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AND CULTURAL RIGHTS

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AMNESTY
INTERNATIONAL



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INTRODUCTION

Amnesty International provides the following information to the UN Committee on Economic, Social and Cultural Rights (hereinafter “the Committee”) ahead of the third periodic report of the government of the People’s Republic of China (hereinafter China) at the Committee’s 73rd session in February - March 2023.

This submission sets out some of Amnesty International’s key concerns and recommendations related to the implementation of the International Covenant on Economic, Social and Cultural Rights (hereinafter “the Covenant”) by China. It highlights the various crimes against humanity and other grave human rights violations committed by the Chinese authorities towards Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang Uyghur Autonomous Region (hereinafter “Xinjiang”). The submission also highlights the human rights impacts of some Covid-19 restrictions, lockdowns and compulsory quarantine requirements which at some times and places undermined people’s right to health, food, and freedom of movement. Also covered is the government’s continued heavy censorship of Covid-19 data and a clamp down on growing public criticism of unreasonable Covid-19 restrictions. Moreover the submission outlines the continued crackdown of human rights defenders, lawyers, activists, religious leaders and practitioners by way of enforced disappearance, arbitrary detention with torture or other ill-treatment and closed door/secret trials with unjust imprisonment. The submission also highlights the long-standing problem of gender-based discrimination against women and LGBTI people and the suppression of the labour movement. It is not an exhaustive account of Amnesty International’s concerns with regard to the implementation of the Covenant.

DISCRIMINATION AGAINST ETHNIC AND RELIGIOUS MINORITY GROUPS (ARTICLES 2(2), 10, 12-15)

Many groups including Catholics, Protestants, Tibetan Buddhists, Uyghur Muslims and Falun Gong practitioners in China have been oppressed or imprisoned for practicing their religion or beliefs. Recent regulations have further tightened the government’s grip on religious practice and ethnic minority groups.

POLITICAL INDOCTRINATION AND FORCED CULTURAL ASSIMILATION OF MUSLIMS IN XINJIANG

Since 2017, the government of China has carried out at least the following crimes against humanity: imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; and persecution against Muslims living in Xinjiang using severe violence and intimidation to root out Islamic religious beliefs and Turkic Muslim ethno-cultural practices. On 10 June 2021, Amnesty International published a report based on first-hand testimonies gathered from former detainees of the internment camps and others living in Xinjiang after 2017, as well as analysis of satellite imagery and data.¹ The report shows that the government aims to assimilate members of those ethnic groups into a homogeneous Chinese nation possessing the same language, culture and unwavering loyalty to the Chinese Communist Party (CCP), blatantly and severely in breach of various articles of the Covenant including non-discrimination, cultural rights, right to education and physical and mental health, protection of the family and children etc. (arts. 2(2), 10, 12-15). The Chinese authorities have sent hundreds of thousands of men and women to prisons and perhaps one million or more to what they call “vocational training” or “education” centres, which are more accurately described as internment camps, where detainees have been subjected to a ceaseless indoctrination campaign as well as physical and psychological torture and other forms of ill-treatment. Thousands of

¹ Amnesty International, *China: “Like We Were Enemies in a War”: China’s Mass Internment, Torture, and Persecution of Muslims in Xinjiang* (June 2021), [amnesty.org/en/documents/asa17/4137/2021/en/](https://www.amnesty.org/en/documents/asa17/4137/2021/en/)

Uyghur and Kazakh people who are residing overseas still do not know the whereabouts and fate of their relatives who have been detained in internment camps since 2017. Interviewees who lived in Xinjiang between 2017 and 2021 described an environment that was extraordinarily hostile to the practice of Islam where, as a result of the constant credible threat of detention, Muslims modified their behaviour to avoid outward signs of religious practice. Witnesses told Amnesty International that the government prevented them from carrying out traditional rituals and ceremonies for marriages, baby-naming, and funerals. Some reported that cultural books, artefacts, and other content associated with Turkic Muslim culture have, in effect, been banned. Members of ethnic minority groups were pressured to destroy these and replace them with Chinese books and art. Mosques, shrines, gravesites, and other religious and cultural sites have been systematically destroyed or repurposed throughout Xinjiang.

A series of regulations were passed from 2014 -17 to justify religious and ethnic discrimination. One stipulated that people can be labelled “extremist” for refusing to watch public radio and TV programmes, wearing burqas or having an “abnormal” beard. In April 2017, the government reportedly published a list of prohibited names, most of which were Islamic in origin, and required all children under 16 with these names to change them. In recent years, government websites of numerous counties in Xinjiang have posted notices that school students and CCP members are not permitted to observe Ramadan, because fasting is seen as a ‘sign of extremism’.² People were arbitrarily detained for ordinary religious practices that authorities deemed “signs of extremism” under “De-extremification Regulations”.³

UYGHUR FAMILIES SEPARATED BY REPRESSION (ART.10)

In late 2016, Chinese authorities began systematically confiscating passports from people in Xinjiang. Many families decided to leave the country while they still could, intending to return for children who did not yet have passports. However, since 2017, the mass detention campaign and systematic repression have prevented Uyghur parents from returning to China and made it nearly impossible for their children to leave China to join their parents abroad.⁴ Thousands of Uyghur children, whose parents were detained in Xinjiang or living overseas, were forcibly taken to “orphan camps” or boarding schools where they have reportedly not been allowed to speak in their mother tongue.

Mihriban Kader left her four children in Xinjiang and fled to Italy, with her baby she was breastfeeding, after constant harassment by Chinese authorities demanding her family give up their passports. She has been forbidden from reuniting with her children. Her children travelled to the Italian consulate in Shanghai but were subsequently sent to “orphan camps” with 24-hour surveillance. Chinese police interrogated them for having contact with their parents and threatened to send them to an internment camp.⁵

CRACKDOWN ON OTHER MINORITY RELIGIOUS GROUPS AND PRACTITIONERS

In 2015-16, a crackdown on churches in China was widely reported. Crosses were forcibly removed from many churches, most in Zhejiang province. In February 2016, Pastor Bao Guohua (包国华) who refused to remove a cross from his church’s roof, was sentenced to 14 years’ imprisonment. His wife Xing Wenxiang (邢文香) was sentenced to 12 years’ imprisonment.⁶

In January 2016, Tibetan language advocate Tashi Wangchuk (扎西文色) was detained because he appeared in a documentary titled “A Tibetan’s Journey for Justice” covering the lack of Tibetan language education in schools.⁷ He was sentenced in May 2018 to five years’ imprisonment for “incitement to separatism” and released in January 2021.

² Amnesty International, “Forgive my children for not fasting” – Ramadan in Xinjiang (Campaigns, 3 May 2019), [amnesty.org/en/latest/campaigns/2019/05/forgive-my-children-ramadan-in-xinjiang/](https://www.amnesty.org/en/latest/campaigns/2019/05/forgive-my-children-ramadan-in-xinjiang/)

³ China Law Translate, “Xinjiang Uyghur Autonomous Region Regulations on DeExtremification,” March 30, 2017, [chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification](https://www.chinalawtranslate.com/en/xinjiang-uyghur-autonomous-region-regulation-on-de-extremification)

⁴ Amnesty International, *China: Hearts and Lives Broken – The nightmare of Uyghur families separated by repression* (March 2021), [amnesty.org/en/documents/asa17/3798/2021/en/](https://www.amnesty.org/en/documents/asa17/3798/2021/en/); Amnesty International, *China: “Where are they?” Time for answers about Mass Detentions in the Xinjiang Uighur Autonomous Region* (24 September 2018), [amnesty.org/en/documents/asa17/9113/2018/en/](https://www.amnesty.org/en/documents/asa17/9113/2018/en/)

⁵ Amnesty International, *China has detained my young children. I don’t know if I’ll ever see them again* (22 March 2021), [amnesty.org/en/latest/news/2021/03/china-has-detained-my-young-children-i-dont-know-if-ill-ever-see-them-again/](https://www.amnesty.org/en/latest/news/2021/03/china-has-detained-my-young-children-i-dont-know-if-ill-ever-see-them-again/)

⁶ Amnesty International, *Why China must scrap new laws that tighten the authorities’ grip on religious practice* (31 August 2017), [amnesty.org/en/latest/news/2017/08/china-must-scrap-new-laws-tighten-authorities-grip-on-religious-practice/](https://www.amnesty.org/en/latest/news/2017/08/china-must-scrap-new-laws-tighten-authorities-grip-on-religious-practice/)

⁷ Amnesty International, *China: Further Information: Tibetan activist remains arbitrarily detained: Tashi Wangchuk* (21 March 2017) [amnesty.org/en/documents/asa17/5901/2017/en/](https://www.amnesty.org/en/documents/asa17/5901/2017/en/)

This case highlights the Chinese authorities' unyielding assault on Tibetans who peacefully defend their cultural rights.⁸ Repression of religion in Tibet remained severe throughout the reporting period.

Persecution of large numbers of Falun Gong practitioners was recorded throughout the reporting period. A Falun Gong practitioner was tried in 2019 and sentenced to four years' imprisonment after she was detained for distributing Falun Gong materials on Beijing streets. Family members and her lawyer said the judge threatened to impose a heavier sentence if she refused to admit to "using evil religious organisations to sabotage the implementation of state laws".⁹

Amendments to the Regulations on Religious Affairs ("Regulations") took effect in February 2018 and required religious organizations to register with the government. Since then, unregistered "house churches" reported further crackdowns across the country, particularly in Henan, Zhejiang, Guangdong and Heilongjiang provinces. Authorities have removed crosses and Christian slogans from church buildings, confiscated or vandalized church property, ordered churches to close, and questioned church leaders and members. In 2019, a pastor of the Early Rain Covenant Church (成都秋雨聖約教會, one of the largest and most prominent "house churches" in China) was sentenced to nine years' imprisonment.¹⁰

Further amendments to the Regulations took effect in 2020 stipulating that religious groups must "follow the leadership of the Communist Party of China ... persist in the direction of Sinicization".¹¹ They require religious groups to obtain government permission for nearly every aspect of their operations. Reports documented the destruction of thousands of cultural and religious sites, particularly in the north-west of China. The State Administration of Religious Affairs' Measures on the Management of Religious Personnel came into effect on 1 May 2021. They require the clergy to support the Chinese Communist Party, the socialist regime and the Sinicization of religions, and prohibit them from engaging in unregistered religious activities. Measures for the Administration of Internet Religious Information Services took effect on 1 March 2022, prohibiting sharing of religious content online without a permit, including through text messages, images, audio and video. The measures also prohibit religious content that entices children to adopt religious beliefs.

Over the years, lawyers representing religious practitioners have been subject to severe oppression. For example, Gao Zhisheng (高志晟) has been repeatedly arbitrarily detained and tortured. His whereabouts remain unknown since he went missing in August 2017.¹²

RECOMMENDATIONS

Amnesty International recommends that the Chinese government:

- Ensure that no one is subjected to arbitrary detention, enforced disappearance, torture or other ill-treatment and shut down "vocational training", "transformation-through-education", "de-extremification" centres/internment camps and their like.
- End all measures and policies which restrict the fundamental human rights of Uyghurs, Kazakhs, and other predominantly Muslim ethnic groups and minority religious practitioners, including freedom of movement and freedom to choose and keep their religion or beliefs and manifest them peacefully,
- Ensure that children who wish to join their parents or siblings living abroad are allowed to leave China to be reunited as promptly as possible.
- Provide family members (including those living abroad) and lawyers (if any) of those who are detained in camps, prisons, or other detention facilities official documentation related to their case.
- Ensure all victims of human rights violations including violations of their right to take part in cultural rights are provided access to effective remedy.

⁸ Amnesty International, *China: Tibetan activist handed grotesquely unjust 5 year prison sentence after featuring in New York Times video* (22 May 2018), [amnesty.org/en/latest/news/2018/05/china-tibetan-activist-unjust-sentence-nyt-video/](https://www.amnesty.org/en/latest/news/2018/05/china-tibetan-activist-unjust-sentence-nyt-video/); Amnesty International, *A Tibetan language advocate's journey to imprisonment* (7 May 2018), <https://www.amnesty.org/en/latest/news/2018/05/tibetan-language-advocate-journey-to-imprisonment/>

⁹ Amnesty International, *China: Falun Gong high school teacher detained: Chen Yan* (15 April 2019), [amnesty.org/en/documents/asa17/0216/2019/en/](https://www.amnesty.org/en/documents/asa17/0216/2019/en/)

¹⁰ Amnesty International, *China: "Appalling" jail sentence for outspoken pastor makes mockery of religious freedoms* (30 September 2019), [amnesty.org/en/latest/press-release/2019/12/china-appalling-jail-sentence-outspoken-pastor-makes-mockery-religious-freedoms/](https://www.amnesty.org/en/latest/press-release/2019/12/china-appalling-jail-sentence-outspoken-pastor-makes-mockery-religious-freedoms/)

¹¹ Amnesty International, *Amnesty International Annual Report 2020/21: The State of the World's Human Rights, 2021*, p. 123, [amnesty.org/en/documents/pol10/3202/2021/en/](https://www.amnesty.org/en/documents/pol10/3202/2021/en/)

¹² Amnesty International, *"The Bravest Lawyer in China" – Gao Zhisheng* (13 August 2019), [amnesty.org/en/latest/news/2019/08/bravest-lawyer-china-gao-zhisheng/](https://www.amnesty.org/en/latest/news/2019/08/bravest-lawyer-china-gao-zhisheng/)

NON-DISCRIMINATION AND RIGHT TO HEALTH (ARTICLES 2(2) & 12)

DISCRIMINATION AGAINST LGBTI PERSONS

China still lacks a comprehensive anti-discrimination law that protects LGBTI persons and groups in their enjoyment of economic, social and cultural rights, which was mentioned in the Committee's 2014 Concluding Observations on China (para. 14). Large-scale censorship since 2020 shut down numerous online LGBTI groups and social media accounts and has undermined LGBTI activism both online and offline.¹³ LGBTI persons have also been subject to widespread discrimination and deprivation of the right to health. For example, transgender people have faced huge barriers accessing the healthcare system. There is a serious lack of information for transgender people on how to access gender-affirming treatment, stringent pre-conditions to be eligible for gender-affirming surgeries and widespread stigma and discrimination from society, in particular family members. These barriers mean that they have resorted to high-risk behaviours such as self-medication and some have attempted to perform surgery on themselves. Doctors often require transgender people to obtain familial consent as a prerequisite for accessing other types of gender-affirming treatments.¹⁴

Transgender people's rights- of access to health care was undermined during the Covid-19 pandemic

Transgender people found their pre-existing marginalization exacerbated by the pandemic and related public health measures and suffered disproportionately. Representatives of LGBTI rights organizations reported receiving a higher volume of calls to their helplines about anxiety and depression amongst transgender people during the pandemic. Further, transgender people interviewed highlighted the range of physical and mental health impacts of interruptions or delays to their gender affirming healthcare during the pandemic.¹⁵

RECOMMENDATIONS

Amnesty International recommends that the Chinese government:

- Ensure that LGBTI people including transgender, and gender diverse people have equal access to quality healthcare service across China.
- Revise the Sex Reassignment Procedural Management Standards 2017 to eliminate barriers faced by transgender people in accessing gender-affirming surgeries, in particular by repealing the requirements for family consent, being over 20, unmarried and with a clear criminal record.
- Ensure that the WHO ICD-11, which no longer classifies gender incongruence as a mental disorder, is implemented in full and undertake public education to remove any bias and stigma against LGBTI people.

¹³ Outrage over shutdown of LGBTQ WeChat accounts in China, *The Guardian*, 8 July 2021, [theguardian.com/world/2021/jul/08/outrage-over-crackdown-on-lgbtq-wechat-accounts-in-china](https://www.theguardian.com/world/2021/jul/08/outrage-over-crackdown-on-lgbtq-wechat-accounts-in-china)

¹⁴ Amnesty International, "I need my parents' consent to be myself": Barriers to gender-affirming treatments for Transgender people in China (9 May 2019), [amnesty.org/en/documents/asa17/0269/2019/en/](https://www.amnesty.org/en/documents/asa17/0269/2019/en/)

¹⁵ Amnesty International, "Pandemic or not, we have the right to live": the urgent need to address structural barriers undermining transgender people's rights across Asia and the Pacific Islands (2022), pp.34 & 36, [amnesty.org/en/documents/asa01/6197/2022/en/](https://www.amnesty.org/en/documents/asa01/6197/2022/en/)

RIGHT TO HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH (ARTICLES 2, 10, 12 & 13)

IMPACT OF COVID-19 AND STATE'S RESPONSE

Until December 2022, the government implemented a “Zero Covid Policy” including strict enforcement of lengthy full lockdowns, weeks or months of isolation in homes, and compulsory quarantine at centralized facilities. The implementation of these measures at some times and places have undermined people’s human rights and freedoms including, among others, rights to health, adequate food, freedom of movement, and freedom of expression including the right to receive and impart information on Covid-19.

Despite robust censorship, numerous press and social media accounts documented the impact of full and lengthy lockdowns imposed at city or district level where residents experienced serious and repeated food shortages. For example, people in Yili, Xinjiang shared in community messaging groups that they were not provided any food for several days during lockdown.¹⁶ Approaches taken by the authorities during such lockdowns meant that emergency health care for all other illnesses was seriously delayed or denied, resulting in deaths. For example, a man with acute chest pain in Xi’an died after three hospitals refused to admit him because he could not access a Covid-19 test to prove he was Covid-negative.¹⁷ During the Shanghai lockdown from March to June 2022, Shanghai, residents documented numerous examples of bureaucratic hurdles that prevented timely access to emergency health care, leading to deaths.¹⁸ People who tested positive for Covid-19 were removed from home and held in quarantine facilities often in poor, crowded and unhygienic conditions. Older people and children with Covid-19 were reportedly sleeping on the floor of corridors in a modular hospital in Yingtan city, Jiangxi.¹⁹ In many locations, including Shanghai young children were reportedly separated from their families when detained for quarantine.²⁰

The government’s insistence on controlling the news narrative and stifling negative coverage has driven censorship of sometimes legitimate information about the pandemic and health information.²¹ Numerous articles have been censored since the beginning of the pandemic including some in mainstream state media, or by leading Chinese infectious disease specialists.²² Heavy censorship can stifle the widest circulation of essential health information, engender mistrust, increase the risk of harm from the Covid-19 and delay effective healthcare planning, which all impact the right to health.

People attempting to share information about or criticize the handling of the pandemic on social media have also been prosecuted. For example, citizen journalist Zhang Zhan was forced fed and forced to wear shackles with her hands restrained for 24 hours a day for more than three months as a punishment to the hunger strike that she started before trial. She was then sentenced to four years imprisonment after reporting the Covid-19 situation in Wuhan.

¹⁶ Manya Koetse, “We Want To Be Trending” – Online Cries for Help from Locked Down Yili in Xinjiang, *What’s on Weibo*, 11 September 2022, whatsonweibo.com/we-want-to-be-trending-online-cries-for-help-from-locked-down-yili-in-xinjiang/

¹⁷ 39-year-old man in Xi’an with acute chest pain died after three hospitals refused to treat him (西安 39 岁男子突发胸痛 连续被 3 家医院拒诊最终猝死), *iFeng*, 6 January, 2022, news.ifeng.com/c/8CaQq1B7i6J

¹⁸ Deaths during Covid-19 in Shanghai (incomplete statistics 210+ people) (上海疫情逝者名單 (不完全统计 210+位)), airtable.com/shrQw3CYR9N14a4iw/tblTv0f9KVySJACSN

¹⁹ Shocking! Netizens revealed the worrying conditions at Jiangxi Yingtan Modular Hospital (梦马笔谈 | 触目惊心！网曝江西鹰潭方舱医院卫生条件堪忧), *China Digital Times*, 29 August 2022, chinadigitaltimes.net/chinese/686295.html

²⁰ Can parents accompany “infants and children infected with isolation treatment”? Shanghai Health Care Commission response (家长能否陪护隔离治疗的婴幼儿感染者？上海卫健委回应), Xinhua News Agency, 4 April 2022, news.cn/local/2022-04/04/c_1128531065.htm

²¹ Amnesty International, *China: Doctor’s death highlights human rights failings in coronavirus outbreak* (7 February 2020), [amnesty.org/en/latest/news/2020/02/china-doctor-death-highlights-human-rights-failings-in-coronavirus-outbreak/](https://www.amnesty.org/en/latest/news/2020/02/china-doctor-death-highlights-human-rights-failings-in-coronavirus-outbreak/)

²² “Chinese censors aim to contain dissent during harsh Covid-19 lockdowns”, Freedom House, 19 May 2022, <https://freedomhouse.org/article/chinas-censors-aim-contain-dissent-during-harsh-covid-19-lockdowns-opinion-0>

By November 2021 her family believed she was critically ill, but the authorities repeatedly rejected their applications for medical bail. It is still unclear whether she has access to appropriate medical care in prison.²³

On 24 November 2022, during a lengthy lockdown in Urumqi, Xinjiang, a fire broke out in a residential high-rise building, killing at least 10 people. It was reported that fire services were slow to arrive, then impeded by lockdown barriers. Local authorities disputed residents' assertions that the victims could not escape because the building's exits were locked.²⁴ The tragedy provoked mass demonstrations across the country calling for an end to lockdowns and censorship. The authorities detained numerous peaceful protestors but subsequently announced loosening of lockdown restrictions in many cities.²⁵

In early December 2022, the government announced that the 'Zero Covid Policy' would be relaxed. This included cancelling mass PCR Testing, ending the use of the Covid-19 health code system to monitor and restrict movement and shifting from mandatory centralized quarantine to home quarantine. In December 2022, the WHO renewed their call on China to share up-to-date Covid prevalence and impact data and participate in the conduct of WHO studies.²⁶ WHO also stressed the importance of transparency and regular sharing of data to formulate accurate risk assessments and inform effective (national and global) responses.²⁷

TORTURE AND ILL-TREATMENT OF HUMAN RIGHTS DEFENDERS (HRDS) INCLUDING THOSE WORKING ON HEALTH

The Committee has already expressed concern at reports of labour and human rights activists and their lawyers facing repression and reprisals when taking up cases of violations of the Covenant. Such repression including torture and other ill-treatment has continued.²⁸ Many rights defenders faced torture and other ill-treatment especially when detained incommunicado under 'residential surveillance in a designated location' (RSDL). Legal Scholar Xu Zhiyong (许志永), human rights lawyers Ding Jiayi (丁家喜) and Chang Weiping (常玮平) said that they were subject to long hours of interrogation and were bound to an iron "tiger-chair" with their limbs contorted for more than ten hours a day for many days in RSDL in 2020. Women's and labour rights advocate Li Qiaochu (李翘楚), journalist and #MeToo activist Sophia Huang (黄雪琴) and labour activist Wang Jianbing (王建兵) are currently in detention for their activism. Their health is reported to have deteriorated in detention due to inadequate access to healthcare and food.

The staff of Changsha Funeng (长沙富能), an NGO advocating for the rights of people with disabilities and combatting employment discrimination against marginalized groups including people living with HIV and hepatitis B, were held incommunicado, tried in secret, and sentenced to three to five years imprisonment.

VIOLENCE AGAINST WOMEN AND HUMAN TRAFFICKING

China's first Domestic Violence Law was enacted in March 2016. However, domestic violence cases remain extremely hard to win in court. For example, according to the women's rights organization Equality's report in 2017, 10 months after the enactment of the law, of the 142 abuse-related divorce cases in the city of Jinan, only 14 applications were granted a divorce.²⁹ The authorities systematically censor public education content and discussions related to violence against women and women's rights. During the reporting period civil society actors providing support to women survivors of violence faced harassment, vilification, and prosecution. The authorities have failed to take effective steps

²³ Amnesty International, *China: Release jailed Wuhan activist 'close to death' after hunger strike* (4 November 2021), [amnesty.org/en/latest/news/2021/11/china-release-jailed-wuhan-activist-close-to-death-after-hunger-strike/](https://www.amnesty.org/en/latest/news/2021/11/china-release-jailed-wuhan-activist-close-to-death-after-hunger-strike/); Amnesty International, *China: Covid-19 journalist still needs medical attention* (3 March 2022), <https://www.amnesty.org.uk/urgent-actions/covid-19-journalist-still-needs-medical-attention>

²⁴ Elizabeth Law, Lockdown measures blamed for impeding firefighters in Xinjiang apartment fire, *The Straitstimes*, 26 November 2022, [straitstimes.com/asia/east-asia/apartment-fire-in-chinas-xinjiang-region-kills-1](https://www.straitstimes.com/asia/east-asia/apartment-fire-in-chinas-xinjiang-region-kills-1)

²⁵ Amnesty International, *China: Government must not detain peaceful protesters as unprecedented demonstrations break out across the country* (27 November 2022), [amnesty.org.au/china-government-must-not-detain-peaceful-protesters-as-unprecedented-demonstrations-break-out-across-the-country/](https://www.amnesty.org.au/china-government-must-not-detain-peaceful-protesters-as-unprecedented-demonstrations-break-out-across-the-country/)

²⁶ World Health Organization, *WHO's Tedros recaps challenging year, appeals for more information on COVID spread in China* (21 December 2022), [news.un.org/en/story/2022/12/1131917](https://www.who.int/news/2022/12/21/1131917)

²⁷ World Health Organization, *COVID-19: China infection surge on agenda at WHO coronavirus meeting* (3 January 2023), [news.un.org/en/story/2023/01/1132132](https://www.who.int/news/2023/01/1132132)

²⁸ Amnesty International, *China: No End in Sight – Torture and forced confessions in China* (11 November 2015) [amnesty.org/en/documents/asa17/2730/2015/en/](https://www.amnesty.org/en/documents/asa17/2730/2015/en/)

²⁹ Amnesty International, *Two Years On; Is China's Domestic Violence Law Working?* (7 March 2018), [amnesty.org/en/latest/news/2018/03/is-china-domestic-violence-law-working/](https://www.amnesty.org/en/latest/news/2018/03/is-china-domestic-violence-law-working/)

to prevent third parties from undermining the enjoyment of the right to sexual and reproductive health as it has failed to prohibit and take measures to prevent all forms of violence and coercion.

In June 2022, a group of men assaulted four women in a restaurant in Tangshan after one of them rejected one of the men's apparent sexual advances. The CCTV footage capturing the incident was circulated online and reignited public debate about violence against women. Police arrested 28 people, who were subsequently sentenced to 6 months to 24 years' imprisonment and investigated 15 officials including police for corruption. However, posts discussing the incident including viral online essays condemning the attack as symbolic of the country's larger problem of gender-based violence were censored and social media accounts were banned for speaking out for the victims. Local journalists who travelled to Tangshan to seek information about the victims were harassed, intimidated and assaulted by police. One journalist who wrote about the incident and uploaded footage online was arrested in July for "picking quarrels and provoking trouble" and faces up to five years in prison.³⁰

In January 2022, an online video showing a woman in poor mental and physical conditions chained in an outhouse in Xuzhou, Jiangsu Province, went viral and sparked public outcry in China as a case of suspected human trafficking, which the local authorities repeatedly denied. Court documents unearthed during the public activism showed that selling and reselling of mentally ill women was common in some parts of China.³¹ The sexual and reproductive health of sexually exploited and trafficked individuals are at great risk as they are subject to violence, coercion and discrimination in their everyday lives. At least four activists were arrested for investigating and publicizing the case and for supporting the chained woman. One activist was known to have been tried in secret for "picking quarrels and provoking trouble" but details of her sentence and whereabouts are unknown. Two women who tried to visit the chained woman were detained and beaten by local police officers. Social media users who shared their posts said they had received calls from the police. Online discussions relating to the case and the severity of human trafficking within the country were subject to heavy censorship. Later, in February, state media reported that 17 local officials had been punished or were being investigated in relation to the case.³² In March, the Ministry of Public Security announced a one-year campaign to investigate trafficking of women and children.³³

RECOMMENDATIONS

Amnesty International recommends that the Chinese government:

- Immediately review its Covid-19 policies to ensure that they are proportionate and time-bound. All quarantine measures that unnecessarily restrict freedom of movement and violate human rights should be suspended.
- Thoroughly and effectively investigate the Urumqi fire and ensure accountability for any decisions that led to people being unable to escape and alleged delays in emergency response.
- Immediately release all human rights defenders and activists imprisoned solely for peacefully exercising their rights and freedoms.
- Pending their release, ensure that all detained human rights defenders have regular access to their family members, lawyers of their choice, are not subjected to torture and other ill-treatment, and can access adequate medical care including via medical bail.
- Take all necessary effective measures to address the problems of human trafficking in China and ensure that all suspected human trafficking cases are promptly and thoroughly investigated and that perpetrators are brought to justice.
- Take all necessary effective measures to implement the Domestic Violence Law to prevent incidents and protect all victims by providing adequate access to shelters, legal aid and medical services, by increasing public awareness and, providing training to law enforcement officials and judges on the new law and the serious and criminal nature of domestic violence.

³⁰ Committee to Protect Journalists, Chinese journalist Mao Huibin arrested after publishing articles about Tangshan assault, 15 August 2022, cpj.org/2022/08/chinese-journalist-mao-huibin-arrested-after-publishing-articles-about-tangshan-assault; "China charges 28 people over restaurant attack on group of women", *The Guardian*, 29 August 2022, theguardian.com/world/2022/aug/29/china-tangshan-restaurant-attack-on-women-viral-video-people-prosecuted

³¹ "Seeking Truth and Justice, Chinese See Themselves in a Chained Woman", *The New York Times*, 1 March 2022, nytimes.com/2022/03/01/business/china-chained-woman-social-media.html

³² "17 officials punished in woman trafficking case in East China", *Global Times*, 23 February 2022, globaltimes.cn/page/202202/1252957.shtml

³³ "China launches campaign to stem trafficking of women and children after viral video exposed chained mother", *South China Morning Post*, 2 March 2022, scmp.com/news/china/politics/article/3168928/china-launches-campaign-stem-trafficking-women-and-children

RIGHT TO WORK, RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK AND TRADE UNION RIGHTS (ARTICLES 6-8 & 12)

CRACKDOWN ON HUMAN RIGHTS LAWYERS

The authorities' control over the professional licenses of lawyers and law firms is a major deterrent to lawyers taking on cases which would likely provoke rapid official reprisals. Police and the Ministry of Justice frequently threatened to revoke licenses of lawyers defending human rights defenders and politically sensitive cases. The authorities have also sought to pressure law firms to fire such lawyers or refrain from ever hiring them. Many lawyers have faced the very real threat of arbitrary detention, prosecution or even ill-treatment when carrying out their work.

On 9 July 2015, in what is known as the "709 crackdown", nearly 250 lawyers and human rights defenders were unjustly detained, interrogated, and some imprisoned. Those targeted were attempting to work within the national legal system towards delivering China's human rights obligations and commitments.³⁴ Wang Quanzhang (王全璋), who prior to his detention defended Falun Gong practitioners and members of a grass roots network promoting government transparency, was one of the lawyers prosecuted.³⁵ After four years incommunicado detention, he was sentenced to four and a half years in prison, charged with "subverting of state power".

Prominent human rights lawyers Jiang Tianyong (江天勇) and (余文生) also had their licenses revoked.³⁶ Both are known for their involvement in high profile human rights defence cases and supported other human rights defenders. Jiang and his family continue to face heavy surveillance after released from prison in 2019.

Li Yuhan (李昱函) worked on cases involving freedom of belief and access to government information, and defended lawyers prosecuted during the "709" Crackdown. In October 2017, in her late 60s, she was arrested for "picking quarrels and provoking trouble". She was detained for five years before her trial and is still waiting for a verdict. Her health has deteriorated seriously in detention, and she has suffered three heart attacks.³⁷

Other lawyers, like Sui Muqing, Xie Yanyi, Li Heping and Wen Donghai have had their licences revoked or suspended for defending victims of human rights violations.³⁸ The situation continues to be challenging. The government-supervised All China Lawyers Association (ACLA) released the Prohibiting the Hying Cases in Violations of Rules (中国全国律师协会关于禁止违规炒作案件的规则) in November 2021. Lawyers need to ensure that their actions and speech are not endangering national security.

³⁴ Amnesty International, *China's crackdown on human rights lawyers*, [amnesty.org/en/latest/campaigns/2016/07/one-year-since-chinas-crackdown-on-human-rights-lawyers/](https://www.amnesty.org/en/latest/campaigns/2016/07/one-year-since-chinas-crackdown-on-human-rights-lawyers/)

³⁵ Amnesty International, China: Wang Quanzhang's freedom an 'illusion' until government lifts ruthless restrictions (Press release, 5 April 2020), [amnesty.org/en/latest/news/2020/04/china-wang-quanzhang-freedom-an-illusion-until-government-lifts-ruthless-restrictions/](https://www.amnesty.org/en/latest/news/2020/04/china-wang-quanzhang-freedom-an-illusion-until-government-lifts-ruthless-restrictions/)

³⁶ Amnesty International, *China: Baseless two year prison sentence for prominent human rights lawyer* (Press release, 21 November 2017), [amnesty.org/en/latest/press-release/2017/11/china-baseless-two-year-prison-sentence-lawyer-tianyong/](https://www.amnesty.org/en/latest/press-release/2017/11/china-baseless-two-year-prison-sentence-lawyer-tianyong/); Amnesty International, *Urgent Action update: Restrictions on released human rights lawyer* (Urgent Action, 18 March 2019), [amnesty.org/en/wp-content/uploads/2021/05/ASA1700212019ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA1700212019ENGLISH.pdf); Amnesty International, *China: Lawyer Yu Wensheng must be granted true freedom after unjust imprisonment* (Press release, 28 February 2022), [amnesty.org/en/latest/news/2022/02/china-lawyer-yu-wensheng-must-be-granted-true-freedom-after-unjust-imprisonment/](https://www.amnesty.org/en/latest/news/2022/02/china-lawyer-yu-wensheng-must-be-granted-true-freedom-after-unjust-imprisonment/)

³⁷ Amnesty International, *China: Lawyer Yu Wensheng must be granted true freedom after unjust imprisonment* (Press release, 28 February 2022), [amnesty.org/en/latest/news/2022/02/china-lawyer-yu-wensheng-must-be-granted-true-freedom-after-unjust-imprisonment/](https://www.amnesty.org/en/latest/news/2022/02/china-lawyer-yu-wensheng-must-be-granted-true-freedom-after-unjust-imprisonment/)

³⁸ Amnesty International, *China: Rights lawyer detained without official charge: Li Yuhan* (Urgent Action, 3 November 2017) [amnesty.org/en/documents/ASA1717382/2017/en/](https://www.amnesty.org/en/documents/ASA1717382/2017/en/)

³⁸ Amnesty International, *Third Anniversary of the lawyers crackdown in China: Where are the human rights lawyers?* (9 July 2018), [amnesty.org/en/latest/campaigns/2018/07/china-human-rights-lawyers-crackdown-third-anniversary/](https://www.amnesty.org/en/latest/campaigns/2018/07/china-human-rights-lawyers-crackdown-third-anniversary/)

CRACKDOWN ON THE LABOUR MOVEMENT

Independent unions remain banned in China, and the state-run All-China Federation of Trade Unions (ACFTU) is the only body permitted and recognized by the Chinese government to represent workers in China. The Committee expressed concern in their 2014 Concluding Observations (para. 23) that workers in China cannot freely exercise their right to form and join trade unions outside ACFTU.

In July 2018, over 26 workers at Jasic Technology, a welding equipment manufacturer in Shenzhen, were arrested and temporarily detained for trying to set up a trade union. Although they had been trying to establish the union through the relevant legal framework in China, three of the workers were swiftly criminally detained on suspicion of “picking quarrels and provoking trouble”. Then in August and November 2018, supporters including labour activists, staff members of Shenzhen Dagongzhe Workers’ Centre, journalists and students were also detained after chanting slogans in support of the detained workers. Families had no access to the detainees. Some were beaten up by groups of unknown assailants, and some were ill-treated by the police.³⁹

In March 2019, Wei Zhili (危志立) (an editor of “New Generation” (*xinshengdai*)), a website which monitors and reports on internal migrant workers in China and provides information on labour laws and occupational safety) was taken away by police in Shenzhen without access to a lawyer of his choice.⁴⁰

WORKPLACE SEXUAL HARASSMENT

According to the Committee’s General comment No. 22 (2016), the right to sexual health, combined with the right to just and favourable working conditions requires the State to ensure protection from sexual harassment in the workplace.⁴¹ Although a new civil code was passed in 2020 aiming at clamping down on workplace sexual harassment, it is still very difficult for the victims to access courts. In August 2022, the Haidian District People’s Court dismissed Zhou Xiaoxuan (周曉旋)’s appeal in a historic sexual harassment case in China, in which Zhou had accused a prominent state TV host Zhu Jun of groping and forcibly kissing her during an internship at the channel in 2014. Zhou’s initiation of the action in 2018 had inspired dozens of other Chinese women to speak out, in a wave of cases that spanned media, academia, charities, technology and other sectors. Zhou’s case, however, has underlined authorities’ growing anxiety about activism around women’s rights and thus online discussion of the case was censored. Many comments supporting Zhou scrubbed from Weibo, WeChat and popular forums such as Douban.⁴²

RECOMMENDATIONS

Amnesty International recommends that the Government of China:

- Immediately and unconditionally release Li Yuhao and other human rights lawyers and activists who are detained and imprisoned solely for peacefully exercising their human rights including the right to work, and to form and join trade unions
- Ensure that Li Yuhao and other detained human rights lawyers and activists are not subject to torture or other ill-treatment, and are allowed prompt, regular and effective access to their family, lawyers of their choice and medical care as necessary or requested
- Stop its persecution, intimidation and harassment of human rights lawyers, activists and their families and reinstate the lawyers who were disbarred.
- Amend the Trade Union Act to allow workers to form independent trade unions and recognize in law the right to strike.
- Take all appropriate measures to address sexual harassment and ensure the full implementation of the 2020 new civil code and incorporate workplace sexual harassment in criminal legislation.

³⁹ Amnesty International, Urgent Action: Workers arrested for trying to set up trade union (23 November 2018), [amnesty.org.uk/resources/urgent-action-workers-arrested-trying-set-trade-union](https://www.amnesty.org.uk/resources/urgent-action-workers-arrested-trying-set-trade-union);

⁴⁰ Amnesty International, Urgent Action: Labour activist detained without lawyer (27 March 2019), [amnesty.org.uk/resources/urgent-action-labour-activist-detained-without-lawyer](https://www.amnesty.org.uk/resources/urgent-action-labour-activist-detained-without-lawyer)

⁴¹ UN Committee on Economic, Social and Cultural Rights, General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), 2 May 2016, para. 9, [docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmnsJZZVQfQejF41Tob4CvIjeTiAP6sGFQktiae1vlbbQAekmaOwDOWsUe7N8TLm%2BP3HJPzxiHySkUoHMavD%2Fpyfcp3YlZg](https://www.docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmnsJZZVQfQejF41Tob4CvIjeTiAP6sGFQktiae1vlbbQAekmaOwDOWsUe7N8TLm%2BP3HJPzxiHySkUoHMavD%2Fpyfcp3YlZg)

⁴² “Chinese court rejects appeal in landmark sexual harassment case”, *The Washington Post*, 10 August 2022, [washingtonpost.com/world/2022/08/10/zhou-xiaoxuan-china-metoo-court/](https://www.washingtonpost.com/world/2022/08/10/zhou-xiaoxuan-china-metoo-court/)

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CHINA

SUBMISSION TO THE UN COMMITTEE ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

73RD SESSION, 13 FEBRAURY-3 MARCH 2023

This submission sets out some of Amnesty International's key concerns and recommendations related to the implementation of the International Covenant on Economic, Social and Cultural Rights by China. It highlights the various crimes against humanity and other grave human rights violations committed by the Chinese authorities towards Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang Uyghur Autonomous Region (hereinafter "Xinjiang"). The submission also covers COVID-19 restrictions, lockdowns and compulsory quarantine requirements which at some times and places undermined people's right to health, food, and freedom of movement. Also covered is the government's continued heavy censorship of COVID-19 data and a clamp down on growing public criticism of unreasonable COVID-19 restrictions. Moreover, the submission outlines the continued crackdown of human rights defenders, lawyers, activists, religious leaders and practitioners by way of enforced disappearance, arbitrary detention with torture or other ill-treatment and closed door/secret trials with unjust imprisonment. The submission also highlights the long-standing problem of gender-based discrimination against women and LGBTI people and the suppression of the labour movement. It is not an exhaustive account of Amnesty International's concerns with regard to the implementation of the Covenant.