the largest demonstration since the transfer of sovereignty in 1997. Another mass demonstration was held on 16 June 2019. This time, the organisers asserted that two million people attended the demonstration, while the police stated that there were 338,000 protesters. Under public pressure, Lam, the CE of Hong Kong, announced on 4 September 2019 that the extradition law would be withdrawn. The extradition law was definitively revoked on 23 October 2019.<sup>369</sup>

There is no legal basis for extraditing residents of Hong Kong to the Chinese mainland.<sup>370</sup> However, the following incident occurred during the reporting period. In August 2019, Simon Cheng, a Hong Kong citizen and employee of the British Consulate General in Hong Kong, was arrested by the Chinese authorities in the Chinese customs zone of the West Kowloon train station in the centre of Hong Kong. Cheng was subsequently placed under 'administrative' detention on the Chinese mainland for fifteen days on charges of visiting a prostitute (refer to 4.3.3 for more information on the concept of 'administrative detention'). During his detention, Cheng says that he was subjected to psychological and physical torture. The British authorities consider Cheng's statements regarding the torture he experienced to be credible.<sup>371</sup> Based on the information available, Cheng has left Hong Kong and his current country of residence is currently unknown.<sup>372</sup>

## 10.3 Ongoing protests

The protests in Hong Kong continued, in spite of the definitive withdrawal of the controversial extradition law. The protests were no longer focused solely on the extradition law, and protesters have put forward the following demands:

<sup>369</sup> HKFP, *Over a million attend Hong Kong demo against controversial extradition law, organisers say*, 9 June 2019. SCMP, *Hong Kong extradition law, Hundreds of thousand protest against controversial bill*, 9 June 2019. SCMP, *Hong Kong extradition law, 2 million Hongkongers in epic march against proposed law*, 17 June 2019. SCMP, *Hong Kong protests, A timeline of events, from the introduction of the extradition bill to the 2 million person march and more*, 9 August 2019. De Volkskrant, *Bestuur Hongkong geeft toe aan betogers en trekt omstreden uitleveringswet in*, 4 September 2019. Confidential source, 3 March 2020.

<sup>370</sup> Confidential source, 3 March 2020. Confidential source, 6 March 2020.

<sup>371</sup> BBC, *Simon Cheng, Former UK consulate worker says he was tortured in China*, 20 November 2019, The Guardian, *Former UK employee in Hong Kong 'tortured in 15-day China ordeal'*, 20 November 2019, Confidential source, 3 March 2020. Confidential source, 26 March 2020.

<sup>372</sup> Confidential source, 4 March 2020.

- An independent commission must investigate police brutality against protesters by the Hong Kong Police Force (HKPF);
- The authorities must no longer refer to the protesters using the criminalising term 'rioters', which is classified as a crime punishable by ten years in prison;
- The protesters who have been arrested must be released and granted amnesty;
- The CE and all members of the LegCo must be directly elected by the electorate of Hong Kong.<sup>373</sup>

The Hong Kong government did not agree to the abovementioned demands and the longer the protests continued, the more violent they became. According to a source, the Hong Kong police arrested between 7,400 and 7,700 protesters between 9 June 2019 and 3 March 2020. The source states that the vast majority of those arrested were released on bail. According to the same source, 86 individuals are in pre-trial detention and 23 people have now been sentenced. Legal proceedings are said to be pending against approximately one thousand arrested persons.<sup>374</sup>

The conduct of the HKPF draws a great deal of criticism. Complainants can officially turn to the Independent Police Complaints Council (IPCC). On 28 February 2020, the IPCC announced that 1,641 complaints in total had been submitted with regard to police conduct during the protests.<sup>375</sup> Critics believe that the IPCC is not an independent and legitimate committee of inquiry. For example, members of the IPCC are appointed and dismissed by the Beijing-dominated Hong Kong government and the IPCC does not have the right to question witnesses under oath.<sup>376</sup> The allegations of the critics are backed by five experts in police tactics from the United Kingdom, Canada, Australia, and New Zealand, who conclude that the IPCC lacks the necessary independence, powers and capacity to investigate the conduct of the Hong Kong police.<sup>377</sup> On 2 March 2020, the police chief of Hong Kong announced that so far, 21 police officers had been 'reprimanded' for their conduct during the protests, but it is unclear exactly what such a 'reprimand' entails.<sup>378</sup>

On 15 May 2020, the IPCC published a thematic study of the actions of the HKPF during the protests. The IPCC concluded that while 'there was room for improvement' there were no structural problems in the Hong Kong police force. According to the IPCC, the violence used by the Hong Kong police was a justified response to the violence of the protesters. Human rights organisations, foreign observers and the opposition and protesters in Hong Kong viewed the IPCC report as biased and an attempt to gloss over police brutality against protesters.<sup>379</sup>

<sup>373</sup> SCMP, *Hong Kong protests, What are the 'five demands'? What do protesters want?*, 20 August 2019.

<sup>374</sup> Confidential source, 3 March 2020.

<sup>375</sup> View the IPCC homepage for more information: [www.ipcc.gov.hk/en/home/index.html](http://www.ipcc.gov.hk/en/home/index.html), consulted on 9 March 2020.

<sup>376</sup> HKFP, *Scrap the IPCC – we need a police complaints body Hongkongers can trust*, 5 March 2020. Confidential source, 6 March 2020.

<sup>377</sup> Time, *Hong Kong's police watchdog is unable to do its job, experts say*, 11 November 2019. HKFP, *Hong Kong police watchdog postpones report on unrest following legal challenge*, 17 January 2020. De Volkskrant, *Buitenlandse experts stappen uit onderzoek naar politiegeweld Hongkong*, 11 December 2019.

<sup>378</sup> HKFP, *Hong Kong police chief defends budget boost, says 21 officers 'reprimanded' over conduct at protests*, 2 March 2020.

<sup>379</sup> Radio Television Hong Kong (RTHK), *No police collusion in Yuen Long attack, IPCC report*, 15 May 2020. HKFP, *'Absurd, preposterous, whitewash', Reactions pour in as Hong Kong police watchdog clears force of wrongdoing*, 15 May 2020. AI, *Hongkong, Machteloze en bevooroordeelde klachtencommissie brengt geen gerechtigheid*, 15 May 2020. Confidential source, 18 May 2020. The IPCC report consists of 999 pages and 52 recommendations for the HKPF. The report can be downloaded on the IPCC website: [https://www.ipcc.gov.hk/en/public\\_communications/ipcc\\_thematic\\_study\\_report.html](https://www.ipcc.gov.hk/en/public_communications/ipcc_thematic_study_report.html).

## 10.4 The latest developments

Xia Baolong was appointed as the new director of the Hong Kong and Macau Affairs Office (HKMAO) on 13 February 2020. The HKMAO is based in Beijing and organised under the State Council. Xia is known as a hardliner who strictly adheres to the path for the party set out by Xi Jinping. In 2014 and 2015, Xia had thousands of crosses removed from churches and shut down many 'grey' churches in the eastern province of Zhejiang.<sup>380</sup> Experts believe that Xia's appointment is a signal that the central government in Beijing wishes to further tighten its hold on Hong Kong.<sup>381</sup>

On 15 April 2020, Luo Huining, Beijing's top-ranking representative in Hong Kong, called the Hong Kong protest movement a threat to national security, the judiciary and the 'one country, two systems' principle. Luo is the head of the Liaison Office of the Central People's Government in the Hong Kong SAR (LOCPG).<sup>382</sup> Critics interpret Luo's stance as another step in Beijing's attempt to strengthen its grip on Hong Kong's LegCo and judiciary.<sup>383</sup>

On 18 April 2020, the Hong Kong authorities arrested fifteen prominent members of the protest movement on charges of participating in illegal demonstrations in 2019.<sup>384</sup>

### 10.4.1 National security law

On 28 May 2020, the National People's Congress (NPC) decided that a new national security law should be introduced specifically for Hong Kong. The NPC in Beijing took this step without the involvement of the LegCo in Hong Kong. The law makes the following acts punishable by law:

- Secession from the People's Republic of China;
- Subversion, or undermining state power;
- Terrorism;
- Foreign intervention in Hong Kong.

Critics fear that the national security law will further erode Hong Kong's autonomy. They are afraid that protesters in Hong Kong will be arrested and prosecuted behind closed doors on charges of subversion or terrorism. In this context, the same critics point to the fact that the protesters are already regularly referred to as 'terrorists' by government representatives. They also express concerns about Beijing's intention of establishing mainland China's state security agencies in Hong Kong.<sup>385</sup> Another

<sup>380</sup> Refer to 6.1 for more information on the concept of 'grey' churches.

<sup>381</sup> Bloomberg, *China official who tore down church crosses to oversee Hong Kong*, 13 February 2020. The Guardian, *China's new Hong Kong chief a hardliner known for crusade against Christian churches*, 13 February 2020.

<sup>382</sup> The LOCPG has an English-language website: <http://www.locpg.gov.cn/>.

<sup>383</sup> The Guardian, *China's top official in Hong Kong pushes for national security, Luo Huining says region's pro-democracy movement is threat to 'one country, two systems' principle*, 15 April 2020.

<sup>384</sup> The Guardian, *Police in Hong Kong arrest 15 activists amid autonomy warnings, China office says that city's right to self-rule is 'authorised by the central government'*, 18 April 2020. Bloomberg, *China flexes muscles on Hong Kong, prompting outcry from U.S.*, 18 April 2020. NRC, *Hongkong arresteert prominente leden uit protestbeweging*, 18 April 2020. Wall Street Journal (WSJ), *China's Hong Kong roundup, Beijing increases its hold on the territory with a spate of arrests*, 19 April 2020.

<sup>385</sup> The Guardian, *'This is the end of Hong Kong', China pushes controversial security laws, Proposed legislation would effectively end one country, two system status, say critics*, 21 May 2020. The Independent, *China proposes to sidestep Hong Kong government with controversial law against 'sedition', Legislation would also ban any external interference in financial hub*, 21 May 2020. BBC, *NPC: China moves to impose controversial Hong Kong security law*, 22 May 2020. NPC Observer, *2020 NPC session, NPC's imminent decision on national security in Hong Kong explained*, 22 May 2020. NRC, *China vergroot greep op Hongkong*, 22 May 2020. BBC, *Hong Kong security law, What is it and is it worrying?*, 25 May 2020. BBC, *Hong Kong security law, Carrie Lam dismisses concerns over rights*, 26 May 2020. Het Financieele Dagblad (FD), *'Dit is het moment waarop China zijn wil doordrukt'*, 27 May

issue causing apprehension is the statement made by the pro-Beijing Hong Kong politician Tam Yiu-chung. Tam stated that individuals violating the national security law could be tried on the Chinese mainland if the central government deems it necessary.<sup>386</sup>

On 30 June 2020 the Standing Committee of the National People's Congress (NPCSC)<sup>387</sup> enacted the national security law. At the time of writing, it is unclear how the national security law will be implemented and enforced in practice.<sup>388</sup>

#### 10.4.2 *National anthem law*

The LegCo enacted a controversial national anthem law on 4 June 2020. This law makes it a crime to insult the Chinese national anthem 'March of the Volunteers'. Insulting the national anthem can result in a prison sentence of up to three years and/or a monetary fine of 50,000.00 Hong Kong dollars (HKD).<sup>389</sup> Critics fear that the authorities will use a national anthem law as a pretext to further restrict freedom of expression in Hong Kong.<sup>390</sup>

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2020. Trouw, 'Hongkong wordt een Chinese stad', 28 May 2020. The Independent, *Controversial Hong Kong law approved by China, Major security proposal 'undermines autonomy of region'*, 29 May 2020.

<sup>386</sup> The Guardian, 'Grave cause for concern', *Hongkongers could be extradited to China under new security law*, 18 June 2020.

<sup>387</sup> The NPCSC represents the NPC when the NPC is not in session. The NPCSC exercises the same legislative power as the NPC and it oversees the election of the NPC. Confidential source, 24 June 2020.

<sup>388</sup> Aljazeera, *China passes Hong Kong security law, deepening fears for future*, 30 June 2020. The Financial Times, *Beijing passes national security law for Hong Kong*, 30 June 2020. SCMP, *Beijing passes Hong Kong national security law, effective July 1*, 30 June 2020. NRC, *China neemt omstrede veiligheidswet Hongkong aan*, 30 June 2020.

<sup>389</sup> According to the online currency converter CoinMill.com, on 27 May 2020, 50,000 HKD was equivalent in value to 5,877.23 euro.

<sup>390</sup> HKFP, *Explainer, How a new law may see Hongkongers jailed for 3 years for parodying the national anthem*, 27 May 2020. Aljazeera, *Hong Kong, Why China's national anthem bill is so controversial*, 27 May 2020. AI, *Hong Kong, Crackdown on peaceful anthem bill protesters signals another summer of repression*, 27 May 2020. NOS, *Omstreden volksliedwet Hongkong aangenomen ondanks protest met stinkend goedge*, 4 June 2020.

## 11 Tibet

### 11.1 Introduction

In the context of this country of origin information report, 'Tibet' refers to both the Tibetan Autonomous Region (TAR) and Tibetan areas outside the TAR. The Tibetan areas not included in the TAR are what are referred to as prefectures and counties, which form part of other provinces.<sup>391</sup> Estimates of the number of ethnic Tibetans in China vary from six million to more than seven million.<sup>392</sup> The vast majority of Tibetans practise a variant of Tibetan Buddhism which divides into a number of schools and movements. A small minority practise other religions, namely Islam, Christianity or Bon,<sup>393</sup> a Tibetan religious tradition originating from the pre-Buddhist era.<sup>394</sup>

In 1950, the Chinese government established its authority over Tibet by force of arms. A popular uprising against the Chinese presence in Tibet erupted in the Tibetan capital, Lhasa, on 10 March 1959. The Chinese authorities violently quelled this uprising and the *Dalai Lama*, the highest authority in Tibetan Buddhism,<sup>395</sup> was forced to flee to India.<sup>396</sup> He established a Tibetan government in exile in India, known as the Central Tibetan Administration (CTA).<sup>397</sup> On 14 March 2011, the Dalai Lama stepped down from his position as head of the CTA. From that time on, Tibetans in the diaspora<sup>398</sup> have elected the Prime Minister of the CTA while the Dalai Lama merely exercises spiritual authority over the Tibetan Buddhist religious community.<sup>399</sup> Both the CTA and the Dalai Lama advocate for a non-violent approach to establishing far-reaching autonomy for Tibet, something they refer to by the term 'genuine autonomy'.<sup>400</sup>

<sup>391</sup> These prefectures and counties are nominally autonomous and are known as the Tibetan Autonomous Prefectures (TAPs) and Tibetan Autonomous Counties (TACs).

<sup>392</sup> Voice of America (VOA), *Beijing: Tibetan population actually over 7 million*, 20 June 2014. Trouw, *'Tibet is een groot politiekamp, overal hangen camera's met gezichtsherkenning'*, 7 September 2019.

<sup>393</sup> Also spelled 'Bön'.

<sup>394</sup> USDOS, *International Religious Freedom Report for 2012*, p. 20. Confidential source, 20 March 2020. Confidential source, 20 March 2020.

<sup>395</sup> The name of the current Dalai Lama is Tenzin Gyatso. In Tibetan Buddhism, the term *lama* means 'guru' or 'spiritual teacher'. *Dalai Lama* can be translated as 'Ocean of Wisdom'. Confidential source, 26 March 2020. Confidential source, 26 March 2020. Confidential source, 27 March 2020.

<sup>396</sup> This event is commemorated annually by the Tibetan diaspora and non-Tibetans who sympathise with the Tibetan cause. Boeddhistisch Dagblad, *De Tibetaanse Volksopstand van 1959*, 10 March 2017. Boeddhistisch Dagblad, *Grote opkomst tijdens Tibet vredesmars in Amsterdam*, 10 March 2020.

<sup>397</sup> The Tibetan government in exile (CTA) should not be confused with the Chinese Taoist Association (CTA). The CTA is based in Dharamshala in northern India and has its own website: <https://tibet.net/>

<sup>398</sup> The Tibetan community in the Netherlands is estimated to number more than 900 people. Confidential source, 27 March 2020.

<sup>399</sup> Dalailama.com (official website of the Dalai Lama), *Message of His Holiness the Dalai Lama to the Fourteenth Assembly of the Tibetan People's Deputies*, 14 March 2011. Confidential source, 20 March 2020. Confidential source, 26 March 2020.

<sup>400</sup> International Campaign for Tibet (ICT), *Note on the memorandum on genuine autonomy for the Tibetan people*, 19 February 2010, consulted on 23 March 2020. Dalailama.com (official website of the Dalai Lama), *His Holiness middle way approach for resolving the issue of Tibet*, undated, consulted on 23 March 2020. De Volkskrant, *De dalai lama toont zich verrassend mild over China*, 10 September 2018. Confidential source, 20 March 2020. Confidential source, 26 March 2020.

The previous country of origin information report already reported that the freedoms of the Tibetan people in China were being severely restricted.<sup>401</sup> This trend has continued unabated during the reporting period. The restriction of the freedoms of the Tibetan population in China took various forms. The list of examples below are meant to illustrate this development and should not be considered exhaustive.

## 11.2 Suppression of the Tibetan language

During the reporting period, the Chinese authorities reduced the scope for Tibetans to express their culture, identity and faith. For example, education in the Tibetan language was replaced with education in Chinese whenever possible.<sup>402</sup> On 22 May 2018, the Tibetan language activist Tashi Wangchuk was sentenced to five years in prison for campaigning for more Tibetan language education, something the Chinese authorities described as 'inciting separatism'. Tashi had explicitly distanced himself from the ideal of an independent Tibet.<sup>403</sup>

## 11.3 The Sinicisation of Tibetan Buddhism

Tibetan Buddhism also underwent an ongoing Sinicisation process in which this religion was further embedded in the framework of the Chinese government's interpretation of socialism. One practical example that stands out is the replacement of images of Buddha in Tibetan Buddhist temples and monasteries with official portraits of Xi Jinping. Tibetan Buddhist temples are being demolished, or the features that give these places of worship a Tibetan Buddhist character, such as Tibetan prayer flags, are being removed. Moreover, the curriculum in Tibetan Buddhist monasteries now emphasises Xi Jinping's political ideology rather than Buddhist scriptures.<sup>404</sup>

Chinese government interference with Tibetan Buddhism has a long history. The Dalai Lama designated the six-year-old Gedhun Choekyi Nyima as the *Panchen Lama* on 14 May 1995. In Tibetan Buddhism, the Panchen Lama<sup>405</sup> occupies an important role and is involved in the reincarnation of the Dalai Lama. The Chinese authorities abducted the Panchen Lama on 17 May 1995. To this day, the whereabouts of the Panchen Lama are unknown. Immediately following the abduction, the Chinese government designated its own Panchen Lama.<sup>406</sup> The Panchen Lama appointed by China reportedly enjoys<sup>407</sup> little or no legitimacy among the Tibetan Buddhist faithful.<sup>408</sup> In May 2019, Radio Free Asia (RFA), an American government-funded news broadcaster that focuses on Eastern Asia, reported that a

<sup>401</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 59 and 60.

<sup>402</sup> HRW, *Tibetan children denied mother-tongue classes*, 5 March 2020. De Volkskrant, *Tibetaans verdwijnt uit 'tweetalige' school*, 10 March 2020. Confidential source, 20 March 2020. RFA, *Classroom instruction switch from Tibetan to Chinese in Ngaba sparks worry, anger*, 9 April 2020.

<sup>403</sup> AI, *Tibetan activist handed grotesquely unjust 5 year prison sentence after featuring in New York Times video*, 22 May 2018. The New York Times, *A Tibetan tried to save his language, China handed him 5 years in prison*, 22 May 2018. RFA, *Jailed Tibetan language rights advocate is refused visits from his lawyers*, 2 August 2019.

<sup>404</sup> Tibet Centre for Human Rights and Democracy (TCHRD), *Human rights situation in Tibet, Annual report, 2018*, pp. 47-49. Confidential source, 6 March 2019. Bitter Winter, *The purge of Tibetan Buddhism continues in Hebei*, 27 December 2019. Bitter Winter, *Tibetan Buddhist temples monitored, monks controlled*, 12 January 2020. Confidential source, 20 March 2020.

<sup>405</sup> In Tibetan Buddhism, the term *lama* means 'guru' or 'spiritual teacher'. *Panchen Lama* can be translated as 'Great Scholar'. Confidential source, 26 March 2020. Confidential source, 26 March 2020. Confidential source, 27 March 2020.

<sup>406</sup> OHCHR, *UN expert body concerned about recent wave of enforced disappearances in China*, 8 April 2011. Confidential source, 20 March 2020. Confidential source, 20 March 2020. Confidential source, 5 June 2020.

<sup>407</sup> The name of the Panchen Lama appointed by China is Gyaincain Norbu.

<sup>408</sup> Confidential source, 20 March 2020. Confidential source, 26 March 2020.

Tibetan man named Wangchen had publicly called for the release of the Panchen Lama abducted in 1995. His act of protest was reportedly punished with four and a half years in prison.<sup>409</sup>

#### 11.4 Detention camps in Tibet

During the reporting period, reports appeared that there were detention camps in Tibet that were similar to the detention camps in Xinjiang. At the end of May 2018, the Tibetan Centre for Human Rights and Democracy (TCHRD), an India-based NGO monitoring the human rights situation in Tibet,<sup>410</sup> published excerpts from the diary of an anonymous Tibetan Buddhist monk. The author stated that he had been incarcerated in a so-called 'transformation through education training centre' for four months in 2017. The published excerpts revealed he had been held in a detention camp used primarily for Tibetan Buddhist monks and nuns. The camp authorities prohibited them from wearing their religious attire and forced them to wear a military uniform that they were required to purchase themselves. According to the diary's author, the detained clerics had to renounce the Dalai Lama and pledge loyalty to the CCP. He also wrote that living conditions in the camp were dire. Prisoners were often beaten and subjected to electric shocks and sexual violence. The food provided in the camp was of poor quality and led to malnutrition and stomach complaints among the prisoners.<sup>411</sup> The TCHRD states that the practice of detention using 'transformation through education' is an elaboration of another detention system known as 're-education through labour' (RTL)<sup>412</sup> that was officially abolished in 2013.<sup>413</sup>

Three sources have indicated that there is as yet insufficient evidence to determine the number of detention camps and detainees in Tibet.<sup>414</sup> One source adds that it is not only Tibetan Buddhist clerics who are subjected to transformation through education. This measure is also used on Tibetan language activists, environmental activists, and young people who have posted opinions on social media that run counter to the CCP party line. The same source repeats that detainees endure torture, hunger and forced labour.<sup>415</sup> Another source remarks that the living conditions in the detention camps are so detrimental to mental and physical health that many end up dying after their release.<sup>416</sup>

#### 11.5 The partial demolition of Yarchen Gar

Reports were received during the reporting period about Yarchen Gar, a Tibetan Buddhist study and meditation centre in Sichuan, a province on the eastern border of the TAR. In June 2019, RFA reported that nearly 3,500 monks and nuns were evicted from Yarchen Gar by the Chinese government. RFA based its report on an

<sup>409</sup> RFA, *Tibetan man, aunt sentenced for Panchen Lama protest in Sichuan*, 8 May 2019.

<sup>410</sup> For more information about the TCHRD, visit the website: <https://tchrd.org/>.

<sup>411</sup> TCHRD, *Tibetan monk's account reveals torture and sexual abuse rampant in China's 'political re-education' centres*, 28 May 2018. VOA, *Tibetan re-education camp journal tells of China's tactics now used on Uighurs*, 25 May 2019.

<sup>412</sup> The RTL system is known as *laojiao* or *liajiao* in Chinese.

<sup>413</sup> TCHRD, *Tibetan monk's account reveals torture and sexual abuse rampant in China's 'political re-education' centres*, 28 May 2018. For more information about the RTL detention system, refer to: Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, pp. 47 and 48.

<sup>414</sup> Confidential source, 14 May 2020. Confidential source, 18 May 2020. Confidential source, 8 June 2020.

<sup>415</sup> Confidential source, 8 June 2020

<sup>416</sup> Confidential source, 18 May 2020.

anonymous Tibetan source.<sup>417</sup> In September 2019, Free Tibet, a London-based NGO that raises awareness of the human rights situation in Tibet,<sup>418</sup> published satellite images of Yarchen Gar showing that a considerable portion of the study and meditation centre had been destroyed.<sup>419</sup> Considering that Yarchen Gar once accommodated nearly ten thousand monks and nuns and that a large section of the complex has been destroyed, it is likely that thousands of monks, nuns and lay practitioners have been forced to leave Yarchen Gar, according to two confidential sources.<sup>420</sup>

In February 2020, RFA reported that one of the nuns driven from Yarchen Gar had committed suicide. After her expulsion, she was reportedly interned in a camp where she had to undergo a political re-education programme. The nun reportedly took her own life out of despair. RFA based the abovementioned information on an anonymous source.<sup>421</sup> Based on the information available, no additional details are available on the nun's identity or how she committed suicide.<sup>422</sup> One source confirmed that a group of nuns driven from Yarchen Gar were interned in transformation through education camps.<sup>423</sup>

## 11.6 Self-immolation

Based on available information, no Tibetan individuals and/or groups have waged an armed struggle against the communist government of China since 1974.<sup>424</sup> However, some Tibetans have set fire to themselves in protest against Chinese policy with respect to Tibet. This form of resistance is known as 'self-immolation'. International Campaign for Tibet (ICT),<sup>425</sup> an international NGO that raises awareness of the human rights situation in Tibet, reports there have been four cases of self-immolation by Tibetans since February 2018.<sup>426</sup> This number has been confirmed by a confidential source.<sup>427</sup> Another source claims that there have been three cases of self-immolation by Tibetans since February 2018.<sup>428</sup>

<sup>417</sup> RFA, *Thousands of monks, nuns evicted from Sichuan's Yarchen Gar*, 11 June 2019.

<sup>418</sup> For more information about Free Tibet, visit: [www.freetibet.org](http://www.freetibet.org).

<sup>419</sup> Free Tibet, *China has destroyed large areas of one of Tibet's biggest Buddhist sites, satellite images reveal*, 30 September 2019.

<sup>420</sup> Confidential source, 26 March 2020. Confidential source, 5 May 2020.

<sup>421</sup> RFA, *Tibetan nun expelled from Buddhist center commits suicide in internment camp*, 14 February 2020.

<sup>422</sup> Confidential source, 20 March 2020. Confidential source, 24 March 2020, Confidential source 26 March 2020. Confidential source, 5 May 2020.

<sup>423</sup> Confidential source, 18 May 2020.

<sup>424</sup> Confidential source, 20 March 2020. Confidential source, 26 March 2020.

<sup>425</sup> Known as *Internationale Campagne voor Tibet* in Dutch. For more information about the Dutch chapter of ICT, which is based in Amsterdam, visit: [www.savetibet.nl](http://www.savetibet.nl).

<sup>426</sup> ICT, *Self-immolation fact sheet*, most recently uploaded on 2 December 2019.

<sup>427</sup> Confidential source, 26 March 2020.

<sup>428</sup> Confidential source, 24 March 2020.

### **11.7 New regulations on 'ethnic unity'**

On 1 May 2020 the Regulations on the Establishment of a Model Ethnic Unity and Progress in the Tibet Autonomous Region came into force. The regulations emphasise the joint responsibility of all population groups in China to foster 'ethnic unity' and combat 'separatism'. Critics regard the regulations as another step in the ongoing process of assimilating the Tibetan community into Han Chinese culture.<sup>429</sup>

<sup>429</sup> ICT, *Troubling 'ethnic unity' regulations take effect in Tibet May 1*, 30 April 2020. RFA, *China's new 'Ethnic Unity Law' is seen as effort to Sinicize Tibetan culture*, 1 May 2020. Confidential source, 5 June 2020.

## 12 Refugees and displaced persons

### 12.1 Dissidents in Thailand

In the past, it was a regular occurrence for Chinese asylum seekers to flee to Thailand, for two main reasons. First, Chinese citizens do not require a visa to travel to Thailand, and second, the Thai capital, Bangkok, is home to an office of the United Nations High Commissioner for Refugees (UNHCR).<sup>430</sup> However, the position of Chinese asylum seekers and refugees in Thailand has become more precarious over the past few years, because the Thai authorities are responding more frequently to extradition requests from China.<sup>431</sup> Due to the closer cooperation between China and Thailand in the area of extradition, many Chinese asylum seekers and refugees in Thailand are reportedly leading an underground existence.<sup>432</sup> It is not known how many Chinese asylum seekers and refugees are currently living in Thailand.<sup>433</sup>

The following incident illustrates the difficulties encountered by Chinese asylum seekers and refugees in Thailand. In 2015, Yang Chong and Wu Yuhua, a married couple, left China due to persecution on the grounds of their political beliefs and involvement in China's human rights movement. In 2017, Yang and Wu were granted refugee status by the UNHCR office in Bangkok. In August 2018 the couple were arrested by Thai police and were in danger of extradition to China. The Canadian authorities indicated that Yang and Wu were eligible for resettlement in Canada, but the Thai authorities prohibited the two Chinese from leaving the country. In early July 2019, the couple, who were being held in a Thai detention centre, announced they would go on hunger strike.<sup>434</sup> As far as is known, no new press reports on the fate of Yang and Wu have appeared since the hunger strike was announced. However, two confidential sources stated that the couple arrived in Canada in the summer of 2019.<sup>435</sup>

The following case similarly illustrates the difficulties Chinese dissidents face in Thailand. Dong Guangping<sup>436</sup> was put on trial by the Chinese authorities for his involvement in a commemoration of the students' and workers' uprising that took place on Tiananmen Square in Beijing on 4 June 1989 and that was suppressed by the Chinese authorities.<sup>437</sup> Dong settled in Thailand in September 2015, where he was registered as a refugee by UNHCR. In November 2015, the Thai authorities handed over Dong to the Chinese police. On 13 July 2018, Dong was sentenced to 42 months (3.5 years) in prison for 'incitement to subvert state power' and 'crossing

<sup>430</sup> For more information about the UNHCR in Thailand, visit: [www.unhcr.or.th/en](http://www.unhcr.or.th/en).

<sup>431</sup> The Diplomat, *Taiwan grants entry to Chinese asylum seekers but questions surround its refugee policy*, 9 February 2019. Confidential source, 18 March 2020 and 1 April 2020. Confidential source, 31 March 2020. We do not know how many Chinese extradition requests have been granted by Thailand.

<sup>432</sup> Confidential source, 31 March 2020.

<sup>433</sup> Confidential source, 31 March 2020. Confidential source, 1 April 2020

<sup>434</sup> RFA, *Two Chinese dissidents detained in Thailand amid sweep on asylum seekers*, 30 August 2018. ChinaAid, *Thai authorities bar Canada-accepted refugees from leaving*, 8 July 2019.

<sup>435</sup> Confidential source, 1 April 2020. Confidential source, 21 April 2020.

<sup>436</sup> Also spelled 'Dong AnPing'.

<sup>437</sup> Human rights groups and witnesses claim that thousands were killed as a result of the violent crackdown of the Chinese government army known as the People's Liberation Army (PLA). Aljazeera, *Hong Kong to mark Tiananmen amid China national anthem bill vote*, 4 June 2020.

the national border illegally'.<sup>438</sup> He was released by the Chinese authorities on 8 February 2019.<sup>439</sup>

## 12.2 CAG members in South Korea

As stated earlier in 6.4, South Korea is home to a community of CAG members. No visa is required for Chinese citizens to travel to the South Korean island of Jeju for tourism purposes. CAG members use this opportunity to request asylum upon arriving on Jeju. Their applications are processed by the South Korean authorities in accordance with the Korean Refugees Act. The asylum seekers are then issued with a G1 visa which needs to be renewed every three months.<sup>440</sup> According to the Italian religious studies scholar Massimo Introvigne, who has frequently conducted research on the CAG, up until September 2019, 1,023 Chinese citizens had requested asylum based on their claims of persecution as members of the CAG. At the time of writing, none of these asylum applications have been granted. 671 applications have been rejected and 180 people claiming to be CAG members have received a deportation order.<sup>441</sup> In March 2019, the Hong Kong-based news platform *Asia Times* reported that none of the deportation orders had been executed so far.<sup>442</sup>

## 12.3 Tibetans in Nepal

The Tibetan diaspora in Nepal is estimated to number more than 20,000 people. The previous country of origin information report already stated that China was wielding increasing influence over the Nepali government's treatment of Tibetans in its territory.<sup>443</sup> China's mounting influence continued during the reporting period. China and Nepal, which also has a governing Communist party, maintain close diplomatic ties. In October 2019, Xi Jinping made a state visit to Nepal, during which the two countries issued a joint statement. The Nepali government reiterated that it regarded the Tibetan issue as a domestic affair for China. In turn, China pledged to continue to respect Nepal's territorial integrity and sovereignty.<sup>444</sup> In January 2020, the Nepali Minister of Foreign Affairs announced that China and Nepal had signed a repatriation agreement in October 2019. In this agreement, each country undertook to deport undocumented travellers to the other country within seven days.<sup>445</sup>

There are indications that Tibetans who had entered the country illegally were already being handed over to the Chinese government by the Nepali authorities before the signing and entry into force of the China-Nepal extradition treaty. For example, RFA reported in September 2019 that six Tibetans who had entered Nepal illegally had been handed over by the Nepali border police to their Chinese colleagues.<sup>446</sup> This alleged incident is consistent with the picture of China's mounting influence on Nepali policy with respect to the influx of Tibetans. China funds

<sup>438</sup> AI, *42 months in prison for forcibly returned activist, Dong Guangping*, 31 July 2018. CHR, *Dong Guangping*, 16 May 2019.

<sup>439</sup> CHR, *Prisoners of conscience data, Mainland China*, undated, consulted on 23 June 2020.

<sup>440</sup> The Korea Times, *Hundreds of Chinese religious asylum seekers rejected in Jeju*, 14 November 2018. Asia Times, *Christians seeking asylum, living in fear, Part 2*, 22 March 2019.

<sup>441</sup> Massimo Introvigne, *Inside the Church of Almighty God, The most persecuted religious movement in China*, published in 2020, p. 118.

<sup>442</sup> Asia Times, *Christians seeking asylum, living in fear, Part 2*, 22 March 2019.

<sup>443</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 64.

<sup>444</sup> Nepal Ministry of Foreign Affairs, *Joint statement between Nepal and the People's Republic of China*, 13 October 2019.

<sup>445</sup> Khabarhub, *A revelation of Nepal-China agreement, Nepal gets tougher on Tibetans*, 22 January 2020.

<sup>446</sup> RFA, *Nepal deports 6 Tibetan asylum seekers to China*, 9 January 2019.

numerous development projects in Nepal and it is in the Nepali authorities' interest not to allow the Tibetan question to damage their ties with China. In this context, Tibetans in Nepal are not permitted to celebrate the Dalai Lama's birthday (6 July) or to commemorate Tibetan Uprising Day (10 March).<sup>447</sup>

The closer collaboration between China and Nepal is not the only factor making it more difficult for Tibetans to leave via the China-Nepal border. China has also constructed a so-called 'digital wall' around Tibet. The Chinese authorities use advanced surveillance technologies, including drones, to closely monitor the mountainous border region between China and Nepal.<sup>448</sup> This has resulted in a sharp drop in the number of Tibetans entering Nepal.<sup>449</sup> Two confidential sources state that some Tibetans working for the Chinese government use their Chinese passport to leave China with the intention of requesting asylum abroad.<sup>450</sup>

## 12.4 Tibetans in India

Following the failed Tibetan popular uprising of 1959, the Dalai Lama and many of his followers settled in India. Since that time, India has been home to a sizeable Tibetan community. Tibetans are not recognised by the Indian authorities as refugees in the sense of the 1951 Refugee Convention. They are resident in India as 'foreigners'. This means they are not entitled to own property and are not eligible for Indian government jobs. Tibetans in India are issued with a residence document known as a Residential Certificate (RC).<sup>451</sup> Two confidential sources provided the following information regarding this document. An RC has to be renewed annually. Tibetans born in India or who have been residing in India for more than twenty years are eligible for an RC that is valid for five years. An RC is solely intended for use in India. Based on an RC, a Tibetan can obtain a travel document known as a Certificate of Identity, which can be used for travelling abroad.<sup>452</sup> One confidential source adds that some customs administrations abroad do not recognise the Certificate of Identity. As a result, holders can encounter problems and delays.<sup>453</sup>

Since March 2017, Tibetans who were born in India between 26 January 1950 and 1 July 1987 have been able to apply for Indian citizenship.<sup>454</sup> The Tibetan diaspora in India is divided on the issue of whether Tibetans should or should not apply for Indian citizenship. Some Tibetans view naturalisation as an Indian citizen as a step towards becoming a fully-fledged member of Indian society. Other Tibetans see such a move as a 'betrayal of the Tibetan cause', or do not wish to lose the Indian government support to which they are entitled as RC holders.<sup>455</sup>

<sup>447</sup> Reuters, *Nepal denies Tibetans' request to hold Dalai Lama birthday celebration*, 7 July 2019. RFA, *Tibetans in Nepal urged not to observe March 10 Uprising anniversary*, 6 March 2020. Confidential source, 20 March 2020.

<sup>448</sup> The Daily Signal, *Why China is militarizing its Himalayan frontier*, 28 January 2019. Coda Story, *China's digital wall around Tibet*, 16 May 2019. Confidential source, 20 March 2020.

<sup>449</sup> The Daily Signal, *Why China is militarizing its Himalayan frontier*, 28 January 2019. RFA, *Nepal border agreement with China sparks fear among Tibetans*, 14 February 2020. Confidential source, 20 March 2020.

<sup>450</sup> Confidential source, 20 March 2020. Confidential source, 7 May 2020.

<sup>451</sup> Hindustan Times, *The search for home, Why Tibetans are leaving India*, 5 April 2018. Indian Express, *'Tibetan refugees down from 1.5 lakh to 85,000 in 7 years'*, 11 September 2018. Confidential source, 3 April 2020. Confidential source, 5 May 2020.

<sup>452</sup> Confidential source, 3 April 2020. Confidential source, 5 May 2020.

<sup>453</sup> E Confidential source 5 May 2020.

<sup>454</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 63.

<sup>455</sup> Hindustan Times, *The search for home, Why Tibetans are leaving India*, 5 April 2018. Indian Express, *'Tibetan refugees down from 1.5 lakh to 85,000 in 7 years'*, 11 September 2018. Confidential source, 3 April 2020.

According to a confidential source, fewer than three hundred Tibetans have adopted Indian nationality so far. The same source claims that a Tibetan born in India between 1950 and 1987 can apply for Indian nationality at any time, even after an asylum application has been rejected abroad.<sup>456</sup> Another confidential source considers it likely that in Dharamshala alone, nearly five hundred Tibetans have been naturalised as Indian citizens and that many Tibetans elsewhere in India have also applied for Indian nationality. This source claims it is highly unlikely that a Tibetan born in India during the period 1950-1987 can still acquire Indian nationality following a rejected asylum application abroad.<sup>457</sup>

## 12.5 Uighurs in Turkey

A large group of Chinese Uighurs reside in Turkey; the number is estimated to be around 35,000.<sup>458</sup> Since the 1950s, there has been a constant flow of members of the Uighur diaspora who have settled in Turkey. Turkey has historical, linguistic and religious links with the Uighurs.<sup>459</sup>

Turkey's official position with regard to the so-called re-education camps in Xinjiang changed in 2019 from clear condemnation to more moderate words and silence about these camps. However, in early 2020, the Turkish Foreign Minister called on China not to label all Uighurs as terrorists.<sup>460</sup>

Due to a geographical limitation invoked by Turkey with respect to the UN Convention on Refugees, Uighurs are not eligible for permanent refugee status, but for what is known as conditional refugee status.<sup>461</sup> In addition, due to their Turkic origin, Uighurs formally have favourable standing in Turkish immigration law when it comes to residence. Uighurs are therefore usually issued with a temporary residence permit in Turkey, although there are also reports of residence permit applications having been rejected.<sup>462</sup> According to a confidential source, the residence permit issued by the Turkish government is valid for one year, and an application can be submitted to renew it.<sup>463</sup> A residence permit provides access to schools and allows the holder to open a bank account.<sup>464</sup> The same confidential source states that individuals with this type of permit are generally not issued with a work permit, but the Turkish government often turns a blind eye if someone opens a business.<sup>465</sup>

The fear of being deported to China has grown among Uighurs in Turkey recently, although Turkey stated during the reporting period that it does not deport anyone to China who is in danger of persecution.<sup>466</sup> Up to the time of publication of this report,

<sup>456</sup> Confidential source, 3 April 2020.

<sup>457</sup> Confidential source, 5 May 2020.

<sup>458</sup> Jamestown Foundation, *China's tactics for targeting the Uyghur diaspora in Turkey*, 1 November 2019. The Diplomat, *Why is Turkey breaking its silence on China's Uyghurs?*, 12 February 2019. Reuters, *Without papers, Uighurs fear for their future in Turkey*, 28 March 2019.

<sup>459</sup> Foreign Affairs, *Algemeen ambtsbericht Turkije*, October 2019, p. 54.

<sup>460</sup> Middle East Monitor, *Not all Uyghurs are terrorists, Turkey tells China*, 18 February 2020.

<sup>461</sup> Confidential source, 6 May 2020. Asylum Information Database (AIDA), *Introduction to the asylum context in Turkey*, consulted on 8 May 2020.

<sup>462</sup> RESPOND, *Reception policies, practices and responses*, February 2020. DFAT, *Country information report PRC 2019*, p. 28. Confidential source, 18 December 2019. Confidential source, 6 May 2020. The Financial Times, *Turkey's Uighurs fear for future after China deportation*, 24 August 2019. Middle East Eye, *Uighur refugees face deportation to China from Turkey*, 26 July 2019.

<sup>463</sup> Confidential source, 6 May 2020.

<sup>464</sup> Foreign Affairs, *Algemeen ambtsbericht Turkije*, October 2019, p. 55.

<sup>465</sup> Confidential source, 6 May 2020.

<sup>466</sup> See statements made by the Turkish Foreign Affairs minister Suleyman Soyulu in August 2019. The Financial Times, *Turkey's Uighurs fear for future after China deportation*, 24 August 2019.

no official deportations from Turkey directly to China have been confirmed.<sup>467</sup> There is little information available regarding deportations. The following circumstances contribute to the fear of deportation: during the reporting period, four Uighurs were deported from Turkey to Tajikistan, where they were handed over to the Chinese authorities and subsequently taken to Xinjiang. The Turkish authorities indicated that they were investigating this case.<sup>468</sup> Additionally, an unknown number of Uighurs<sup>469</sup> in Turkey were held in deportation centres for many months in response to a Chinese extradition request to Turkey. These extradition requests were usually related to accusations – unfounded according to those involved – of terrorism in China.<sup>470</sup> According to those involved, the Turkish authorities placed individuals in detention centres without a formal indictment. These individuals were tortured or threatened with torture as a means of obtaining a confession. Women and children were also reportedly arrested.<sup>471</sup> In addition, an estimated 2,500 Uighurs fear being deported to China because they are living illegally in Turkey, partly because they were unable to renew their Chinese passport in Turkey, and therefore could not renew their Turkish residence permit either. In some cases, the Turkish authorities demonstrated some flexibility with regard to expired Chinese identity documents and proceeded to renew the residence permit, particularly when these documents had been shown to the Turkish authorities in the past.<sup>472</sup> Residence permits were reportedly refused in several cases involving Uighurs who arrived during the reporting period. This refusal was possibly based on allegations of terrorism from China.<sup>473</sup>

Turkey and China signed an extradition treaty in May 2017, but this treaty has not yet been ratified by the Turkish parliament. The treaty provides for the possibility of refusing to deport an individual who faces the threat of persecution based on religion, ethnicity, or political opinion.<sup>474</sup> Article 2 of the treaty also stipulates that it does not matter for the extradition if the alleged offence is placed in the same category or is even considered an offence at all by the other signatory.<sup>475</sup>

Another factor in this context is the possibility that Turkey may join the Shanghai Cooperation Organization (SCO) in the future. The Counter-terrorism Convention of the SCO<sup>476</sup> regulates extradition between member states in cases of suspected terror offences. If Turkey joins the SCO, NGOs fear that China will use this provision in the convention to submit requests to extradite Uighurs based on fabricated

<sup>467</sup> Confidential source, 18 December 2019.

<sup>468</sup> RFA, *Uyghur Mother, daughters deported to China from Turkey*, 9 August 2019.

<sup>469</sup> In August 2019, the *Financial Times* cites reports from activists regarding hundreds of Uighurs in Turkish deportation centres. The *Financial Times*, *Turkey's Uighurs fear for future after China deportation*, 24 August 2019. An NPR article speaks of between 200 and 400 Uighurs arrested within the period of a year. NPR, *'I thought it would be safe', Uighurs in Turkey now fear China's long arm*, 13 March 2020.

<sup>470</sup> The New York Times, *They built a homeland far from China's grip, Now they're afraid*, 21 December 2019. Jamestown Foundation, *China's tactics for targeting the Uyghur diaspora in Turkey*, 1 November 2019. Die Zeit, *Auf die islamitische Welt können sie nicht hoffen*, 26 November 2019. Reuters, *Without papers, Uighurs fear for their future in Turkey*, 28 March 2019. Los Angeles Times, *Uighur dissident in Turkey fights effort to extradite him to China*, 29 March 2019. France 24, *Chinese Uighur refugee fears deportation from Turkey*, 12 August 2019.

<sup>471</sup> An NPR article speaks of between 200 and 400 Uighurs arrested within the period of a year. NPR, *'I thought it would be safe', Uighurs in Turkey now fear China's long arm*, 13 March 2020; Axios, *Documents show China's secret extradition request for Uighur in Turkey*, 20 May 2020.

<sup>472</sup> Confidential source, 7 May 2020.

<sup>473</sup> The New York Times, *They built a homeland far from China's grip, Now they're afraid*, 21 December 2019. FP, *The capital of Xinjiang is now in Turkey*, 30 September 2019. The *Financial Times*, *Turkey's Uighurs fear for future after China deportation*, 24 August 2019.

<sup>474</sup> Jamestown Foundation, *China's tactics for targeting the Uyghur diaspora in Turkey*, 1 November 2019.

<sup>475</sup> RFA, *Extradition Treaty That Could Deport Uyghurs From Turkey to China Faces Uncertainty in Ankara*, 21 May 2020.

<sup>476</sup> *Shanghai Convention on Combating Terrorism, Separatism and Extremism*, 15 June 2001.

terrorism charges. According to the US Department of State, China pressures other countries, including the SCO countries, to act to return Uighurs to China.<sup>477</sup>

## 12.6 Chinese Kazakhs in Kazakhstan

The Chinese authorities have barred ethnic Kazakhs with a Chinese passport from leaving China for Kazakhstan, even if they have a residence permit in Kazakhstan or dual Chinese and Kazakh nationality.<sup>478</sup> A few ethnic Kazakhs were able to cross the border between China and Kazakhstan undetected during the reporting period. For example, in late 2019 two Chinese Kazakhs succeeded in leaving Xinjiang for Kazakhstan without being detected. They were given prison sentences in Kazakhstan for illegally crossing the border, but they were not deported to China. Their application for asylum was still pending when this report was published.<sup>479</sup> Human Rights Watch (HRW) also reported on a Chinese Kazakh woman who travelled illegally to Kazakhstan in 2019 after working as a guard at a detention camp. She was put on trial in Kazakhstan for illegally crossing the border. While she was not given a residence permit, she was not deported to China. Sweden granted the woman and her family asylum.<sup>480</sup>

## 12.7 Hong Kongers in Germany, Canada, Taiwan and the United Kingdom

As a result of Beijing's mounting influence in Hong Kong, a growing number of Hong Kongers have left Hong Kong. In May 2018, Germany granted asylum to two activists from Hong Kong who were members of Hong Kong Indigenous, an activist group that challenges Beijing's mounting influence in Hong Kong.<sup>481</sup>

On 3 May 2020, the Canadian daily newspaper *The Globe and Mail* reported that 46 Hong Kongers had applied for asylum in Canada between 1 January 2019 and 31 March 2020. The paper based its article on an anonymous source. A spokesperson for the New Hong Kong Cultural Club (NHKCC), an association for people from Hong Kong living in Canada, confirmed asylum applications of 28 Hong Kongers in Canada. Based on the information available, Immigration, Refugees and Citizenship Canada (IRCC) has not yet completed the processing of any asylum applications submitted by Hong Kongers.<sup>482</sup>

There was an increase in the number of Hong Kongers going to Taiwan during the reporting period. According to the Taiwan National Immigration Agency (NIA), in

<sup>477</sup> The SCO member states are China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. In 2018, China pressured a number of countries including Kazakhstan, Malaysia, Saudi Arabia and the United Arab Emirates to deport Uighurs to China. See also USDOS, *Country report on terrorism 2018*, Chapter 1 – China, 1 November 2019.

<sup>478</sup> Bitter Winter reports that negotiations between China and Kazakhstan have resulted in some Kazakh prisoners with Kazakh nationality being released from detention camps. Bitter Winter, *The Drama of Kazakh Muslims in China: Imprisoned, Tortured, Silenced*, 3 July 2019. A Foreign Policy report states that Kazakhstan is also advocating for the release of ethnic Kazakhs with Chinese nationality who have ties with Kazakhstan. Foreign Policy, *Kazakhs Won't Be Silenced on China's Internment Camps*, 4 March 2019. See also 9.2 'Re-education camps'.

<sup>479</sup> HRW, *Kazakhstan, Improper prosecution of asylum seekers from China*, 9 January 2020.

<sup>480</sup> HRW, *Eradicating ideological viruses*, September 2018, p. 93. Bitter Winter, *The Drama of Kazakh Muslims in China: Imprisoned, Tortured, Silenced*, 3 July 2019.

<sup>481</sup> DW, *Germany grants asylum to two Hong Kong pro-democracy activists*, 22 May 2019. Time, *Two Hong Kong activists were granted asylum in Germany, calling the city's freedoms into questions*, 22 May 2019. HKFP, *Third Hongkonger sought asylum in Germany besides two wanted pro-independence activists, authorities confirm*, 23 May 2019.

<sup>482</sup> The Globe and Mail, *Hong Kong protesters seek refuge in Canada*, 3 May 2020.

2018 and 2019, 4,148 and 5,858 Hong Kongers respectively were granted residence rights in Taiwan for a specified or unspecified period of time. In the first four months of 2020, 2,383 Hong Kongers settled in Taiwan. On 28 May 2020, the President of Taiwan pledged that based on political reasons, Hong Kongers could receive assistance and shelter in Taiwan.<sup>483</sup>

On 28 May 2020, in response to the passing of the national security law (see 10.4.1), the United Kingdom (UK) announced that it would relax visa and immigration regulations for almost three million Hong Kongers if China actually implemented the law. Hong Kongers born before the 1 July 1997 transfer of sovereignty are entitled to a British National Overseas (BNO) passport. Currently, a BNO passport holder can reside in the UK without a visa for a period of six months. However, during this six-month period, the holder of a BNO passport is not permitted to work or study in the UK. The British authorities are prepared to expand the residence period for Hong Kong BNO passport holders to twelve months, and give this group the right to work or study. The British authorities state that this could ultimately lead to the acquisition of residence rights for an unspecified period of time<sup>484</sup> or British citizenship. There are currently approximately 350,000 Hong Kong BNO passport holders, and around 2.5 million Hong Kongers are entitled to apply for and obtain a BNO passport.<sup>485</sup>

Hong Kong's activists have welcomed the announced UK plan. However, they point out that Hong Kongers born after 1 July 1997 are not entitled to a BNO passport and thus not eligible for this plan, but that they comprise the majority of the Hong Kong protest movement. The Hong Kong activists also point out that the plan still needs to be worked out in more detail. For example, it is unclear if Hong Kongers will be eligible for British government services. It is likewise unclear how long a Hong Kong resident will have to continuously reside in the UK to be eligible for indefinite leave to remain or British citizenship. The British authorities have also not provided any transparency regarding whether students from Hong Kong will have to pay the international student fees or the lower British student fees. There is also the question of what happens to a Hong Konger who is unable to find a job in the UK after twelve months.<sup>486</sup>

## 12.8 UNHCR in China

China does not have any asylum laws and thus does not have any asylum authorities. The UNHCR representation in China has a limited mandate and does not take a position on the repatriation of rejected asylum seekers from China. UNHCR

<sup>483</sup> Taiwan News, *Taiwan saw spike in Hongkongers seeking residency in 2019*, 24 May 2020; Trouw, *Vluchteling uit Hongkong krijgt hulp van Taiwan*, 29 May 2020.

<sup>484</sup> Known as Indefinite Leave to Remain (ILR) in the UK.

<sup>485</sup> The Financial Times, *UK 'path to citizenship' for Hong Kongers lacks detail, advocates say*, 29 May 2020. BBC, *UK to change immigration rules for Hong Kong citizens if China passes law*, 3 June 2020. The Guardian, *Boris Johnson lays out visa offer to nearly 3m Hong Kong citizens, UK prime minister says all eligible for BNO passport can apply if China cuts freedoms*, 3 June 2020. The Economist, *Britain opens its doors to Hong Kongers*, 6 June 2020. The Guardian, *Hong Kong activists urge UK to spell out extended visa offer, NGO demands more details on Boris Johnson's 'vague and imprecise' commitment*, 14 June 2020.

<sup>486</sup> The Financial Times, *UK 'path to citizenship' for Hong Kongers lacks detail, advocates say*, 29 May 2020. BBC, *UK to change immigration rules for Hong Kong citizens if China passes law*, 3 June 2020. The Guardian, *Boris Johnson lays out visa offer to nearly 3m Hong Kong citizens, UK prime minister says all eligible for BNO passport can apply if China cuts freedoms*, 3 June 2020. The Economist, *Britain opens its doors to Hong Kongers*, 6 June 2020. The Guardian, *Hong Kong activists urge UK to spell out extended visa offer, NGO demands more details on Boris Johnson's 'vague and imprecise' commitment*, 14 June 2020.

has two offices in China, in Beijing and in Hong Kong.<sup>487</sup> The Beijing-based UNHCR office processes asylum applications in China for asylum seekers who have legally entered mainland China. These are *refugees sur place*, or people who are unable to return to their country of origin because the situation there has changed drastically.<sup>488</sup> If UNHCR grants refugee status to an asylum seeker, this is recognised by the Chinese immigration authorities. Based on the information available, there are no indications that China sends people back to their country of origin if they have been recognised as a refugee by the UNHCR office in Beijing and possess a UNHCR refugee certificate. The Hong Kong-based UNHCR office provides support to the Hong Kong authorities in improving their own asylum process which has been in place since 2014 and is called the Unified Screening Mechanism (USM).<sup>489</sup>

Additionally, the UNHCR office in Beijing provides financial assistance to refugees in mainland China. Refugees in mainland China are required to use this assistance to pay any expenses for basic needs such as shelter and food. The authorities in Hong Kong, specifically the Social Welfare Department, deliver basic facilities such as food and shelter to refugees. UNHCR does not have a physical office in Macau, a special administrative region (SAR) like Hong Kong. The Hong Kong-based UNHCR office delivers assistance to asylum seekers and refugees in Macau through a partner organisation.<sup>490</sup>

## 12.9 Repatriation

The previous country of origin information report stated that information about how repatriated asylum seekers with Chinese nationality are treated by the Chinese authorities is scarce and anecdotal in nature.<sup>491</sup> There is still relatively little verifiable information available regarding how the Chinese authorities deal with asylum seekers returning from abroad.

In any case, upon returning to China, the following groups face a heightened risk of being subjected to interrogation, detention, torture and/or unfair trial at the hands of the Chinese authorities: HRDs, members of ethnic minorities (such as Uighurs and Tibetans), members of religious movements designated as *Xie Jiao* (such as FG practitioners and CAG members) and members of 'grey'<sup>492</sup> religious denominations.<sup>493</sup>

One repatriation issue during the reporting period concerned Yang Wei. Yang attracted the negative attention of the Chinese authorities for supporting the student protest in 1989 and for his involvement in the China Democracy Party (CDP) which was banned in 1998.<sup>494</sup> In 1999 Yang moved to Thailand where he became eligible for resettlement in Canada. The Canadian authorities sent Yang back to China in

<sup>487</sup> For more information about the UNHCR offices in Beijing and Hong Kong, visit the following page with contact information: [www.unhcr.org/cn](http://www.unhcr.org/cn).

<sup>488</sup> For example, in this context the situation might apply to Syrians and Yemenis who have entered China on a study or work visa and, after residing for years in China, are unable to return to their country of origin because of the military conflict there.

<sup>489</sup> Confidential source, 31 March, 1 and 3 April and 23 June 2020.

<sup>490</sup> Confidential source, 31 March, 1 and 3 April 2020.

<sup>491</sup> Ministry of Foreign Affairs, *Algemeen ambtsbericht China*, 19 February 2018, p. 66.

<sup>492</sup> Refer to 6.1 for more information on the concept of 'grey' religious denominations.

<sup>493</sup> Confidential source, 18 March 2020. Confidential source, 16 April 2020.

<sup>494</sup> The CDP was founded in 1997 by a group of activists who were campaigning to transform China from a single-party state into a multi-party democracy. The CDP is also known as the Democracy Party of China (DPC). Human Rights Watch (HRW), *Nipped in the bud, The suppression of the China Democracy Party*, 1 September 2000.

August 2019 on the grounds that he was a danger to public safety in Canada. Yang had stabbed a bus driver and threatened a sales clerk with a butcher's knife.<sup>495</sup> As far as is known, there have been no new media reports about Yang since that time. According to a confidential source, the Chinese authorities have left Yang alone since his return to China. The source believes there are two possible reasons for this. First, Yang did not publicly express criticism of the Chinese government while residing in Canada. Second, his international reputation prevented the Chinese government from persecuting him following his return to China. The same source adds that upon his return to China, Yang did not receive any support from the Chinese government in the form of identity documents, a *hukou* registration, or social services.<sup>496</sup>

#### 12.9.1 *Muslim minorities from Xinjiang*

The Chinese government intensified its efforts to induce members of Muslim minorities from Xinjiang – primarily Uighurs and Chinese Kazakhs – to return to China from abroad. This is usually done by threatening relatives in Xinjiang. The Chinese government also tries to coerce people to return by refusing to renew their passports abroad. This forces people to return to China if they want to retain their legal status in their country of residence. Upon returning to China, many members of these Muslim minorities are arrested or disappear. Others have been issued with a new passport in Xinjiang, but required to give a written undertaking to return to Xinjiang within a specified period of time. HRW cites cases in which people who later returned to Xinjiang were then sent to a detention camp.<sup>497</sup>

People are arrested and sent to a detention camp upon returning for reasons such as returning from a country where, in the opinion of the Chinese authorities, there is a heightened risk of radicalisation and hence jihadism. Countries in this category include Kazakhstan, Tajikistan, and Turkey. Members of Chinese Muslim minorities in these countries are therefore very afraid of being deported to China.<sup>498</sup> In an analysis of the Integrated Joint Operations Platform (IJOP, see 9.6.1), HRW also expresses the suspicion that irregularities relating to the passport or the departure from the country of an individual who has returned to Xinjiang can also trigger further investigation of the person in question, probably by way of a notification in the IJOP app. Since 2015, it has been a criminal offence to leave the country while bypassing the surveillance of the authorities, similar to the offence of leaving the country without a passport.<sup>499</sup> In addition, there are numerous other everyday forms of behaviour and circumstances of individuals or their relatives that lead to internment in a detention camp (see 9.2).

<sup>495</sup> The New York Times, *Canada departs Chinese dissident, brushing off concerns he faces jail*, 28 August 2019, BBC, *Canada departs Chinese activist Yang Wei over knife crimes*, 29 August 2019.

<sup>496</sup> Confidential source, 16 April 2020.

<sup>497</sup> USDOS, *2019 report on human rights in China*, p. 55. HRW, *Eradicating ideological viruses*, September 2018, pp. 88-93.

<sup>498</sup> HRW and a report issued by the German BAMF cite a list of 26 countries with a heightened risk of radicalisation of returnees according to the Chinese authorities: Afghanistan, Algeria, Azerbaijan, Egypt, Indonesia, Iran, Iraq, Kazakhstan, Kenya, Kyrgyzstan, Libya, Malaysia, Nigeria, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Syria, Tajikistan, Thailand, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen. HRW, *Eradicating ideological viruses*, September 2018, p. 110. BAMF, *Länderreport 22, China, Situation der Muslime*, February 2020, p. 13.

<sup>499</sup> HRW, *China's algorithms of repression*, May 2019, p. 33.

## 13 Appendices

### 13.1 Abbreviations and foreign language terminology

ACFTU	All-China Federation of Trade Unions
BAC	Buddhist Association of China
Basic Law	( <i>de facto</i> constitution of Hong Kong)
BNO	British National Overseas
CAG	Church of Almighty God
CAT	Committee against Torture
CCC	China Christian Council
CCP	Chinese Communist Party
CDP	China Democracy Party
CE	Chief Executive (Hong Kong's highest political office)
C&E	Custody & Education
CGTN	China Global Television Network
CHRD	Chinese Human Rights Defenders
CHRF	Civil Human Rights Front
CPCA	Chinese Patriotic Catholic Association
CPJ	Committee to Protect Journalists
CPL	Criminal Procedure Law
CTA	Chinese Taoist Association
CTA	Central Tibetan Administration (Tibetan government in exile)
Dalai Lama	highest authority in Tibetan Buddhism
DFAT	Australian Department of Foreign Affairs and Trade
ETAC	International Coalition to End Transplant Abuse in China
FG	Falun Gong
GSEC	Guangzhou Gender and Sexuality Education Center
HKD	Hong Kong dollar
HKMAO	Hong Kong and Macau Affairs Office (State office for relations with Hong Kong and Macau)
HKNP	Hong Kong National Party
HKPF	Hong Kong Police Force
HRD	human rights defender
HRW	Human Rights Watch
hukou	household registration
IAC	Islamic Association of China
ICCPR	International Covenant on Civil and Political Rights
ICT	International Campaign for Tibet
IPCC	Independent Police Complaints Council
IRCC	Immigration, Refugees and Citizenship Canada
LegCo	Legislative Council
liuzhi	detention measure imposed by the National Supervision Commission
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersexual
LOCPG	Liaison Office of the Central People's Government in the Hong Kong SAR
MCA	Ministry of Civil Affairs
MIIT	Ministry of Industry and Information Technology
MPS	Ministry of Public Security
NGO	non-governmental organisation
NIA	National Immigration Agency
NPC	National People's Congress

NPCSC	Standing Committee of the National People's Congress
NSC	National Supervision Commission
NSL	National Supervision Law
OHCHR	Office of the United Nations High Commissioner for Human Rights
PFLAG	Parents, Families and Friends of Lesbians and Gays
PRA	Patriotic Religious Association
PRC	People's Republic of China
PSB	Police Security Bureau
RC	Residential Certificate
RFA	Radio Free Asia
RSDL	residential surveillance in a designated location
RTL	re-education through labour
SAR	special administrative region
SARA	State Administration of Religious Affairs
SCA	State Cryptography Administration
SCF	social compensation fee (a fine for conceiving a child in violation of the family planning regulations)
SCS	social credit system
SOGI	sexual orientation and gender identity
SPC	Supreme People's Court
TAR	Tibetan Autonomous Region
TCHRD	Tibetan Centre for Human Rights and Democracy
TSPM	Three-Self Patriotic Movement
UNHCR	United Nations High Commissioner for Refugees
UFWD	United Front Work Department
UK	United Kingdom
VOA	Voice of America
VPN	virtual private network
WEF	World Economic Forum
Weibo	Chinese version of Twitter
Xie Jiao	heterodox teachings

### 13.2 List of groups designated as a Xie Jiao

Name in English	Name in Chinese (Latin script)	Name in Chinese (written in Chinese characters)
Anointed King	Beili Wang	被立王
Bloody Holy Spirit	Xueshui Shengling	血水圣灵
Children of God	Tianfu De Ernu	天父的儿女
Church of Almighty God	Quan Neng Shen Jiao Hui	全能神教会
Dami Mission	Dami Xuanjiao Hui	达米宣教会
Falun Gong	Falung Gong	法轮功
Full Scope Church	Quan Fanwei Jiaohui	全范围教会
Guanyin Method	Guanyin Famen	观音法门
Lord God Sect	Zhu Shen Jiao	主神教
Mainland China Administrative Deacon Station	Zhonghua Dalu Xingzheng Zhishi Zhan	中华大陆行政执事站
New Testament Church	Xinyue Jiaohui	新约教会
Perfect and Sudden Dharma Gate	Yuandun Famen	圆顿法门
Pure Land Learning Association	Jingzong Xuehui	净宗学会
South China Church	Huanan Jiaohui	华南教会
The Disciple Society	Mentu Hui	门徒会
The Lingling Sect	Lingling Jiao	灵灵教
The Shouters	Huhan Pai	呼喊派
The Unification Church	Tongyi Jiao	统一教
Three Grades of Servants	San Ban Puren Pai	三班仆人派
True Buddha School	Ling Xian Zhen Fo (Zong)	灵仙真佛(宗)
World Elijah Gospel Mission Society	Shijie Yiliya Fuyin Xuan Jiaohui	世界以利亚福音宣教会
Zhonggong	Zhonggong	中功

### 13.3 News reports

Aljazeera

- , *#MeToo movement in China, Powerful yet fragile*, 22 October 2018.
- , *Uighur refugee: I'm not very optimistic*, video interview met Ilshat Hassan, 8 December 2018.
- , *Chinese human rights lawyer Wang Quanzhang reunites with family*, 28 April 2020.
- , *Hong Kong, Why China's national anthem bill is so controversial*, 27 May 2020.
- , *Hong Kong to mark Tiananmen amid China national anthem bill vote*, 4 June 2020.
- , *China passes Hong Kong security law, deepening fears for future*, 30 June 2020.

Algemeen Dagblad (AD)

- , *Chinese 'sekte' vestigt zich in Nederland*, 24 December 2018.
- , *China duldt geen enkele kritiek op president Xi of zijn optreden in coronacrisis*, 17 March 2020.

Amnesty International (AI)

- , *New Supervision Law a systemic threat to human rights*, 20 March 2018.
- , *Tibetan activist handed grotesquely unjust 5 year prison sentence after featuring in New York Times video*, 22 May 2018.
- , *42 months in prison for forcibly returned activist, Dong Guangping*, 31 July 2018.
- , *De doodstraf is springlevend in China*, 29 January 2019.
- , *Der dressierte Mensch*, 25 July 2019.
- , *'Appalling' jail sentence for outspoken pastor makes mockery of religious freedoms*, 30 December 2019.
- , *Het rechtssysteem in China*, published in January 2020.
- , *Detention of activist shows unrelenting assault on freedom of expression*, 18 February 2020.
- , *Oeigoeren zijn nergens veilig, zelfs niet in Nederland*, 21 February 2020.
- , *Fears of imprisonment for missing Kazakh writer, Nagyz Muhammed*, 27 April 2020.
- , *Hongkong, Machteloze en bevooroordeelde klachtencommissie brengt geen gerechtigheid*, 15 May 2020.
- , *Hong Kong, Crackdown on peaceful anthem bill protesters signals another summer of repression*, 27 May 2020.

ANBI.nl

- , *De Kerk van Almachtige God*, consulted on 11 March 2020.

AsiaNews

- , *Mindong's Msgr. Guo evicted from the curia, he will sleep on the street, Several priests and elderly also made homeless*, 16 January 2020.

Asia Times

- , *Chinese Christians live in fear, fleeing abroad, Part 1*, 21 March 2019.
- , *Chinese Christians live in fear, fleeing abroad, Part 2*, 22 March 2019.

Associated Press (AP)

- , *China bars millions from travel for social credit offences*, 23 February 2019.
- , *China's Weibo site backtracks on gay censorship after outcry*, 17 April 2019.
- , *Swedish court will not extradite fugitive sought by China*, 9 July 2019.
- , *China claims everyone in Xinjiang camps has "graduated"*, 9 December 2019.
- , *Trudeau: China doesn't understand Canadian judicial system*, 21 May 2020.

Australian Broadcasting Corporation (ABC) News

- , *Australia requests Beijing let family of Uyghur man leave China following Four Corners program*, 17 July 2019.

Australian Strategic Policy Institute (ASPI)

- , *Uyghurs for sale*, 1 March 2020.

Axios

- , *University of Minnesota student jailed in China over tweets*, 23 January 2020.
- , *Documents show China's secret extradition request for Uighur in Turkey*, 20 May 2020.

Bitter Winter

- , *Shouwang Church, The rise and fall of Beijing's largest megachurch*, 30 March 2019.
- , *Sola Fide (Justification by Faith) house churches in China*, 15 April 2019.

- , *The Drama of Kazakh Muslims in China: Imprisoned, Tortured, Silenced*, 3 July 2019.
- , *The purge of Tibetan Buddhism continues in Hebei*, 27 December 2019.
- , *Tibetan Buddhist temples monitored, monks controlled*, 12 January 2020.
- , *Obedient "Red Successors" cultivated from young age*, 10 October 2019.
- , *Chinese refugees, Seeking asylum in Italy*, 26 October 2019.

#### Bloomberg

- , *A \$300 billion rainbow economy is booming the middle of China*, 18 June 2019.
- , *Baby shortage prompts China's unwed mothers to fight for change*, 28 October 2019.
- , *China official who tore down church crosses to oversee Hong Kong*, 13 February 2020.
- , *China's propaganda quiz app is hiring hundreds*, 15 April 2019.
- , *China flexes muscles on Hong Kong, prompting outcry from U.S.*, 18 April 2020.

#### Boeddhistisch Dagblad

- , *De Tibetaanse Volksopstand van 1959*, 10 March 2017.
- , *Grote opkomst tijdens Tibet vredesmars in Amsterdam*, 10 March 2020.

#### British Broadcasting Corporation (BBC)

- , *China professor accused in #MeToo campaign is sacked*, 12 January 2018.
- , *Hong Kong government bans pro-independence party*, 24 September 2018.
- , *China disappearances show Beijing sets its own rules*, 17 October 2018.
- , *Jiang Tianyong, Chinese human rights lawyer disappears on release day*, 28 February 2019.
- , *Shanghai rubbish rules, New law sends Chinese city into frenzy*, 4 July 2019.
- , *Canada deporting Chinese activist Yang Wei over knife crimes*, 29 August 2019.
- , *Hong Kong, What is the Basic Law and how does it work?*, 20 November 2019.
- , *Simon Cheng, Former UK consulate worker says he was tortured in China*, 20 November 2019.
- , *Data leak reveals how China 'brainwashes' Uighurs in prison camps*, 24 November 2019.
- , *Chinese residents worry about rise of facial recognition*, 5 December 2019.
- , *China ends forced labour for sex workers*, 28 December 2019.
- , *Meng Hongwei, China sentences ex-Interpol chief to 13 years in jail*, 21 January 2020.
- , *Coronavirus, Five ways virus upheaval is hitting women in Asia*, 8 March 2020.
- , *NPC: China moves to impose controversial Hong Kong security law*, 22 May 2020.
- , *Hong Kong security law, What is it and is it worrying?*, 25 May 2020.
- , *Hong Kong security law, Carrie Lam dismisses concerns over rights*, 26 May 2020.
- , *UK to change immigration rules for Hong Kong citizens if China passes law*, 3 June 2020.

#### Business Insider

- , *Chinese citizens are demanding increased free speech after the death of a coronavirus whistleblower doctor, China censored their calls*, 7 February 2020.
- , *China enacted a sweeping new law that bars people from posting negative content online, and it could be used to suppress coronavirus news*, 2 March 2020.

#### Buzzfeed News

- , *They thought they'd left the surveillance state behind, They were wrong*, 9 July 2018.

Cable News Network (CNN)

- , *Chinese Uyghurs forced to welcome Communist Party into their homes*, 14 May 2018.
- , *China's censors face a major test in 2019, but they've spent three decades getting ready*, 7 January 2019.

Caixin

- , *Death in Custody Raises Questions About New Anti-Graft Oversight*, 9 May 2018.

Central Intelligence Agency (CIA)

- , *The World Factbook, China, People and society*, last updated on 28 January 2020.

Chief Privacy Officer (CPO) Magazine

- , *China's new Encryption Law highlights cryptography as a strategic priority*, 11 November 2019.

ChinaAid

- , *18 indicted for being Jehovah's Witnesses*, 12 June 2019.
- , *Church elder receives four year sentence*, 29 November 2019.

ChinaFile

- , *Converting the converters*, 18 October 2019.
- , *China's government has ordered a million citizens to occupy Uighur homes, Here's what they think they're doing*, 24 October 2018.

China Global Television Network (CGTN)

- , *China simplifies passport application procedures for citizens*, 30 April 2018.
- , *China to implement amended passport policy for overseas citizens on Jan 1*, 29 December 2018.

Chinese Human Rights Defenders (CHRD)

- , *Huang Qi*, 19 December 2016.
- , *Dong Guangping*, 16 May 2019.
- , *Xue Renyi*, 31 May 2019.
- , *China must release detained labor rights advocates*, 25 July 2019.
- , *China: protect human rights while combatting coronavirus outbreak*, 31 January 2020.
- , *Watch list of detainees and prisoners of conscience in need of medical attention*, last updated on 17 March 2020.
- , *Prisoners of conscience data, Mainland China*, undated.

China Human Rights Lawyers Concern Group (CHRLCG)

- , *Wang Quanzhang eventually reunited with his family in Beijing*, 28 April 2020.

China Law Blog

- , *China's new Cryptography Law, Still no place to hide*, 7 November 2019.

China Labour Bulletin (CLB)

- , *Gone for 100 days, Three labour activists 'disappeared' in China*, 27 June 2019.

China Law Translate

- , *SPC notice on the addition of civil case causes of action*, 2 January 2019.
- , *Governing the E-cosystem*, 18 September 2019
- , *Governing the E-cosystem 2*, 1 March 2020.

#### Coda Story

—, *China's digital wall around Tibet*, 16 May 2019.

#### Committee to Protect Journalists (CPJ)

—, *Labor rights website editor Wei Zhili arrested in China; another is missing*, 21 March 2019.

—, *Chinese court sentences journalist Huang Qi to 12 years in prison*, 29 July 2019.

#### Congressional Executive Commission on China (CECC)

—, *Protection of Women's Rights and Interests Law of the People's Republic of China*, undated, consulted on 28 May 2020.

#### Covington

—, *China amends Criminal Procedure Law, Creating more anti-bribery prosecution tools*, 14 November 2018.

#### Council on Foreign Relations (CFR)

—, *The state of religion in China*, last updated on 11 October 2018

#### Dalailama.com

—, *Message of His Holiness the Dalai Lama to the Fourteenth Assembly of the Tibetan People's Deputies*, 14 March 2011.

—, *His Holiness middle way approach for resolving the issue of Tibet*, undated.

#### Death Penalty Worldwide (DPW)

—, *Death Penalty Database, China*, undated.

#### De Gelderlander

—, *Wat doet een in China verboden sekte in Nederland?*, 22 January 2019.

#### De Groene Amsterdammer

—, *De schuld van Xi*, 26 February 2020.

#### De Morgen

—, *China maakt weg vrij voor langere ambtstermijn Xi Jinping*, 25 February 2018.

#### De Standaard

—, *Het is allemaal de fout van Winnie de Poeh*, 28 March 2019.

#### Deutsche Welle (DW)

—, *Germany grants asylum to two Hong Kong pro-democracy activists*, 22 May 2019.

—, *China arrests pro-democracy activists in year-end crackdown*, 2 January 2020.

#### De Volkskrant

—, *Communistische Partij China maakt weg vrij voor levenslang presidentschap Xi*, 25 February 2018.

—, *De dalai lama toont zich verrassend mild over China*, 10 September 2018.

—, *Hongkong verbiedt partij die streeft naar onafhankelijkheid van China*, 24 September 2018.

—, *'Willekeurige' terdoodveroordeling Canadees zet relatie China en Canada nog verder onder druk*, 14 January 2019.

- , *Bestuur Hongkong geeft toe aan betogers en trekt omstreden uitleveringswet in*, 5 September 2019.
- , *Beijings grote geheim stond op haar laptop*, 7 December 2019.
- , *Buitenlandse experts stappen uit onderzoek naar politiegeweld Hongkong*, 11 December 2019.
- , *Chinese dominee krijgt 9 jaar cel voor runnen van een 'subversieve huiskerk'*, 30 December 2019.
- , *Tibetaans verdwijnt uit 'tweetalige' school*, 10 March 2020.

#### Die Zeit

- , *Auf die islamitische Welt können sie nicht hoffen*, 26 November 2019.

#### Dui Hua,

- , *Identifying cult organizations in China*, 10 July 2014
- , *From Hu to Xi, China's grip on environmental activism, Part II, Environmental activism from above and below*, 24 July 2019.
- , *Political Prisoner Database (PPDB)*, last updated on 31 December 2019.
- , *Detailed court statistics on article 300, Part I*, 28 May 2020.
- , *Detailed court statistics on article 300, Part II*, 4 June 2020.
- , *Death penalty reform*, undated.

#### Foreign Policy (FP)

- , *China has chosen cultural genocide in Xinjiang – for now*, 19 September 2018.
- , *China's #MeToo activists have transformed a generation*, 10 January 2019.
- , *Kazakhs Won't Be Silenced on China's Internment Camps*, 4 March 2019.
- , *China's dissidents can't leave*, 23 July 2019.
- , *The Capital of Xinjiang Is Now in Turkey*, 30 September 2019.

#### France 24

- , *Chinese Uighur refugee fears deportation from Turkey*, 12 August 2019.
- Frankfurter Allgemeine Zeitung (FAZ)
- , *Hatte Bings Ausfall wirklich nur „technische“ Gründe?*, 28 January 2019.

#### Freedom House

- , *Falun Gong's secrets for surviving in China*, 19 July 2019.

#### Free Tibet

- , *Hundreds of Tibetans ordered to immediately return from pilgrimage sites*, 4 January 2019.
- , *China has destroyed large areas of one of Tibet's biggest Buddhist sites, satellite images reveal*, 30 September 2019.

#### Gay Star News (GSN)

- , *Gay Chinese teacher loses case for unfair dismissal*, 27 November 2018.

#### Global Times

- , *Gay teacher gains arbitration after school fires him*, 27 September 2018.
- , *Unmarried mothers demand rights for children born out of wedlock*, 10 March 2019.

#### Het Financieele Dagblad (FD)

- , *'Dit is het moment waarop China zijn wil doordrukt'*, 27 mei 2020.

#### Hindustan Times

- , *The search for home, Why Tibetans are leaving India*, 5 April 2018.

#### Holyspiritspeaks.org

- , *A brief introduction about the background of the appearance and work of Christ of the Last Days in China*, 13 December 2015.

#### Hong Kong Free Press (HKFP)

- , *Missing Chinese rights lawyer Jiang Tianyong returns home but 'still not free', says wife*, 3 March 2019.
- , *Prominent Chinese feminist social media account censored on International Women's Day*, 9 March 2018.
- , *20 years on, Falun Gong survives underground in China*, 23 April 2019.
- , *Third Hongkonger sought asylum in Germany besides two wanted pro-independence activists, authorities confirm*, 23 May 2019.
- , *Over a million attend Hong Kong demo against controversial extradition law, organisers say*, 9 June 2019.
- , *International Day of the Disappeared, China must put a halt to secret detention and all forms of enforced disappearances*, 30 August 2019.
- , *China detains more than 12 lawyers and activists in end of year crackdown – rights groups*, 3 January 2020.
- , *Hong Kong police watchdog postpones report on unrest following legal challenge*, 17 January 2020.
- , *Hong Kong police chief defends budget boost, says 21 officers 'reprimanded' over conduct at protests*, 2 March 2020.
- , *Scrap the IPCC – we need a police complaints body Hongkongers can trust*, 5 March 2020.
- , *A missing Chinese property tycoon exposes how Xi Jinping governs through enforced disappearance*, 13 April 2020.
- , *'Absurd, preposterous, whitewash', Reactions pour in as Hong Kong police 'watchdog clears force of wrongdoing'*, 15 May 2020.
- , *Explainer, How a new law may see Hongkongers jailed for 3 years for parodying the national anthem*, 27 May 2020.

#### Human Rights Watch (HRW)

- , *China, Abusive Cybersecurity Law set to be passed*, 6 November 2016.
- , *China, Voice biometric collection threatens privacy*, 22 October 2017.
- , *China's bumbling police state, The only thing protecting human rights from the bureaucracy? Inefficiency*, 26 December 2018.
- , *China, Xinjiang children separated from families*, 15 September 2019.
- , *Tibetan children denied mother-tongue classes*, 5 March 2020.

#### Indian Express

- , *'Tibetan refugees down from 1.5 lakh to 85,000 in 7 years'*, 11 September 2018.

#### International Campaign for Tibet (ICT)

- , *Note on the memorandum on genuine autonomy for the Tibetan people*, 19 February 2010.
- , *Self-immolation fact sheet*, most recently uploaded on 2 December 2019.
- , *Troubling 'ethnic unity' regulations take effect in Tibet May 1*, 30 April 2020.

#### International Consortium of Investigative Journalists (ICIJ)

- , *China Cables, Who are the Uighurs and why mass detention?*, 24 November 2019.

Jamestown Foundation

- , *New evidence for China's political re-education campaign in Xinjiang*, 15 May 2018.
- , *China's tactics for targeting the Uyghur diaspora in Turkey*, 1 November 2019.

Khabarhub

- , *A revelation of Nepal-China agreement, Nepal gets tougher on Tibetans*, 22 January 2020.

Lausanne Global Analysis (LGA)

- , *The sinification of religion in China, Will enforcing conformity work?*, 10 September 2019.

Los Angeles Times

- , *Uighur dissident in Turkey fights effort to extradite him to China*, 29 March 2019.

Made in China Journal

- , *Systematising human rights violations*, 25 October 2019.

Mercator Institute for China Studies (MERICS)

- , *In Xi's China, the party morphs into the state*, 7 March 2018.
- , *China's National Supervision Commission, Impacts on foreigners and foreign companies*, 9 March 2018.
- , *China's National Supervision Commission*, consulted on 8 July 2019.

Middle East Monitor

- , *Not all Uyghurs are terrorists, Turkey tells China*, 18 February 2020.

Nepal Ministry of Foreign Affairs

- , *Joint statement between Nepal and the People's Republic of China*, 13 October 2019.

National People's Congress (NPC) Observer

- , *Supervision Law*, undated.
- , *Heroes and Martyrs Protection Law*, undated.
- , *Criminal Procedure Law*, undated.
- , *Community Corrections Law*, undated.
- , *NPCSC amends Criminal Procedure Law, Overhauls judicial system organic laws, Loosens stock buyback restrictions & designates SPC as National IP Appeals Court*, 28 October 2018.
- , *Recording & review Part 4, The last days of 'Custody & Education'*, 25 December 2018.
- , *NPCSC abolishes 'custody & education' detention system, Revises Securities Law & approves Community Corrections Law, Civil litigation reform pilot*, 30 December 2019.
- , *2020 NPC Session, A guide to China's Civil Code*, 21 May 2020.
- , *2020 NPC session, NPC's imminent decision on national security in Hong Kong explained*, 22 May 2020.

National Public Radio (NPR)

- , *In China, kids of unwed mothers may be barred from public health care, education*, 6 November 2019.
- , *Chinese universities are enshrining Communist Party control in their charters*, 20 January 2020.
- , *'I thought it would be safe', Uighurs in Turkey now fear China's long arm*, 13

March 2020.

Nederlands Dagblad (ND)

- , *Huiskerk in Peking moet deur sluiten*, 28 March 2019.
- , *Chinese criticus noemde president Xi Jinping 'clown', Nu is hij vermist en hij is de enige niet*, 17 March 2020.

Nederlandse Omroep Stichting (NOS)

- , *Vrouw van in China gearresteerde ex-Interpoltopman klaagt Interpol aan*, 7 July 2019.
- , *Oeigoeren in Nederland klagen de Chinese overheid aan*, 14 August 2019.
- , *Chinese burgerjournalist vermist na kritiek op overheid over coronavirus*, 1 February 2020.
- , *Omstreden volksliedwet Hongkong aangenomen ondanks protest met stinkend goedje*, 4 June 2020.

New America

- , *China's Cybersecurity Law one year on*, 30 November 2017.

Nieuwe Rotterdamse Courant (NRC)

- , *Oeigoeren in Nederland doen aangifte tegen Beijing*, 14 August 2019.
- , *Hongkong arresteert prominente leden uit protestbeweging*, 18 April 2020.
- , *China vergroot greep op Hongkong*, 22 May 2020.
- , *China neemt omstreden veiligheidswet Hongkong aan*, 30 June 2020.

Nl.godfootsteps.org,

- , *Boeken, Het Woord verschijnt in het vlees*, date of publication not stated.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

- , *UN expert body concerned about recent wave of enforced disappearances in China*, 8 April 2011.
- , *UN human rights experts gravely concerned about Huang Qi's health*, 20 December 2018.
- , *Harassment of human rights lawyer Jiang Tianyong must stop, say UN experts*, 24 September 2019.
- , *UN experts call for decisive measures to protect fundamental freedoms in China*, 26 June 2020.
- , *UN Treaty Body Database, Ratification Status for China*, undated.

PinkNews

- , *China finally takes small step towards recognising same-sex marriage*, 8 January 2020.

Quartz

- , *The future of #MeToo in China hinges on a lawsuit against the country's most famous TV presenter*, 31 January 2019.
- , *China launches mandatory face scan for mobile users*, 1 December 2019.

Radio Free Asia (RFA)

- , *Riot police in China's Shenzhen detain 50 labor activists in dawn raid*, 24 August 2018.
- , *China's parliament expands use of in absentia trials targeting 'absconders'*, 30 October 2018.
- , *Tibetan passport restrictions limit attendance at Dalai Lama prayer gathering*, 26 December 2018.

- , *Nepal deports 6 Tibetan asylum seekers to China*, 9 January 2019.
- , *Chinese officials force Muslims to drink, eat pork at festival*, 6 February 2019.
- , *Labor editors 'at risk of torture', Dozens of labor activists behind bars*, 30 April 2019.
- , *Tibetan man, aunt sentenced for Panchen Lama protest in Sichuan*, 8 May 2019.
- , *Thousands of monks, nuns evicted from Sichuan's Yachen Gar*, 11 June 2019.
- , *Jailed Tibetan language rights advocate is refused visits from his lawyers*, 2 August 2019.
- , *Uyghur mother, daughters deported to China from Turkey*, 9 August 2019.
- , *China gears up to collect citizens' DNA nationwide*, 23 August 2019.
- , *Tibetan nun expelled from Buddhist center commits suicide in internment camp*, 14 February 2020.
- , *Nepal border agreement with China sparks fear among Tibetans*, 14 February 2020.
- , *Tibetans in Nepal urged not to observe March 10 Uprising anniversary*, 6 March 2020.
- , *Classroom instruction switch from Tibetan to Chinese in Ngaba sparks worry, anger*, 9 April 2020.
- , *China's new 'Ethnic Unity Law' is seen as effort to Sinicize Tibetan culture*, 1 May 2020.
- , *Extradition Treaty That Could Deport Uyghurs From Turkey to China Faces Uncertainty in Ankara*, 21 May 2020

Radio Free Europe/Radio Liberty (RFE/RL)

- , *Kazakhs from Xinjiang say relatives not allowed to leave China*, 26 November 2018.

Radio Television Hong Kong (RTHK)

- , *No police collusion in Yuen Long attack, IPCC report*, 15 May 2020.

Reformatorisch Dagblad (RD)

- , *China achtervolgt Oeigoer tot in Nederland*, 15 April 2020.

RESPOND

- , *Ayhan Kaya: Reception Policies, Practices and Responses*;

Reuters

- , *China upset as Interpol removes wanted alert for exiled Uighur leader*, 24 February 2018.
- , *Without papers, Uighurs fear for their future in Turkey*, 28 March 2019.
- , *China makes defaming revolutionary heroes punishable by law*, 27 April 2018.
- , *China outlaws large underground Protestant church in Beijing*, 10 September 2018.
- , *China school sued by fired gay teacher in potential landmark case*, 28 September 2018.
- , *China jails former internet regulator for 14 years over graft*, 26 March 2019.
- , *Nepal denies Tibetans' request to hold Dalai Lama birthday celebration*, 7 July 2019.
- , *Sweden rejects China's request to extradite former official*, 9 July 2019.
- , *Many LGBT people in China forced into illegal 'conversion therapy' groups*, 21 November 2019.
- , *China's most populous province to loosen grip on internal migration*, 14 January 2020.
- , *China's same-sex couples heartened by property protection rights in new civil*

*code*, 28 May 2020.

#### RSDL Monitor

—, *First Death reported in liuzhi*, 8 May 2018.

#### RTV Noord

—, *Chinese 'sekte' staat ingeschreven in Groningen*, 28 December 2018.

#### Sixth Tone

- , *How legal guardianship made my same-sex relationship 'official'*, 13 August 2019.
- , *The single mothers left out of maternity leave*, 17 October 2019.
- , *Silent no more, How China's domestic abuse victims spoke out*, 2 January 2020.
- , *Ad featuring same-sex couple wins hearts and minds in China*, 10 January 2020.
- , *Amid the epidemic, a quiet leap forward for China's LGBT community*, 19 February 2020.
- , *Domestic violence cases surge during COVID-19 epidemic*, 2 March 2020.
- , *On the failure of 'Custody and Education' and the importance of rule of law*, 3 March 2020.

#### South China Morning Post (SCMP)

- , *Chinese gay teacher files for unfair dismissal after being outed by parent of former pupil*, 28 September 2018.
- , *Hong Kong extradition law, Hundreds of thousand protest against controversial bill*, 9 June 2019.
- , *Hong Kong extradition law, 2 million Hongkongers in epic march against proposed law*, 17 June 2019.
- , *China's mysterious 'Bian Kong' system that can bar anyone from entering or leaving the country*, 5 August 2019.
- , *Hong Kong protests, A timeline of events, from the introduction of the extradition bill to the 2 million person march and more*, 9 August 2019.
- , *Hong Kong protests, What are the 'five demands'? What do protesters want?*, 20 August 2019.
- , *China hopes cryptography law will provide security and profitability*, 27 October 2019.
- , *Beijing passes Hong Kong national security law, effective July 1*, 30 June 2020.

#### Süddeutsche Zeitung

—, *Was mit den Uiguren nach der Internierung passiert*, 17 February 2020.

#### SupChina

- , *Domestic violence in China and the limitations of law*, 10 October 2018.
- , *Guangzhou Gender and Sexuality Education Center Shuts down*, 6 December 2018.

#### Tagesschau

—, *Umerziehungslager jetzt offiziell*, 11 October 2018.

#### Taipei Times

—, *Chinese court delays Canadian's death penalty ruling*, 10 May 2019.

#### Taiwan News

—, *Taiwan saw spike in Hongkongers seeking residency in 2019*, 24 May 2020.

#### Technode

—, *Chinese police can now inspect internet service providers*, 8 October 2018.

#### The Conversation

—, *How China is legally recognising same-sex couples, but not empowering them*, 2 October 2019.

#### The Daily Signal

—, *Why China is militarizing its Himalayan frontier*, 28 January 2019.

#### The Diplomat

—, *What's so controversial about China's new anti-corruption body?, Digging into the National Supervision Commission*, 30 May 2018.

—, *China's complicated LGBT movement*, 1 June 2018.

—, *Xi: China must never adopt constitutionalism, separation of power or judicial independence*, 19 February 2019.

—, *Decoding China's Cryptography Law*, 30 October 2019.

—, *The cruel fate of Michael Kovrig and Michael Spavor in China*, 10 December 2019.

#### The Economist

—, *What is Falun Gong?*, 5 September 2018.

—, *Gay Chinese take a modest first step towards civil unions*, 5 September 2019.

—, *A bigger cage, Justice in China is notoriously harsh, but reforms are afoot*, 31 October 2019.

—, *In Xinjiang, China applies repressive lessons learned in Tibet*, 12 December 2019.

—, *Gay prospects, China's government finds surprising support for same-sex marriage*, 23 January 2020.

—, *Li Wenliang's death exposes the costs of China's authoritarianism*, 13 February 2020.

—, *From slammer to serfdom, What happens when China's Uighurs are released from re-education camps*, 5 March 2020.

—, *Britain opens its doors to Hong Kongers*, 6 June 2020.

#### The Epoch Times

—, *China tested internet shutdown ahead of 30th anniversary of Tiananmen Massacre*, 4 June 2019.

#### The Financial Times

—, *China blocks Bing access in curb on last foreign search engine*, 24 January 2019.

—, *Chinese authorities step up crackdown on Twitter users*, 15 April 2019.

—, *Turkey's Uighurs fear for future after China deportation*, 24 August 2019.

—, *UK 'path to citizenship' for Hong Kongers lacks detail, advocates say*, 29 May 2020.

—, *Beijing passes national security law for Hong Kong*, 30 June 2020.

#### The Globe and Mail

—, *Hong Kong protesters seek refuge in Canada* 3 May 2020.

#### The Guardian

—, *50 students activists missing in China after police raid*, 24 August 2018.

—, *The great firewall of China: Xi Jinping's internet shutdown*, 29 June 2018.

—, *Vatican signs historic deal with China – but critics denounce sellout*, 22 September 2018.

- , *'We are scared, but we have Jesus', China and its war on Christianity*, 28 September 2018.
- , *Former Interpol chief 'held in China under new form of custody'*, 9 October 2018.
- , *Student activists detained in China for supporting workers' rights*, 12 November 2018.
- , *China thinks it can arbitrarily detain anyone, It is time for change*, 4 January 2019.
- , *Fears for Uighur comedian missing amid crackdown on cultural figures*, 22 February 2019.
- , *China says it has arrested 13000 terrorists in Xinjiang*, 18 March 2019.
- , *Revealed: five Australian children trapped in China amid Uighur crackdown*, 5 April 2019.
- , *China's first 'cyber-dissident' jailed for 12 years*, 29 July 2019.
- , *'It is not hopeless', China's #MeToo movement finally sees legal victories*, 4 November 2019.
- , *Former UK employee in Hong Kong 'tortured in 15-day China ordeal'*, 20 November 2019.
- , *Book burning by Chinese county library sparks fury*, 9 December 2019.
- , *China cuts 'freedom of thought' from top university charters*, 18 December 2019.
- , *What China's empty new coronavirus hospitals say about its secretive system*, 12 February 2020.
- , *China's new Hong Kong chief a hardliner known for crusade against Christian churches*, 13 February 2020.
- , *Chinese activist detained after calling Xi Jinping 'clueless' on coronavirus crisis; Detention of prominent scholar Xu Zhiyong comes amid wider crackdown on freedom of speech*, 17 February 2020.
- , *Uyghur woman says she was threatened by the Chinese police after husband appeared on Q&A*, 26 February 2020.
- , *China cracks down on 'sexual innuendo' and 'celebrity gossip' in new censorship rules*, 2 March 2020.
- , *China's women's movement has not only survived an intense crackdown, it's grown*, 7 March 2019.
- , *'Shameless', Anger as China quarantines freed human rights lawyer 400 km from home, Wang Quanzhang released from jail but sent far from his wife and son in Beijing*, 5 April 2020.
- , *Critic who called Xi a 'clown' over Covid-19 crisis investigated for 'serious violations'*, 8 April 2020.
- , *China's top official in Hong Kong pushes for national security, Luo Huining says region's pro-democracy movement is threat to 'one country, two systems' principle*, 15 April 2020.
- , *Police in Hong Kong arrest 15 activists amid autonomy warnings, China office says that city's right to self-rule is 'authorised by the central government'*, 18 April 2020.
- , *China 'bars lawyer from going home' after prison release, Wang Quanzhang's wife fears Covid-19 may be used as pretext to keep him under house arrest*, 19 April 2020.
- , *'This is the end of Hong Kong', China pushes controversial security laws, Proposed legislation would effectively end one country, two system status, say critics*, 21 May 2020.
- , *Boris Johnson lays out visa offer to nearly 3m Hong Kong citizens, UK prime Minister says all eligible for BNO passport can apply if China cuts freedoms*, 3 June 2020.
- , *Hong Kong activists urge UK to spell out extended visa offer, NGO demands more details on Boris Johnson's 'vague and imprecise' commitment*, 14 June 2020.

- , *'Grave cause for concern', Hongkongers could be extradited to China under new security law*, 18 June 2020.

#### The Independent

- , *China sends state spies to live in Uighur Muslim homes*, 30 November 2018.
- , *Chinese authorities 'cut off foreign reporter's phone call with young son', amid growing crackdown on journalists*, 29 January 2019.
- , *Muslim women 'sterilised' in China detention camps, say former detainees*, 12 August 2019.
- , *China is killing religious and ethnic minorities and harvesting their organs*, 24 September 2019.
- , *China University removes reference to 'free thinking' in charter*, 19 December 2019.
- , *China axes 'custody and education' system which subjected sex workers to forced labour*, 29 December 2019.
- , *China proposes to sidestep Hong Kong government with controversial law against 'sedition', Legislation would also ban any external interference in financial hub*, 21 May 2020.
- , *Controversial Hong Kong law approved by China, Major security proposal 'undermines autonomy of region'*, 29 May 2020.

#### The Korea Times

- , *Hundreds of Chinese religious asylum seekers rejected in Jeju*, 14 November 2018.

#### The Law Library of US Congress

- , *China, Supervision Law enacted establishing a new state supervisory organ*, 9 July 2018.

#### The New York Times

- , *A Tibetan tried to save his language, China handed him 5 years in prison*, 22 May 2018.
- , *China sentences a Canadian, Robert Lloyd Schellenberg, to death*, 14 January 2019.
- , *'Bohemian Rhapsody' with no gay scenes? Censored film angers Chinese viewers*, 26 March 2019.
- , *A Chinese law professor criticized Xi, Now he's been suspended*, 26 March 2019.
- , *Canada deports Chinese dissident, brushing off concerns he faces jail*, 28 August 2019.
- , *'Absolutely no mercy', Leaked files expose how China organized mass detentions of Muslims*, 16 November 2019.
- , *They built a homeland far from China's grip, Now they're afraid*, 21 December 2019.
- , *Inside China's push to turn Muslim minorities into an army of workers*, 30 December 2019 and updated on 17 February 2020.
- , *They documented the corona crisis in Wuhan, Then they vanished*, 14 February 2020.
- , *China detains activist who accused Xi of coronavirus cover-up*, 17 February 2020.
- , *How China tracked detainees and their families*, 17 February 2020.
- , *Chinese human rights lawyer released from prison after term of nearly 5 years*, 6 April 2020.

The New York Times Magazine

- , *How a dating app helped a generation of Chinese come out of the closet*, 5 March 2020.

The Star

- , *China's internet regulator orders AI to promote mainstream values*, 12 September 2019.
- , *China's Internet regulator orders online AI algorithms to promote 'mainstream values'*, 12 September 2019.

The Verge

- , *Taiwanese horror game devotion vanishes from steam after angry Chinese gamers find Winnie the Pooh meme*, 25 February 2019.

The Washington Post

- , *China criminalizes the slander of its 'heroes and martyrs', as it seeks to control history*, 27 April 2018.
- , *Russia and China are taking different but equally dangerous approaches on coronavirus*, 27 February 2020.

Tibetan Centre for Human Rights and Democracy (TCHRD)

- , *Tibetan monk's account reveals torture and sexual abuse rampant in China's 'political re-education' centres*, 28 May 2018.

Time

- , *Two Hong Kong activists were granted asylum in Germany, calling the city's freedoms into questions*, 22 May 2019.
- , *Hong Kong's police watchdog is unable to do its job, experts say*, 11 November 2019.
- , *University of Minnesota student jailed for 6 months for critical tweets he sent in the U.S.*, 23 January 2020.

Trouw

- , *Na een storm van kritiek mag je toch homo zijn op de Chinese variant van Twitter*, 17 April 2018.
- , *Het Vaticaan doet een stevige concessie en erkent door China benoemde bisschoppen*, 22 September 2018.
- , *Hongkong en de spraakverwarring over één-land-twee-systemen*, 3 July 2019.
- , *'Tibet is een groot politiekamp, overal hangen camera's met gezichtsherkenning'*, 7 September 2019.
- , *Chinese mensenrechtenactivist Xu weer opgepakt* 17 February 2020.
- , *Chinese mensenrechtenadvocaat Wang Quanzhang vrijgelaten*, 5 April 2020.
- , *'Hongkong wordt een Chinese stad'*, 28 May 2020.
- , *Vluchteling uit Hongkong krijgt hulp van Taiwan*, 29 May 2020.

Union of Catholic Asian News (UCAN)

- , *Bishop told to toe party line before celebrating Christ Mass*, 5 April 2019.
- , *Vatican-China bishops' deal 'bearing fruit'*, 11 September 2019.

Vlaamse Radio- en Televisieomroeporganisatie (VRT)

- , *Pro-Chinese Carrie Lam wordt eerste vrouw aan het hoofd van Hong Kong*, 26 March 2017.
- , *China censureert "Bohemian Rhapsody", "Bang dat heel China homoseksueel wordt"*, 27 March 2019.

Voice of America (VOA)

- , *Beijing: Tibetan population actually over 7 million*, 20 June 2014.
- , *Tibetan re-education camp journal tells of China's tactics now used on Uighurs*, 25 May 2019.

Wall Street Journal (WSJ)

- , *China's Hong Kong roundup, Beijing increases its hold on the territory with a spate of arrests*, 19 April 2020.

What's on Weibo

- , *Welcome to WeChat: Anything You Post May Be Used Against You In A Court of Law*, 4 October 2016.

Wired

- , *China is trolling and hacking Uighur exiles around the world*, 6 December 2019.

Xinhua

- , *China's Civil Code adopted at national legislature*, 28 May 2020.

### 13.4 Magazine articles

China Zentrum

- , *News update on religion and church in China*, 28 June – 2 October 2019.

Interdisciplinary Journal of Research on Religion

- , *Family networks and the growth of the Church of Almighty God*, published in 2018.

Journal of Political Risk

- , *Wash Brains, Cleanse Hearts, Evidence from Chinese Government Documents about the nature and extent of Xinjiang's extrajudicial internment campaign*, November 2019

Journal of Religion and Violence

- , *Gatekeeping and narratives about 'cult' violence, The McDonald's murder of 2014 in China*, published in 2018.

PierLuigi Zoccatelli

- , *A dynamic religion in China, The Church of Almighty God*, 13 and 14 April 2018.

The Journal of CESNUR

- , *The list, The evolution of China's list of illegal and evil cults*, January/February 2018.
- , *Fake news! Chinese mobilization of resources against the Church of Almighty God as a global phenomenon*, July/August 2018.
- , *Asylum Seekers from The Church of Almighty God (CAG)*, 23 July 2019.
- , *Would the real article 300 please stand up? Refugees from religious movements persecuted as Xie Jiao in China, The case of the Church of Almighty God*, September/October 2019.

The Journal of Political Risk

- , *The Karakax List, Dissecting the anatomy of Beijing's internment drive in Xinjiang*, February 2020.

The Sociological Quarterly

- , *The red, black, and grey markets of religion in China*, published in 2006.

Time Magazine

- , *At least 250 journalists have been imprisoned in 2019 and China is the top jailer, CPJ says*, 12 December 2019.

### 13.5 Reports and books

Amnesty International (AI)

- , *Human Rights in Asia-Pacific, Review of 2019, China*.
- , *Death sentences and executions, 2018*, published in 2019.
- , *Death sentences and executions, 2019*, published in 2020.

Asylum Information Database (AIDA)

- , *Introduction to the asylum context in Turkey*, consulted on 8 May 2020.

Bundesamt für Migration und Flüchtlinge (BAMF)

- , *Länderreport 22, China, Situation der Muslime*, February 2020.

Center for Strategic and International Studies (CSIS)

- , *China's emerging cyber governance system*, 2017.

Center for Studies on New Religions (CESNUR) en International Observatory of Religious Liberties of Refugees (ORLIR)

- , *The Church of Almighty God*, June 2018.

Chinese Human Rights Defenders (CHRD)

- , *Defending rights in a "no rights zone", Annual report on the situation of human rights defenders in China, 2018*, 21 February 2019.
- , *Defending human rights in the era of dystopia, The situation of defenders in China, 2019*, 12 February 2020.

Church of Almighty God (CAG)

- , *The Chinese communist government's persecution of the Church of Almighty God, Annual report, 2018*, undated.
- , *The Chinese communist government's persecution of the Church of Almighty God, Annual report, 2019*, undated.

Department of Foreign Affairs and Trade (DFAT) of Australia

- , *Country information report People's Republic of China*, 3 October 2019.

Dutch Ministry of Foreign Affairs.

- , *Algemeen ambtsbericht China*, 19 February 2018.
- , *Algemeen ambtsbericht Turkije*, October 2019.

European Union Chamber of Commerce China

- , *The digital hand, How China's corporate social credit system conditions market actors*, August 2019.

Freedom House

- , *The battle for China's spirit, Religious revival, repression and resistance under Xi Jinping*, February 2017.
- , *Hong Kong, Country report*, 30 January 2019.
- , *Annual report on political rights and civil liberties in 2019*.
- , *Country report freedom on the net China, 2019*.

Human Rights Watch (HRW)

- , *Nipped in the bud, The suppression of the China Democracy Party*, 1 September 2000.
- , "Only men need apply", *Gender discrimination in job advertisements in China*, published in 2018.
- , "Eradicating ideological viruses", *China's campaign of repression against Xinjiang's Muslims*, September 2018.
- , *China's algorithms of repression*, 1 May 2019.
- , *World report 2020, Events of 2019*, published in 2020.

Independent Tribunal Into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal)

- , *Final judgment & summary report*, 17 June 2019.

Introvigne, Massimo

- , *Inside the Church of Almighty God, The most persecuted religious movement in China*, 2020.

IQAir

- , *2019 world air quality report, Region & City PM2.5 ranking*, published in 2019.

Immigration and Refugee Board van Canada

- , *Exit controls and security measures at airports, particularly Beijing airport, for Chinese citizens travelling overseas, including procedures at check points and the use of computerized identity verification and facial recognition technology*, August 2019.

Legislative Council, Secretariat Education Service Team van Hongkong

- , *Composition of the Legislative Council*, May 2019.

Permanent Mission of the People's Republic of China to the United Nations Office at Geneva.

- , *National Minorities Policy and Its Practice in China*, consulted on 26 May 2020.

Ranking Digital Rights

- , *2019 ranking digital rights corporate accountability index*, May 2019.

Reporters Without Borders

- , *World press freedom index 2019*, February 2020.

Safeguard Defenders

- , *Submission to select UN special procedures on China's National Supervision Commission and its detention tool liuzhi*, 21 August 2019.

The Citizenlab

- , *Censored Contagion - How Information on the coronavirus is managed on Chinese social media*, 3 March 2020.

Tibet Centre for Human Rights and Democracy (TCHRD)

- , *Human rights situation in Tibet, Annual report, 2018*, undated.

UK Home Office

- , *China, Falun Gong*, November 2016

UN Committee Against Torture (CAT).

- , *Concluding observations on the fifth periodic report of China (CAT/C/CHN/CO/5)*, 3 February 2016.

UN Office of the United Nations High Commissioner (OHCHR)

- , *Report of the Working Group on the Universal Periodic Review, China (A/HRC/40/6)*, 26 December 2018.

United States Commission on International Religious Freedom (USCIRF)

- , *Annual report 2019*, 24 April 2019.

United States Congressional-Executive Commission on China (CECC)

- , *Annual report, 2011*, 10 October 2011.
- , *Annual report, 2018*, 10 October 2018.
- , *Annual report, 2019*, 18 November 2019.

United States Department of State (USDOS)

- , *International religious freedom report for 2012*, undated.
- , *2018 report on international religious freedom, China (includes Tibet, Xinjiang, Hong Kong, and Macau)*, 21 June 2019.
- , *2018 Country report on terrorism 2018, China (including Hong Kong and Macau)*, 1 November 2019.
- , *2019 human rights report, China (includes Tibet, Hong Kong and Macau)*, undated.

United States Law Library of US Congress

- , *New regulation on policy cybersecurity supervision and inspection powers issued*, 13 November 2018.

World Economic Forum (WEF)

- , *Global gender gap report 2020*, published in 2019.