



國際公益法律服務協會有限公司

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《中國人權 不容抹黑》

「人權觀察」報告各種謬論與中國人權事實真相

記者會

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IPLSA 國家安全教育中心

2021年3月23日



採訪通知

各位傳媒朋友：

〈中國人權 不容抹黑〉

「人權觀察」報告各種謬論與中國人權事實真相

記者會

IPLSA 國家安全教育中心是國際公益法律服務協會轄下單位，就最近國際組織「人權觀察」公布的世界人權報告，當中涉及中國及中國香港人權狀況內容不實的報道，刻意造成公眾誤會和疑慮，我們表示關注。

IPLSA 國家安全教育中心特意於明天(23日)舉辦記者招待會，就該報告的部份內容提出異議並加以糾正，特別是就涉及香港 2019 年「黑暴風波」的過程和有關細節提出反駁。作為香港特區的一份子，我們生活在香港特區內，以「第一身」的身份和親身經歷給予說明，是最為合適不過。

現誠邀 貴機構派代表出席。詳情如下：

日期：2021 年 3 月 23 日 (二)

時間：下午 2 時至 3 時 (下午 1 時 45 分開始接待)

地點：立法會 502 室

傳媒查詢：

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IPLSA 國家安全教育中心

2021 年 3 月 22 日

(歡迎預早通知出席採訪，以便作出安排，謝謝！)



國際公益法律服務協會國家安全教育中心

關於 2021 年 3 月 23 日下午 2 時的新聞發布會新聞稿

本會國家安全教育中心是國際公益法律服務協會轄下單位，就最近國際人權觀察公布的世界人權報告，當中涉及中國香港人權狀況內容不實的報道，造成公眾誤會和疑慮，表示關注。

本會國家安全教育中心特意舉辦記者會對該報告的部份內容提出異議，特別是涉及香港 2019 年黑暴風波的過程和有關細節提出反駁。詳情請閱讀 **“THE FALLACIES ABOUT HUMAN RIGHTS WATCH’S REPORT AND FACTS ABOUT HUMAN RIGHTS IN CHINA”**

本會國家安全教育中心作為香港特別行政區的一份子，以第一身的身份和親身經歷給予說明，是最合適不過。除了在我們的報告內提出逐一反駁之外，我們亦列出以下幾點與公眾分享，特別闡述中華人民共和國致力於世界和平，為人類命運共同體、改善人類生活不斷砥勵前行。

1. 中國可能是不完美，但她絕不會做出任何指控種族滅絕或其他反人類罪行。中國是一個樂於接受有益於建設性的評論和建議的國家。她絕對會反對所有毫無根據和荒誕的指控。歷史很清楚地告訴我們，對於像中國這樣的國家來說，中國是一個多元文化多民族的國家，共有 56 個民族，在發展的過程中，創造了燦爛的文明。期間儘管遇上衝擊，但中國都能把問題一一解決，達至和平、和諧、自由和幸福的境界；
2. 中國在消除貧困問題上作出很多改善措施，當中包括：使中國的 GDP 在 43 年內從人均不足 300 美元的水平增長到略高於 10,000 美元的水平，目前還繼續在進步。在如此短的時間內，中國 GDP 奇蹟地增長 33 倍，中國願意分享其成功經驗，造福全球人類。除了滿足自己的國內需求外，還慷慨地向其他國家提供援助，例如

與世界衛生組織聯合提供疫苗及其他物資去對抗新冠肺炎疫情；

3. 中國決心在聯合國與另外 105 個國家通過第 A / RES / 75/237 號決議，致力於消除種族主義和種族歧視等行為，以改善人類生活質素及待遇。同時，希望其他 14 個反對國家，如美國，英國，加拿大，澳大利亞等國可以回心轉意一起致力推動《德班宣言和行動綱領》，為人類的平等和良好生活謀求發展，倘若成功，哪些歧視性運動，如「黑人的命也是命」及「針對亞裔的仇恨犯罪」等問題將不再發生；
4. 正如弗里德曼 (T. Friedman) 在他的「堪稱經典的七年」一文中所說，「好像夥！這個國家所散發出的能量絕對無與倫比！」。還有，就是「我們完蛋了！趕快教你的孩子學中文吧！」。如果中國是一個在發展上表現不佳的國家，又會否擔心她的崛起，而又會否費心派遣他們的海軍和航母去圍堵呢？
5. 真正的問題是：「先生，您能有效地做到這一點嗎，特別是當您不在道德高地上的時候？」正如中共中央政治局委員楊潔篪先生在最近舉行的中美戰略高層對話中對國務卿安東尼·布林肯所說的那樣：「合作對雙方都有好處！」兩國現在應該帶頭進行合作，去尋找人類所關心的問題並找到相關解決方案，例如共同抗疫及減少二氧化碳的排放以減少全球溫室效應。

國際公益法律服務協會
國家安全教育中心
2021-3-23



Re: Press Release of the National Security Education Centre

National Security Education Centre (“NSEC”) is a branch division of the International Probono Legal Services Association Limited. NSEC is concerned with the truthfulness and correctness of the contents of the recently released Human Rights Report of the Human Rights Watch, especially in so far as its China Chapter is concerned.

NSEC has called for the press conference with a view to rebut and clarify some of the glaring errors and mistakes particularly the accounts of events concerning Black-clad Riots happened in Hong Kong in 2019 as contained in the said Report. Details of our rebuttals can be referred to in “The Fallacies About Human Rights Watch’s Report and Facts About Human Rights in China”.

NSEC being a local entity to operate in Hong Kong who knows exactly full well about the human rights situation let alone the 2019 Black-clad Riots in Hong Kong. Apart from the said rebuttals above, NSEC would like to set out the following salient points to illustrate the determination of the People’s Republic of China in promoting the global peace and in keen pursuit of common good of the mankind in spite of all the harsh conditions ahead.

1. China has prayed in aid various efforts to get the Human Rights development in accordance with China characteristics on the right track. China has always been on the receiving end in relation to useful and constructive comments and advices. Nonetheless, the baseless allegations, for example, genocide etc are inconceivable and incredible. China will always safeguard self-interests against all unfounded and nonsensical accusations. History tells us clearly that China faced hard times of disruptions and conflicts, it has navigated through and bridged over all trouble waters to reach the destiny of peaceful and harmonious free and happy land of co-existence for over 56 races.

2. China eliminates poverty and improves the livelihood of over 1.4bn pollution and commanding a GDP increase from a little bit below US\$300 per capita to a little bit over US\$10,000 in 43 years. As such, a 33-time increase within such a short time span happened in China is miraculous. China is willing to share its successful experience to benefit the mankind. Apart from satisfying its own domestic needs, it extends its generosity to the whole world in various ways. For instance, the provision of vaccines and other apparels to combat Covid-19 in joint-hand with the WHO;

3. China is determined to eliminate racism to improve the humanity with 105 nations through the United Nations in its agenda and resolution A/RES/75/237 and would in the meantime hope the other 14 countries such as USA, UK, Canada, Australia etc who voted against the agenda, to reassess their mindsets and adopt the Durban Declaration to bring a better equality and betterment of mankind. We are confident that in doing so it will be the issues such as “Black Lives Matter”, “Stop Asian Hate” will cease from happening in the USA.

4. As T. Friedman opined in his article “A Biblical Seven Years” that “Holy mackerel, the energy coming out of this country is unrivaled.” And, two: “We are so cooked. Start teaching your kids Mandarin.”

5. If for a country not doing so well and upcoming like China, would the USA and EU have any apprehension and fear about its rising up and bother to send their navy and carriers to ring fence it? As a matter of fact, they should really think it seriously if it is a viable option especially in the absence of any moral and legal grounds to do so. As remarked by the Senior Diplomat and Member of the Politburo, Mr Yang Jiechi to the US Secretary of States Anthony J Blinken in the recently held high level Sino-American strategic talk that collaboration benefits both!

It is the time for both countries to take lead to collaborate to find solutions to tackle the real and pressing issues of common concern to mankind, such as combating the pandemic, cutting the emission of carbon dioxide to reduce the global green house effect.

National Security Education Centre

A branch division of the International Probono Legal Services Association Limited.

23 March, 2021

HUMAN RIGHTS WATCH

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This 31st annual World Report summarizes human rights conditions in nearly 100 countries and territories worldwide in 2020.

It reflects extensive investigative work that Human Rights Watch staff conducted during the year, often in close partnership with domestic human rights activists.

HUMAN
RIGHTS
WATCH

WORLD REPORT

2021

EVENTS OF 2020

HUMAN
RIGHTS
WATCH

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Cover photo: *Kai Ayden, age 7, marches in a protest against police brutality in Atlanta, Georgia on May 31, 2020 following the death of George Floyd in police custody.*

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www.hrw.org

Human Rights Watch defends the rights of people worldwide.

We scrupulously investigate abuses, expose facts widely, and pressure those with power to respect rights and secure justice.

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch began in 1978 with the founding of its Europe and Central Asia division (then known as Helsinki Watch). Today it also includes divisions covering Africa, the Americas, Asia, Europe and Central Asia, the Middle East and North Africa, and the United States. There are thematic divisions or programs on arms; business and human rights; children's rights; crisis and conflict; disability rights; the environment and human rights; international justice; lesbian, gay, bisexual, and transgender rights; refugee rights; and women's rights.

The organization maintains offices in Amman, Amsterdam, Beirut, Berlin, Bishkek, Brussels, Chicago, Geneva, Goma, Hong Kong, Johannesburg, Kiev, Kinshasa, London, Los Angeles, Miami, Moscow, Nairobi, New York, Paris, San Francisco, São Paulo, Seoul, Silicon Valley, Stockholm, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich, and field presences in more than 50 other locations globally.

Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

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As a member, Chile supported efforts in 2020 to scrutinize human rights violations in Nicaragua, Syria, Myanmar, Belarus, Eritrea, Iran, Burundi, Yemen and the Occupied Palestinian Territories.

In January, the Inter-American Commission on Human Rights (IACHR) visited Chile to observe first-hand the human rights situation following the October 2019 protests, and to assess the causes and consequences of the unrest. Among other reforms, the IACHR recommended that Chile take measures to end excessive use of force and ensure access to justice for people whose rights have been violated.

The IACHR submitted the free-speech case of lawyer and environmental activist Carlos Barona Bray to the Inter-American Court of Human Rights (IACtHR) in September. Barona Bray was found guilty in a criminal defamation lawsuit filed by a public official.

The IACtHR held a public hearing in January on Judge Daniel Urrutia Laubreaux's case. The judge brought his case to the commission in 2005, arguing that the Supreme Court violated his right to freedom of speech when it sanctioned him for criticizing in an academic paper the court's actions during the Chilean military regime.

Chile maintained a strong stance criticizing abuses by the Nicolás Maduro government in Venezuela. It participated in all Lima Group statements and welcomed the report issued in September by the United Nations Fact-Finding Mission on Venezuela.

Chile endorsed the World Health Organization's Solidarity Call to Action for the Covid-19 Technology Access Pool, an initiative to "realize equitable global access to Covid-19 health technologies through pooling of knowledge, intellectual property and data."

China

The Chinese government's authoritarianism was on full display in 2020 as it grappled with the deadly coronavirus outbreak first reported in Wuhan province. Authorities initially covered up news about the virus, then adopted harsh quarantine measures in Wuhan and other parts of China. The government has rejected international calls for independent, unfettered investigations into Chinese authorities' handling of the outbreak, and surveilled and harassed families of those who died of the virus.

Beijing's repression—insisting on political loyalty to the Chinese Communist Party—deepened across the country. In Hong Kong, following six months of large-scale protests in 2019, the Chinese government imposed a draconian "National Security Law" on June 30—its most aggressive assault on Hong Kong people's freedoms since the transfer of sovereignty in 1997. In Xinjiang, Turkic Muslims continue to be arbitrarily detained on the basis of their identity, while others are subjected to forced labor, mass surveillance, and political indoctrination. In Inner Mongolia, protests broke out in September when education authorities decided to replace Mongolian with Mandarin Chinese in a number of classes in the region's schools.

Chinese authorities' silencing of human rights defenders, journalists, and activists, and restrictions on the internet, also make it difficult to obtain accurate information about Chinese government policies and actions.

Despite these threats some prominent individuals publicly criticized President Xi Jinping. Entrepreneur Ren Zhiqiang wrote an essay calling Xi "a clown who desires power," while former Central Party school teacher Cai Xia called the Chinese Communist Party a "political zombie." Ren received an extraordinarily lengthy prison sentence—18 years—in September; Cai fled into exile.

Governments, civil society groups, and United Nations officials expressed growing concern over the Chinese government's human rights violations in 2020. In April, reports of Africans in China being targeted for Covid-19 testing led to complaints by African governments and civil society. In July, the US government sanctioned top Chinese officials responsible for Xinjiang abuses. In June, an unprecedented group of 50 UN Special Procedure mandate-holders issued a

joint statement on China, calling for “renewed attention on the human rights situation in the country” as a matter of urgency, including through a special session of the UN Human Rights Council on China, and the creation of an international mechanism to address rights violations in the country.

Hong Kong

One million Hong Kong people marked the new year by marching peacefully for democracy, but in January 2020, the Chinese government replaced its top Hong Kong official with Luo Huining, who had no experience in Hong Kong but was known as a Communist Party enforcer.

In April, Beijing’s representatives in Hong Kong threatened pro-democracy legislators with “serious consequences” over their delay in selecting a new chairperson for an internal committee in the semi-democratic Legislative Council (LegCo), again interfering with the territory’s autonomy. The representatives then “reinterpreted” Hong Kong’s constitution, the Basic Law, stating that they were not bound by the law’s limitations on their powers. In May, with the help of dozens of security guards, pro-Beijing legislators removed at least 10 pro-democracy legislators from the LegCo internal committee through a dubious process. The leader of the pro-Beijing legislators, Starry Lee, asserted that she was now chair and had the power to oversee the proceedings. Lee’s power grab gave mainland authorities greater control over LegCo, which in June passed a bill criminalizing “disrespect” of the Chinese national anthem.

Throughout the year, Hong Kong police arrested pro-democracy figures for peaceful activities. In February, Hong Kong police arrested pro-democracy media tycoon Jimmy Lai, and former lawmakers Lee Cheuk-yan and Yeung Sum, for their participation in the 2019 protests. In April, Hong Kong police arrested 15 prominent pro-democracy leaders, including 81-year-old barrister Martin Lee, for “organizing and participating in unlawful assemblies” during the 2019 protests.

On June 30, the Chinese government bypassed LegCo and imposed a new National Security Law (NSL) on Hong Kong. The law creates specialized secret security agencies, denies people fair trial rights, provides sweeping new powers to the police, increases restraints on civil society and the media, and weakens judi-

cial oversight. Shortly before the law’s enactment, a number of pro-democracy groups, including Demosisto, disbanded.

Hong Kong’s education chief banned the protest anthem “Glory to Hong Kong” from schools. Public libraries pulled books by pro-democracy figures. Authorities deemed illegal the 2019 protest slogan, “Liberate Hong Kong, the revolution of our times.”

Police used the NSL to arrest those who shouted or held placards with the slogan at protests, and against organizers of the pro-democracy movement. In late July, four associated with the political group Studentlocalism were arrested for NSL violations. In August, police raided the office of pro-democracy newspaper *Apple Daily*, arrested its owner Jimmy Lai, his two sons, and four executives for “collusion with foreign forces” and conspiracy to commit fraud. Two other democracy activists were also arrested.

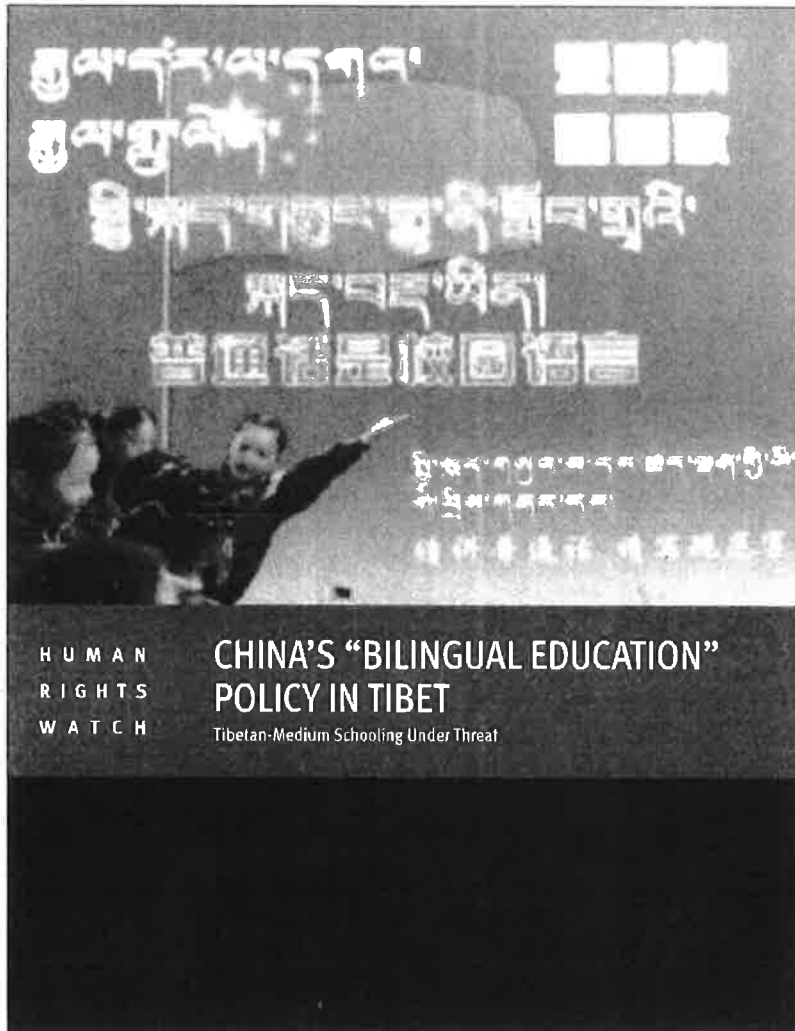
In July, Hong Kong election authorities disqualified a dozen pro-democracy figures from the legislative election slated for September. That month, the Hong Kong government “postponed” the elections for a year, citing a rise in Covid-19 cases.

Also in July, the Hong Kong University governing council—dominated by members from outside the university and chaired by a pro-Beijing politician—sacked Professor Benny Tai, a leading figure in Hong Kong’s pro-democracy movement.

Following the enactment of the NSL, some activists fled. A group of 12 protesters were intercepted by mainland authorities when attempting to reach Taiwan by sea. At time of writing they remained detained in China without access to lawyers.

No police officers alleged to have used excessive force during the 2019 protests have been held accountable. In some cases, the police obstructed efforts to press for accountability. In March, police arrested a pro-democracy official, Cheng Lai-king, for revealing on social media the identity of the officer who shot and blinded a journalist who covered the protests.

Press freedom continued to deteriorate. During a protest in May, police forced journalists to kneel down and pepper sprayed them. In June, public broadcaster Radio Television Hong Kong (RTHK) suspended its popular political satirical



HUMAN RIGHTS WATCH

CHINA'S "BILINGUAL EDUCATION" POLICY IN TIBET

Tibetan-Medium Schooling Under Threat

show, the Headliner, following political pressure. In July and August, *New York Times* journalist Chris Buckley and incoming *Hong Kong Free Press* editor Aaron Mc Nicholas were denied visas to work in the city.

Xinjiang

The Chinese government's efforts to erase the unique identity of Uyghurs and other Turkic Muslims in the region persisted. In January, a CNN investigation examining satellite imagery concluded that over 100 traditional Uyghur cemeteries had been destroyed.

In August, another satellite imagery study by BuzzFeed revealed that Xinjiang authorities had built over 260 "massive" detention structures since 2017, providing more evidence to support earlier findings by rights groups and journalists that Chinese authorities are arbitrarily detaining Turkic Muslims en masse.

While the Chinese government appears to have shut down some political education camps and "released" detainees following global outrage, an untold number of Turkic Muslims remain in detention and imprisoned solely on the basis of their identities. A significant number of Uyghur diaspora continue to have no information concerning the whereabouts of their family members, more than five years after the launch of the government's "Strike Hard" campaign.

Some "released" Uyghur detainees are forced to work in factories and fields inside and outside Xinjiang under what the authorities describe as "poverty alleviation" efforts. In February, an Australian think tank revealed a list of 82 global brands that sourced from factories in China that used workers from Xinjiang under conditions that "strongly suggest" forced labor.

In July, a US-based mobile security firm, Lookout, reported that Chinese government-linked groups had used malicious hardware to hack into Uyghurs' phones inside and outside China on a large scale since 2013.

Tibet

Authorities in Tibetan areas continue to severely restrict religious freedom, speech, movement, and assembly, and fail to redress popular concerns about

mining and land grabs by local officials, which often involve intimidation and unlawful use of force by security forces.

Authorities' 13th Five-Year Plan for Tibet (2015-2020), which set ambitious state goals for rural transformation, includes the relocation of several hundred thousand more people. Official claims of "poverty alleviation" prompted fears of further marginalization and dispossession of Tibet's rural majority.

In May, regulations for the promotion of "Nationality Unity Model Areas" came into force, representing a new milestone for the coercive assimilationist policies of the current leadership. These policies encourage economic migration from other parts of China and phasing out Tibetan-medium instruction in primary schools. Intensified surveillance and intimidation in neighborhoods, workplaces, and homes has prevented public protest, a goal emphasized repeatedly by leading officials.

At the 7th Forum on Tibet Work in August 2020, President Xi personally called for increasing political education in schools to ensure the loyalty of the next generation, signaling central support for these policies.

In the Ngawa Tibetan region of Sichuan in November 2019, Yonten became the 156th Tibetan to set himself on fire in protest against the Chinese government since March 2009.

Covid-19

The Chinese government's response to the coronavirus outbreak was initially delayed by withholding information from the public, under-reporting cases of infection, downplaying the severity of the infection, and dismissing the likelihood of transmission between humans. Authorities also detained people for "rumor-mongering," censored online discussions of the outbreak, and curbed media reporting.

In areas under lockdown, particularly in Wuhan in early 2020 and in Xinjiang in August, authorities failed to ensure appropriate access to medical care, food, and other necessities. In Xinjiang, authorities forced some residents to take traditional Chinese medicine, sealed their apartment doors with iron bars, and chained those who violated lockdown measures to metal posts.

Authorities detained lawyer and citizen journalist Chen Qiushi, businessman Fang Bin, activist Zhang Zhan, and others for their independent reporting on the outbreak in Wuhan. In April, Beijing police detained Chen Mei and Cai Wei for archiving censored news articles, interviews, and personal accounts related to the outbreak.

In April, authorities in Guangzhou, home to China's largest African community, forcibly tested Africans for the coronavirus, and ordered them to self-isolate or to quarantine in designated hotels. Landlords evicted African residents, forcing many to sleep on the street, and hotels, shops, and restaurants refused to serve African customers.

Authorities across the country blocked family members of those who died of the virus from bringing allegations of negligence against the government, hospitals, and quarantine hotels.

Nationwide, more than 241 million pre-school to secondary school students were impacted by school closures, according to UN estimates. Pre-existing inequalities in education were reflected in students' lack of access to affordable internet and capable devices.

Beijing initially resisted a call for international investigation into the origin of the virus, punishing Australia, who initiated the call, by suspending a significant portion of beef imports from the country. After over 120 countries supported a resolution at the World Health Organization (WHO) supporting an independent investigation, Beijing allowed a WHO team to visit the country, but the experts' August visit did not include Wuhan.

Human Rights Defenders

Authorities continued to crack down on a once-growing community of human rights defenders, and increasingly targeted family members of activists.

In December 2019, police across the country detained several participants at a gathering in Xiamen, Fujian province, where attendees had discussed human rights and China's political future. While others were later released, human rights lawyer Ding Jiaxi remained in detention on charge of "inciting subversion."

In the same month, a Sichuan court sentenced Wang Yi, a Christian pastor, to nine years in prison for “inciting subversion.”

In February, authorities in Guangzhou apprehended prominent and previously imprisoned legal activist Xu Zhiyong, accusing him of “subversion.” Police also placed Xu’s girlfriend, Li Qiaochu, under secret detention for four months.

In March, Yunnan authorities forcibly disappeared artist and activist Wang Zang. Three months later, his wife, Wang Liqin, was also disappeared after calling for her husband’s release on Twitter, leaving their four small children without their parents. The couple were later charged with “inciting subversion.”

In April, after being wrongfully imprisoned for four-and-a-half years, human rights lawyer Wang Quanzhang was released from prison. Despite having tested negative repeatedly for Covid-19, authorities made him quarantine in his hometown before allowing him to return to Beijing and reunite—under guard—with his family.

In June, a court in Jiangsu province sentenced Yu Wensheng, a human rights lawyer detained since January 2018, to four years in prison after convicting him of “inciting subversion.”

In September, Beijing police detained publisher and producer Geng Xiaonan and her husband, Qin Zhen, on suspicion of “illegal business operations.” Geng is a long-time supporter of independent scholars and activists, and earlier spoke up publicly for her friend Xu Zhangrun, a prominent law professor who was detained for six days in July for publishing articles critical of President Xi.

Freedom of Expression

Authorities detained and prosecuted numerous netizens for online posts and private chat messages critical of the government, charging them with crimes such as “spreading rumors,” “picking quarrels,” and “insulting the country’s leaders.” The government continued to crack down on Chinese users of Twitter, which is already blocked in China. It was revealed in January that a mainland student at the University of Minnesota was sentenced to six months in prison in November 2019 for tweets critical of President Xi he posted when he was in the US.

Authorities expanded their internet censorship regime to suppress content not in line with “core socialist values.” In March, the Cyberspace Administration implemented a set of new regulations to improve “online news eco-system governance.” Including banning a wide and ever-expanding range of “negative” or illegal content. In August, authorities shut down Bainu, the only Mongolian-language social media site in China after Mongolian speakers posted complaints on the site about a policy that replaced Mongolian with Mandarin Chinese as the language of instruction in some classes.

In March, a court in Ningbo sentenced Swedish bookseller Gui Minhai to 10 years for allegedly “providing intelligence” to foreigners. This came five years after Gui, a publisher of books about China’s political intrigues, was forcibly disappeared in Thailand in October 2015.

Freedom of Religion

The Chinese government’s efforts to “Sinicize” religion—which aim to ensure that the Chinese Communist Party is the arbiter of people’s spiritual life—continued in 2020.

Existing Chinese law already requires that people can only practice five officially recognized religions in officially approved premises, and that the authorities have control over their personnel appointments, publications, finances, and seminary applications. The Chinese government further tightened these restrictions on February 1, when it started to implement the new “Administrative Measures for Religious Groups.” The measures declare the supremacy of the Chinese Communist Party in religious affairs, require religious organizations to publicize the Party’s policies, put in the hands of officials the power to decide even the most minute of religious decisions, and prohibit religious groups from operating without authorization.

On April 2, Zhao Huaiguo, pastor of Bethel Church in Cili County, Hunan, was arrested for “inciting subversion.”

Muslims reported increasing restrictions on Islam. Authorities scrubbed Arabic script from mosques and halal restaurants, and altered the architectural style of mosques and landmarks to make them look more “Chinese” across the country.

In July, hackers originating from China were found to be spying on the Vatican's computer networks. In October, the Vatican renewed a two-year unpublished agreement with the Chinese government that allows both parties a say in appointing bishops in China, despite heightened religious persecution in China.

Mass Surveillance

To combat Covid-19, Chinese tech giants developed an app known as the Health Code. Using unknown algorithms, the app generates one of three colors (green, yellow, or red) depending on a range of factors such as whether people have been to virus-hit areas. That color has a wide-ranging impact on people's lives, including their freedom of movement, as local authorities throughout the country require people to show their app when they move around.

In May, Canadian research group Citizen Lab found that Chinese social media service WeChat was monitoring the content of users outside China.

Apps, products, and tools developed by Chinese tech companies raise the threat of Chinese government interference and surveillance, leading some foreign governments to impose broad restrictions that themselves raise human rights concerns. The Indian government banned TikTok, WeChat, and other Chinese apps in June; the US government launched a vaguely worded "Clean Network" initiative to significantly curtail the use and sale of Chinese technology products and services in the United States, such as by removing major Chinese apps from US app stores.

Women's and Girls' Rights

According to women's rights activists, domestic violence cases surged in cities and towns under coronavirus lockdowns.

In June, the National People's Congress, China's rubberstamp parliament, introduced a civil code that, for the first time, defines sexual harassment and states that perpetrators can be held liable, though it is vague on what recourse is available to victims. The law also makes it harder to divorce by establishing a mandatory "cooling-off period" of 30 days for couples who apply for divorce-through-agreement. This provision will disproportionately harm women, as

three-quarters of divorces are initiated by women, including potentially endangering women experiencing domestic violence.

Women's rights activists continued to face harassment from authorities. In March, authorities in Inner Mongolia forced Ye Haiyan—an activist who has advocated for the rights of sex workers and victims of sexual harassment—to demolish the yurts she and her partner had built as rentals for travelers, cutting off a main source of their income.

In September, feminists and netizens were disappointed when a high-profile #MeToo lawsuit ended with the top prosecutor clearing Bao Yuming, a lawyer and former executive at Chinese tech company ZTE, of charges of child rape by a woman who claimed to be his adopted daughter.

Sexual Orientation and Gender Identity

While China decriminalized homosexuality in 1997, it lacks laws protecting people from discrimination on the basis of sexual orientation or gender identity, and same-sex partnerships are not legal.

In January, a court in Beijing ruled that it was illegal for an e-commerce company to fire a woman when she took a leave of absence for gender-affirming surgery.

In June, a Zhejiang court accepted a case brought by a lesbian suing for custody and visitation rights of the children she had with her former partner whom she had married in the United States.

In August, organizers of the Shanghai Pride, one of China's largest LGBT festivals, announced that they would cancel all activities and events indefinitely, citing the need to "protect the safety of all involved."

Disability Rights

China ratified the Convention on the Rights of Persons with Disabilities in 2008. However, persons with disabilities continue to face discrimination in areas including education and employment.

Only five students were able to access the Braille version of China's university entrance exam, an exam taken by more than 10 million students in July.

Authorities across the country continued to harass and prosecute families with children who developed disabilities after receiving faulty vaccines. In January, authorities released He Fangmei, an activist for vaccine safety detained in March 2019.

In September, a Hunan court secretly tried Cheng Yuan, Liu Dazhi, and Wu Gejianxiong, staff members of the anti-discrimination and disability rights group Changsha Funeng, on “subversion” charges.

Refugees and Asylum Seekers

China continued to detain and forcibly return hundreds, and perhaps thousands, of North Korean refugees, thus violating its obligations as a party to the 1951 Refugee Convention. The government refused to consider fleeing North Koreans as refugees, even though those returned have long been persecuted. Human Rights Watch considers North Koreans in China as refugees *sur place*, meaning their arrival in China put them at risk if returned.

Key International Actors

An increasing number of governments expressed public concern about China’s human rights violations in 2020, particularly in Hong Kong and Xinjiang, though relatively few took concrete action.

The US imposed some targeted sanctions on Chinese officials, agencies, and companies involved in abuses in those two regions, and the US Congress passed several new laws on a range of human rights concerns. The UK spearheaded a joint statement on China’s rights violations at the Human Rights Council in June, and moved to offer safe haven to Hong Kongers with UK ties. Australia, Canada, New Zealand, the UK, and the US moved swiftly to suspend extradition treaties with Hong Kong and some to ease access for Hong Kong people to those countries in response to the National Security Law.

The European Union continued to condemn China’s deteriorating human rights record, both bilaterally—including at the highest levels—and in international fora. However, despite sustained pressure from the European Parliament and civil society, divisions among EU member states have prevented the bloc from

adopting robust measures such as targeted sanctions against the Chinese officials responsible for the crackdown. Few governments in Muslim majority countries expressed concerns about abuses in Xinjiang.

The number of countries willing to publicly condemn the Chinese government for its abuses in Xinjiang, Hong Kong, Tibet, and elsewhere continued to grow, while the number of countries willing to praise Beijing declined. In October, Germany delivered a joint statement condemning the Chinese government’s violations to the UN General Assembly’s Third Committee with the backing of 39 countries, and Turkey delivered a separate statement of concern. Similarly, over 400 civil society organizations called for an international mechanism to monitor human rights in China.

Another global coalition of 200 civil society groups launched a campaign to persuade companies at risk of complicity in Uyghur forced labor to leave Xinjiang. In September, apparel company H&M said it would cut ties with an allegedly complicit supplier with which it had an indirect relationship, while five firms announced they would no longer conduct audits in that region due to restrictions.

Other global firms enabled Chinese authorities’ repression. In June HSBC publicly expressed its support for the new Hong Kong National Security Law; in September Disney failed to respond to global outcry over its having cooperated with abusive authorities in Xinjiang during its filming of *Mulan*.

Universities outside China continued to struggle to protect academic freedom in the face of threats from pro-Chinese voices. The University of New South Wales in Australia took down an article pro-Beijing voices found objectionable and then reposted it, but failed to use the opportunity to robustly explain and defend academic freedom.

In October, China was elected to the UN Human Rights Council for a three-year term beginning in January 2021—with the fewest votes of any elected member.

Foreign Policy

The “Belt and Road Initiative” (BRI), announced in 2013, is China’s trillion-dollar infrastructure and investment program stretching across some 70 countries. Many BRI projects have been criticized for lack of transparency, disregard of

community concerns, and potential environmental degradation. Civil society groups in Cambodia, Laos, Myanmar, and Thailand have alleged BRI-backed hydroelectric dams have negatively impacted the Mekong River and caused water shortages. China is by far the world's largest emitter of greenhouse gases. It has done little to reduce its emissions that contribute significantly to global warming and climate change. It has continued to promote the development of heavily polluting coal both domestically and through BRI.

2020 marked rapid escalations in the Chinese government's mistreatment of foreign journalists. Beijing in February expelled three Wall Street Journal journalists. In March, authorities expelled at least 13 US nationals and dismissed seven Chinese nationals who worked for US news organizations. In September, authorities delayed visa renewals for a number of journalists with US outlets. That same month, authorities barred two Australian reporters from two Australian news organizations from leaving the country, citing the need to question them about the case of Cheng Lei, an Australian news anchor for the Chinese state broadcaster CGTN who was detained in August for unspecified reasons. The two Australian journalists fled China after the ban was lifted following negotiations between the two countries.

The effect of Chinese government censorship continues to reach beyond China's borders. In June, Zoom shut down a US-based Chinese dissident's account after he held a Tiananmen Massacre memorial that was joined by China-based activists and families of victims of the 1989 massacre. Chinese tech company ByteDance, which owns TikTok, censored content it considered as critical of the Chinese government on its news aggregator app in Indonesia from 2018 to mid-2020, according to a Reuters report.

At the June session of the Human Rights Council, China secured the passage of its resolution on "mutually beneficial cooperation," which ignores states' responsibility to protect human rights and minimizes the role of civil society. Support diminished considerably from China's previous "win-win" resolution, indicating diminishing enthusiasm for these initiatives.

Colombia

The peace accord in 2016 between the Revolutionary Armed Forces of Colombia (FARC) and the government ended a 52-year armed conflict and brought an initial decline in violence. But conflict-related violence has since taken new forms, and serious abuses continue. Violence associated with the conflicts has forcibly displaced more than 8.2 million Colombians since 1985.

In 2020, civilians in various parts of the country suffered serious abuses at the hands of National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists face pervasive death threats and violence. The government has taken insufficient steps to protect them.

As of October, the government had confirmed more than 860,000 cases of Covid-19 and 26,000 deaths. In March, the government established a nationwide lockdown that lasted until September. The government closed schools in March, affecting an estimated 10 million students. While the government took some measures to ensure online teaching, many students were not able to attend. Some schools began reopening in September.

Impunity for past abuses, barriers to land restitution for displaced people, limits on reproductive rights, and the extreme poverty and isolation of indigenous communities remain important human rights concerns in Colombia.

Guerrillas and FARC Dissidents

In June 2017, the United Nations political mission in Colombia verified that FARC guerrillas who accepted the peace agreement with the government had handed over their weapons to the mission. The demobilized guerrilla group later announced it was forming a political party.

But a minority of dissident guerrilla fighters rejected the terms of the peace agreement, refused to disarm, and continue to commit abuses. Fighters of the guerrillas' former Eastern Bloc, which never demobilized, continue to operate in



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**DEFAMING CHINA IS
INTOLERABLE**

**(REBUTTING THE DEFAMATION OF
CHINA'S HUMAN RIGHTS RECORDS
BY EXTERNAL POWERS)**

**THE FALLACIES ABOUT
HUMAN RIGHTS WATCH'S
REPORT AND FACTS ABOUT
HUMAN RIGHTS IN CHINA**

**INTERNATIONAL PROBONO LEGAL
SERVICES ASSOCIATION LIMITED**

MARCH 2021

OBJECTIVE

1. Covering more than 100 countries, the Human Rights Watch claims that the 2021 World Human Rights Report (“**the Report**”) aims to examine human rights conditions around the world. Like their previous reports released over the past few years, the Report has largely targeted China, claiming that its human rights situation is deteriorating.

2. In the section on China’s human rights situation, the Report begins with a criticism of China’s anti-epidemic actions by attacking the Chinese government’s attempts to cover up the outbreak, in spite of the fact that China promptly alerted the World Health Organization (“**WHO**”) and several countries to the outbreak. The Report even describes the imposition of lockdown on Wuhan and several regions as ‘acts of authoritarianism’. But China’s epidemic prevention and control efforts have long confirmed the need for such an approach, and several countries around the world have taken the same measures in the fight against the epidemic.

3. The Report also points an accusing finger at Hong Kong, stating that the Hong Kong National Security Law, which was promulgated on 30 June 2020, ‘has been the most violent attack on the freedom of Hong Kong people since the transfer of sovereignty in 1997’. Human Rights Watch has also labelled the arrest of anti-China-chaos-creating activists such as Jimmy Lai and the disqualification of Joshua Wong from the Legislative Council Election by the Hong Kong Special Administrative Region (“**HKSAR**”) as human rights violative acts.

4. Xinjiang’s affairs, which have received a lot of attention and hype from the West in recent years, have also continued to be the focus of Human Rights Watch’s attacks on China. The Report contains a series of unsubstantiated rumours: CNN found that more than 100 traditional Uighur cemeteries had been demolished, and that mass surveillance, forced labour and even genocide existed in Xinjiang.

5. In addition to Xinjiang, Hong Kong and other topics have been frequently hyped in the West. The Report has added new contents which are different from those of previous years such as the so-called ‘mass surveillance’ and China’s foreign policy.

6. Riddled with prejudice and double standards, the Report cites unverified or false news, makes inexplicable accusations about China’s human rights situation and politicises human rights issues. We have extracted some of the typical fallacies of the Report and responded to them in a targeted manner, listing the facts and presenting the truth in order to make rectifications.

A. Hong Kong

Myth 1

The attack made by the representative office of the Central People’s Government (“CPG”) on acts to maliciously disrupt the functioning of the House Committee of the Legislative Council has sparked controversy over the tampering with the autonomy of Hong Kong.

Quote:

“In April, Beijing’s representatives in Hong Kong threatened pro-democracy legislators with “serious consequences” over their delay in selecting a new chairperson for an internal committee in the semi-democratic Legislative Council (LegCo), again interfering with the territory’s autonomy.” [para. 3 at p. 162 of the Report]

The truth

7. As a local administrative region, the HKSAR is directly under the CPG, which exercises full governance over the HKSAR in accordance with the *Chinese Constitution* and the *Basic Law*. Full governance includes both the powers directly exercised by the CPG and the powers delegated to the HKSAR which allows the latter to exercise a high degree of autonomy in accordance with the law. There is no suggestion that the CPG, by granting autonomy to Hong Kong, lacks supervisory power over Hong Kong or it has waived such power. On the contrary, the necessary supervision by the CPG is an important guarantee to ensure that the relevant authorisations are properly exercised, thereby ensuring that the ‘one country, two systems’ policy and the *Basic Law* are fully and accurately implemented in the HKSAR.

8. In an attempt to paralyse the Legislative Council, ex-Legislative Councillor, Dennis Kwok and others maliciously caused the House Committee of the Legislative Council to cease functioning. Besides hampering the effective functioning of the political system of the HKSAR, such acts also affected the constitutional order of the HKSAR as established by the *Chinese Constitution* and the *Basic Law*.

9. Looking through its distorting lens to interpret the *Basic Law*, the pan-democratic camp has questioned the role and powers of the Liaison Office. It argued that the Liaison Office, like other departments of the CPG, shall be subject to the constraints imposed by *Article 22 of the Basic Law*. Therefore, the Liaison Office cannot interfere in the affairs of the HKSAR. But this interpretation does not fully consider the particularities of the Liaison Office. Dispatched by the CPG to Hong Kong, the Liaison Office is responsible for handling Hong Kong’s matters on behalf of the CPG and has full power and responsibilities to exercise supervisory power over major issues relating to the relationship between the CPG and the HKSAR. It must ensure the correct implementation of the ‘one country, two systems’ policy and the *Basic Law*. Equally important is the supervisory role played by the Liaison Office in overseeing the normal functioning of the political system and the overall interests of the society.

Myth 2

The Hong Kong's National Security Law has undermined human rights and fundamental freedom of Hong Kong residents.

Quote:

“On June 30, the Chinese government bypassed LegCo and imposed a new National Security Law (NSL) on Hong Kong. The law creates specialized secret security agencies, denies people fair trial rights, provides sweeping new powers to the police, increases restraints on civil society and the media, and weakens judicial oversight.” [para. 5 at p. 162 of the Report]

The truth

10. The Law of the People's Republic of China on Safeguarding National Security in the HKSAR (“NSL”) stipulates that the HKSAR has the duty to safeguard national security and its implementation should be compatible with the corresponding duty to safeguard and protect human rights. Freedom enjoyed by the residents of the HKSAR, including freedom of expression, publication, association, assembly, procession and demonstration, should be protected in accordance with the *Basic Law* and the International Covenant on Civil and Political Rights (“**ICCPR**”).

11. The NSL only punishes a very small number of criminals who are involved in seriously endangering national security. The NSL focuses on four offences, namely acts of secession, subversion of state power, organising and carrying out terrorist activities, and collusion with foreign or external forces to endanger national security. In a bid to protect the vast majority of law-abiding Hong Kong people, the NSL guarantees their safety and protect their rights and freedom in accordance with the law.

12. The Constitutions of more than 100 countries around the world stipulate that the exercise of fundamental rights and freedom must not jeopardise national security. The ICCPR also provides that the rights to freedom of religion, freedom of expression, freedom of peaceful assembly and public trial may be subject to the necessary restrictions on the basis of national security and public order.

Myth 3

The arrest of Jimmy Lai, Martin Lee and others was a crackdown on dissenters and the democratic movement in Hong Kong.

Quote:

“Police used the NSL to arrest those who shouted or held placards with the slogan at protests, and against organizers of the pro-democracy movement. In late July, four associated with the political group Studentlocalism were arrested for NSL violations. In August, police raided the office of pro-democracy newspaper Apple Daily, arrested its owner Jimmy Lai, his two sons, and four executives for “collusion with foreign forces” and conspiracy to commit fraud. Two other democracy activists were also arrested.

In July, Hong Kong election authorities disqualified a dozen pro-democracy figures from the legislative election slated for September. That month, the Hong Kong government “postponed”

the elections for a year, citing a rise in Covid-19 cases.” [paras. 3,4 at p. 163 of the Report]

The truth

13. The arrest is of special concern to the American and British governments and some of their politicians. In an attempt to embellish the political activities of the arrestees, these western politicians portray the organisers, planners and participants of the illegal assemblies as democratic activists, claiming to exercise their right of freedom of speech and assembly. These politicians ignored the fact that the assemblies and procession had been transformed into extreme violent actions. They also criticised the police actions as ‘politicised law enforcement.’ They openly demanded that the police drop the charges against the arrestees. Using the *Hong Kong Human Rights and Democracy Act* as a pretext, they exerted political pressure on the Hong Kong Police and the Judiciary. Besides being a wanton violation of human rights and the rule of law in Hong Kong, such act is also a blatant interference in the independence of the Judiciary and the high degree of autonomy in Hong Kong. As far as China is concerned, it is a gross interference in its internal affairs and sovereignty.

14. Based on the facts and evidence obtained during the investigation, the Hong Kong Police have arrested Jimmy Lai, Martin Lee and others in accordance with the law, which is a normal law enforcement operation to uphold the rule of law and social justice in Hong Kong.

Myth 4

The Hong Kong Police use excessive force with impunity.

Quote:

“No police officers alleged to have used excessive force during the 2019 protests have been held accountable.” [para. 7 at p. 163 of the Report]

The truth

15. During the legislative amendment turmoil, the Hong Kong Police enforced the law in accordance with the law and internal guidelines. Despite the use of sophisticated equipment by radical demonstrators, from slingshots using steel beads, parachutes strapped with knives and even dangerous chemicals, the Hong Kong Police did not take the initiative in using force. In compliance with international norms, the police used proportionate force to stop unlawful acts of violence and acts that endangered the safety of surrounding people. In Hong Kong, no demonstrators died as a result of law enforcement by the police. By the end of May 2020, more than 590 police officers had been injured in law enforcement.

16. In stark contrast to the restrained law enforcement by the professional Hong Kong Police Force, violent law enforcement by the US police often results in deaths and shootings. By mid-June 2020, at least 13 people had been killed, hundreds more injured and more than 13,500 people arrested in protests across the US as a result of the Floyd Incident.

Myth 5

Benny Tai, who is a main actor of the democracy movement in Hong Kong, was dismissed by the University of Hong Kong.

Quote:

“The Hong Kong University governing council—dominated by members from outside the university and chaired by a pro-Beijing politician—sacked

Professor Benny Tai, a leading figure in Hong Kong's pro-democracy movement.” [para. 5 at p. 163 of the Report]

The truth

17. Masterminded by Benny Tai, the illegal ‘primary election farce’ was launched by the opposition on 11 and 12 July 2020 with the intention of winning more than half of the seats in the Legislative Council’s Election scheduled in September 2020. The aim of Tai’s gang and the opposition is to seize control of Hong Kong and to stage the Hong Kong version of the ‘Colour Revolution.’

18. In April 2019, Tai was imprisoned for 16 months for ‘unlawful occupation of the Central District.’ Shortly afterwards, some Hong Kong University’s alumni and faculty members launched a co-signature campaign to demand the University fire him as soon as possible in order to defend the reputation of the University.

Myth 6

After the implementation of the NSL, some social activists were forced to flee.

Quote:

“A group of 12 protesters were intercepted by mainland authorities when attempting to reach Taiwan by sea. At time of writing they remained detained in China without access to lawyers.”
[para. 6 at p. 163 of the Report]

The truth

19. On 23 August 2020, the defendants in the above case boarded a speedboat at the Po Toi O pier of Sai Kung in an attempt to smuggle to Taiwan. Guangdong Coast Guard stopped the suspected speedboat during a routine patrol in the area under its jurisdiction. 12 Hong Kong people were arrested on suspicion of crossing the border illegally. The Prosecutor collected evidence and that case was heard by the Shenzhen People's Court, in which Deng Yiran and Qiao Yingyu, who were involved in organising the trip to cross the border, were sentenced to three and two years' imprisonment respectively. As for the two underage Hong Kong defendants, the Prosecutor decided not to prosecute them after examination and closed hearings in accordance with the law.

20. In any country around the world, it is an offence to smuggle and cross the border illegally, in particular the organisers deserve severe punishment. During the course of smuggling, the defendants entered the waters of the Mainland China. The lawful arrest made by the mainland law enforcement departments, prosecution, trial and judgment are in full compliance with the legal procedures. They are consistent with the principles of legality and reasonableness and compatible with the need to maintain good interpersonal relationship. From criminal investigation to trial, the defendants disclosed and admitted their criminal activities and pleaded guilty to the charges. At a side-glance, the whole process reflects the Chinese Judiciary's strict compliance with the law and its fairness in handling the case.

21. Such a case, which is handled entirely in accordance with the law, has become a 'bullet' used by the Hong Kong opposition and even American and British politicians to distort and discredit China's image. It is a basic fact that the 12 Hong Kong people are all wanted persons in Hong Kong on charges of manufacturing or possessing explosives, arson, conspiracy to injure, taking part in a riot, assaulting police and so on. The local opposition, American and British politicians have labelled them as so-called 'democrats'. American and British politicians ignore the most basic principles and facts and arbitrarily interfere in the internal affairs of other countries. When their own

countries encounter cases of illegal smuggling, they crack down on them. To be hypocritical and adopt 'double standards' to the end are gross violations of the principles of the rule of law and international norms.

Progress in the promotion and protection of civil and political rights in Hong Kong

22. The protection of human rights in the HKSAR is legally guaranteed by the *Basic Law* at the constitutional level. The rights include: legal equality, freedom of expression and the press, freedom of association, freedom of assembly and demonstration. Moreover, the HKSAR actively complies with and applies the human rights convention applicable to it by incorporating them into domestic law. This includes the ICCPR, which provides for a comprehensive guarantee of human rights. In order to better apply the Convention, the HKSAR has specifically enacted the *Hong Kong Bill of Rights Ordinance* and further promoted the protection of human rights through different organisations.

23. With regard to the right to vote and to be elected, the *Basic Law* of Hong Kong ensures human rights and freedom at the constitutional level and guarantees the right to vote and to be elected to Hong Kong permanent residents under the law. *Articles 45 and 48 of the Basic Law* provide that the method for the election of the Chief Executive and the Legislative Council shall be prescribed by the HKSAR in accordance with the actual situation and the principle of gradual and orderly progression, and will ultimately achieve the goal of universal suffrage in electing the Chief Executive and all members of the Legislative Council.

24. With regard to freedom of speech and the media, the HKSAR government respects the freedom of peaceful assembly guaranteed by the *Basic Law* of Hong Kong and the *Hong Kong Bill of Rights Ordinance*. Freedom of speech and the press is a fundamental right of the people of Hong Kong and the media are free to report on local and external matters.

B. Xinjiang

Myth 7

The Chinese government has committed genocide against Uighurs and other ethnic minorities in Xinjiang.

Quote:

“The Chinese government’s efforts to erase the unique identity of Uyghurs and other Turkic Muslims in the region persisted.” [para. 2 at p. 165 of the Report]

The truth

25. In recent years, the Uighur population in Xinjiang has continued to grow. From 2010 to 2018, the Uighur population in Xinjiang increased from 10,171,500 to 12,718,400, registering an increase of 2,546,900 people (or 25.04% growth rate). The above growth rate is not only higher than the 13.99% growth rate of the whole population of Xinjiang, it is also higher than the 22.14% growth rate of the total ethnic minority population in China. It is obvious that its growth rate is higher than the 2% increase in the Han population.

Myth 8

Xinjiang has set up a ‘re-education camp’ to detain Uighur Muslims.

Quote:

“In August, another satellite imagery study by Buzzfeed revealed that Xinjiang authorities had

built over 260 “massive” detention structures since 2017, providing more evidence to support earlier findings by rights groups and journalists that Chinese authorities are arbitrarily detaining Turkic Muslims en masse.” [para. 3 at p. 165 of the Report]

The truth

26. There has never been a so-called ‘re-education camp’ in Xinjiang.

27. The vocational education and training centre (“Education & Training Centre”) in Xinjiang is an educational institute, which takes preventive measures to combat terrorism and extremism. The aim is to eradicate the breeding ground of terrorism and extremism at its source. Drawing on international experience in combating terrorism and radicalization, and following the guidelines laid down by the *United Nations Action Plan To Prevent Violent Extremism*, the relevant initiatives focus on using development and education to curb extremist ideas in Xinjiang. They are fully in line with the principles and spirit of a series of international counter-terrorism resolutions, such as the *United Nations Global Counter-terrorism Strategy*.

28. The students of the Education & Training Centre achieve the goal of de-radicalisation by the strategy of ‘Three Studies and one Eradication’, i.e. learning the national lingua franca, legal knowledge and vocational skills and eradicating extremism. In October 2019, all the students, who had participated in the above training at the Education & Training Centre, finished their studies. Most of them were able to find stable jobs and enjoy a peaceful life.

Myth 9

There is a large scale forced labour regime for ethnic minorities in Xinjiang.

Quote:

“Some “released” Uyghur detainees are forced to work in factories and fields inside and outside Xinjiang under what the authorities describe as “poverty alleviation” efforts. In February, an Australian think tank revealed a list of 82 global brands that sourced from factories in China that used workers from Xinjiang under conditions that “strongly suggest” forced labor.” [para. 5 at p. 165 of the Report]

The truth

29. According to the ‘Grey Zone’ website, the so-called forced labour in Xinjiang is in fact a ‘flash public relations campaign’ orchestrated by anti-China forces in the US and Australia.

30. The lies were made by the Australian Institute for Strategic Policy Research, which has accepted financial support from the American government and arms dealers for a long period. To promote the interests of its patrons, it has sought to spread rumours to vilify and demonise China.

31. Being a component of the vast labour force in China, ethnic minority workers in Xinjiang enjoy equal rights such as the right to employment, the right to entering into employment contracts, the right to remuneration for labour, the right to rest and vacation, the right to protection of labour safety and health and the right to social insurance benefits. They are free to choose a career and there is no restriction on their personal freedom.

32. The four states of Southern Xinjiang are lagging behind in terms of industrialisation and urbanisation. And thus, their employment opportunities are limited.

In an attempt to meet the employment needs of different ethnic groups, the government of Xinjiang Autonomous Region has taken different measures to maximise their right to employment. These measures are: enhancing local employment opportunities, promoting cross-regional employment and transferring employment to Xinjiang by selected provinces/cities that are designated to support the development of Xinjiang. Since 2018, Xinjiang has transformed 151,000 surplus workers from poor families in Southern Xinjiang and helped them achieve an annual per capita income of more than 45,000 yuan. All of them have been lifted out of poverty.

33. China has continuously improved its legal system. It sets up a joint meeting mechanism under the State Council to effectively combat criminal activities such as human trafficking and force labour. In order to fulfil its international obligations, China has ratified 26 international human rights conventions and actively strengthened exchanges with all parties to jointly combat criminal activities such as forced labour.

Myth 10

Some parts of Xinjiang have destroyed ethnic minority's cemeteries.

Quote:

"In January, a CNN investigation examining satellite imagery concluded that over 100 traditional Uyghur cemeteries had been destroyed."

[para. 2 at p. 165 of the Report]

The truth

34. Xinjiang has always fully respected the funeral customs of its ethnic minorities. It has introduced a series of law and policies to safeguard the basic rights and interests of ethnic minorities in funeral-related matters. Measures such as the allocation of special land for burial and the establishment of special cemeteries have been taken to

meet the burial needs of ethnic minorities. The traditional funeral and burial habits, such as stand-up funeral, burial ceremony and Nazir (mourning for the deceased), have been preserved.

35. Following the socio-economic development of Xinjiang and the improvement of people's livelihood, government departments at all levels have stepped up the planning and construction of public cemeteries. In addition to improving the cemetery facilities of all ethnic groups, the government has continuously improved the environmental conditions. In some places, various ethnic groups have spontaneously and voluntarily relocated their cemeteries.

The current situation of human rights in Xinjiang

36. We will crack down on terrorism and extremism in accordance with the law.

37. On the basis of the experience of the international community in combating terrorism and de-radicalisation, Xinjiang not only cracks down on violent terrorist crimes in accordance with the law, but also attaches great importance to the management of their source. Through the establishment of the Education & Training Centre in accordance with the law to carry out de-radicalisation work, it has, to the largest extent possible, saved people infected with religious extremism and crimes, eliminated the breeding ground for extremism and terrorism and protected the fundamental rights of citizens from infringement. Xinjiang has not seen violent terrorist incidents for more than four years. Extremist infiltration has been effectively curbed, and the social security situation has improved significantly.

38. Since the end of December 2018, more than 70 groups of United Nations officials, foreign envoys to China, permanent representatives of relevant countries stationed in Geneva, media journalists, religious groups and more than 1,000 people from more than 90 countries have visited the territory. They generally stated that what they had seen was different from what the US had said, and that Xinjiang's anti-terrorism and radicalization practices were in line with the purposes and principles of

the United Nations in combating terrorism and upholding fundamental human rights. These practices, therefore, deserved full recognition and provide good reference for others.

39. The cause of promoting human rights in Xinjiang has been developing continuously. The living standard of peoples of all ethnic groups in Xinjiang have been improving year by year, reaching 34,664 yuan and 13,122 yuan per capita disposable income of urban and rural residents in 2019. From 2014 to the end of 2019, a total of 737,000 households and 2,923,200 poor people were lifted out of poverty, and the rate of poverty decreased from 19.4% at the end of 2013 to 1.24%. By the end of 2020, all the rural poor in Xinjiang were lifted out of poverty in accordance with the current standards.

40. The scale of employment has been expanding, with more than 471,200 new jobs being added annually in cities and towns across the territory since 2014. The registered unemployment rate remains within the bounds of 4.5%. A 24-hour dynamic and total unemployment-eradicating program has helped households solve unemployment problems. At least one person from a working family in the rural areas of the whole territory, especially in the rural areas of southern Xinjiang, has achieved in-place employment and their increased income has contributed to economic well-being.

41. The whole territory of Xinjiang achieves full coverage of nine-year compulsory education. Fifteen-year free education also covers Southern Xinjiang. Provisions for urban and rural residents' personal accident insurance and urban workers' major illness insurance also achieve full coverage. Peoples of all ethnic groups enjoy free medical examination every year, achieving a social insurance coverage of more than 95%.

42. In the face of the COVID-19 epidemic, Xinjiang took scientific prevention and control measures to effectively stop the spread of the epidemic and to maximise the protection of the health and safety of peoples of all ethnic groups in the region. At the time of writing, a total of 76 confirmed cases have been recorded.

43. All ethnic groups in Xinjiang are equal. Different religions co-exist peacefully and different ethnic groups live harmoniously.

44. All ethnic groups in Xinjiang, regardless of their population or level of development, have the same status and enjoy the rights to participate in the administration of state affairs, to use their own language and scripts, and to inherit their traditional culture in accordance with the law. Citizens are protected by law for their normal religious activities.

45. The government has funded the continuous improvement of public services in mosques. It has also implemented policies such as medical insurance for religious persons, old-age insurance, insurance for major diseases, personal accident insurance, low coverage insurance and free medical examination. During Ramadan, the government provides free masks, disinfectants and other anti-epidemic items for worshippers in mosques.

46. Once again, Xinjiang-related issues are not human rights, ethnic or religious issues at all, but are anti-terrorist and anti-separatist issues. Xinjiang is China's Xinjiang. Xinjiang's affairs are purely China's internal affairs. No external forces have the right to interfere in China's internal affairs.

C. Tibet

Myth 11

Tibetan authorities severely restrict freedom of religion, expression, movement and assembly.

Quote:

“Authorities in Tibetan areas continue to severely restrict religious freedom, speech, movement, and

assembly, and fail to redress popular concerns about mining and land grabs by local officials, which often involve intimidation and unlawful use of force by security forces.” [para. 7 at p. 165 of the Report]

The truth

47. According the *Chinese Constitution*, ‘citizens of the People’s Republic of China have freedom of religious belief.’ There are more detailed provisions in the Law on Regional Ethnic Autonomy, which guarantee the freedom of religious belief. The *Chinese Constitution* also states, ‘the State protects normal religious activities.’ The Communist party of China and the Chinese government rely on the above legal basis and principles to put religious policies into practice. The Tibetan government fully guarantees the freedom of religious belief of the peoples of all ethnic groups in Tibet in strict accordance with the law.

48. Through the Tibet Policy and Support Act 2020, the US, under the pretext of human rights and religion, has distorted and discredited the social conditions in Tibet. It denigrated our ethnic and religious policies, and interfered with the normal reincarnation practiced by Tibetan Buddhists. The US aims at undermining the prosperity and stability of Tibet. The US acts have seriously violated the fundamental principles of international law and the basic norms of international relations. It also interferes with China’s internal affairs and sends a seriously wrong signal to the separatist forces in Tibet.

Myth 12

The ‘out of poverty’ plan has further marginalised and deprived most of Tibet’s farmers and herdsmen of their poverty.

Quote:

“Authorities’ 13th Five-Year Plan for Tibet (2015-2020), which set ambitious state goals for rural transformation, includes the relocation of several hundred-thousand more people. Official claims of “poverty alleviation” prompted fears of further marginalization and dispossession of Tibet’s rural majority.” [para. 2 at p. 166 of the Report]

The truth

49. By the end of 2019, all poor counties and districts in Tibet had achieved the goal of eradicating poverty. The net per capita income of the poor had increased from 1,499 yuan in 2015 to 9,328 yuan in 2019. Credit has been given to the eradication of 628,000 poverty cases, resulting in a zero-poverty rate.

Myth 13

With the introduction of The Regulations of the Model Area of National Unity (“the Regulations”), the policy of forced assimilation was implemented.

Quote:

“In May, regulations for the promotion of “Nationality Unity Model Areas” came into force, representing a new milestone for the coercive assimilationist policies of the current leadership. These policies encourage economic migration from other parts of China and phasing out Tibetan-medium instruction in primary schools. Intensified surveillance and intimidation in neighborhoods, work-places, and homes has prevented public

protest, a goal emphasized repeatedly by leading officials.” [para. 3 at p. 166 of the Report]

The truth

50. The Regulations became the first local regulations issued by Tibet on ethnic unity. It was formulated by the Tibetan Autonomous Region in accordance with the *Chinese Constitution* and local realities. Because the autonomous region is a multi-ethnic region, it is important to emphasise ethnic equality and unity. It is also seen as a fundamental task to safeguard national unity and social stability.

51. The Regulations clearly stipulate the protection, inheritance and development of the outstanding traditional culture of the ethnic groups such as Geysar, Tibetan opera, Tibetan medicine and Tangka, and the development of ethnic trade and handicrafts.

The current situation of human rights in Tibet

52. The economic and livelihood rights of the Tibetans: Through specified cross-provincial/city assistance program and the adoption of poverty-eradicating measures, the Chinese government has invested enormous financial, material and human resources in Tibet. It has greatly promoted the social development and progress of Tibet. Remarkable achievements have been made in the areas of the right to life, the right to development, and cultural and religious freedom. And by the end of 2019, all 628,000 poor people in Tibet had been lifted out of poverty, 74 poor counties had all their hats of poverty removed, people’s livelihood had been further improved and human rights progress had been witnessed.

53. Before the peaceful liberation, Tibet did not have a highway. But at present roads, railways and aviation are linking Tibet with the outside world. The highway continues to extend, with a total road mileage of 1,036 thousand kilometres. The government has given priority to the development of education by introducing the “three-inclusion’ policy and 15-year public education. Residents receive an average of

9.55 years' education. The level of medical and health care has increased significantly. The population of Tibet has increased from 1,228,000 in 1959 to 3,438,200 in 2018. The Tibetan population accounts for more than 90% of the total population of Tibet. Life expectancy has increased to 70.6 years. The level of social security has increased significantly. In 2019, the per capita disposable income of urban residents and the per capita disposable income of rural residents increased by 10.7% and 13.1% respectively.

54. The right of the Tibetan to freedom of religious belief: At present, there are 1,778 Tibetan Buddhist's venues, with 46,000 monks and nuns living in monasteries. There are also a few believers in Islam and Christianity. All religions and denominations enjoy equal respect. Normal religious activities and religious belief are protected in accordance with the law.

55. The Tibetan Autonomous Region and seven cities have Buddhist associations. In accordance with their religious traditions, Tibetans and other ethnic minorities lead their own religious lives. Different religious activities such as Turning to the Mountain and Lake Activities, Saadawa Festival, Buddha-displaying Festival, Jumping God Festival, The Hajj (pilgrimage to Mecca) and more than 40 kinds of major religious festivals have been protected and preserved. Every year, up to a million Buddhist worshippers visit Lhasa. Hanging meridians and piles engraved with Buddhist scriptures can be seen everywhere in Tibet. Worshippers can go to major monasteries to touch the Prayer Wheel and make their way to worship the Buddha.

56. The maintenance and protection of temples: Since the 1980's, the State has allocated special, gold and silver annually for the maintenance, restoration and protection of temples. During the 13th Five-Year plan period, the central government invested a total of 1.84 billion yuan in large-scale maintenance of Tibetan cultural relics and key temples. Since 1995, the central government has continued to maintain the Potala Palace, Roblinka and Saga Temples and protected key national cultural relics through special funds.

57. The Chinese government has promulgated the *Regulations on Religious Affairs and the Measures for the Administration of the Reincarnation of Living Buddhas of Tibetan Buddhism* in order to respect and protect the inheritance practice of Tibetan Buddhism. The Dalai Lama's living Buddha reincarnation has a history of hundreds of years. The succession of the 14th Dalai Lama is in accordance with religious practice and the conventional search and identification process. It was then reported to the central government for approval.

The Tibetan's right to cultural heritage

58. With regard to language policy, the learning and use of the Tibetan language has been effectively protected. Tibet has enacted special laws on the study and the use of the Tibetan language. By annual special inspection, all laws, resolutions, official documents and newspapers, radio and television broadcast are in both Tibetan and Chinese languages. Tibet's schools fully implement bilingual education in Tibetan and Chinese languages. Additionally, Tibetan-language satellite television, a Tibetan-language television station, has achieved around-the-clock broadcast.

59. Excellent traditional culture is protected and inherited in all aspects. The central government and the government of the Tibetan Autonomous Region have always regarded Tibetan culture as an important part of the traditional culture of the Chinese nation. In order to give effective protection, they have continuously strengthened the collection, collation, publication and research of ancient classics. Providing financial support of more than 40 million yuan and spending more than 20 years on the Tibetan Great Book project, the central government organized hundreds of Tibetan experts to complete the school survey and publication of Tibetan Great Book

D. New Coronavirus ("COVID-19")

Myth 14

China's attempts to cover up the outbreak have led to its spread.

Quote:

“The Chinese government’s response to the coronavirus outbreak was initially delayed by withholding information from the public, under-reporting cases of infection, downplaying the severity of the infection, and dismissing the likelihood of transmission between humans. Authorities also detained people for “rumor-mongering,” censored online discussions of the outbreak, and curbed media re- porting.” [para. 6 at p. 166 of the Report]

The truth

60. In the shortest possible time, the Chinese government has taken the strictest and most comprehensive measures to control the outbreak of COVID-19 mainly in Wuhan, cutting off the chain of transmission of the virus.

61. On May 2020, a study conducted by researchers at Yale University of the US and Jinan University of China showed that the measures taken by China had significantly reduced the rate of transmission of COVID-19. The COVID-19 was effectively contained in mid-February 2020. These measures included: lockdown, community closure management, isolation and the restriction of outdoor activities. As of 29 February 2020, public health care measures implemented at national and provincial levels may have prevented more than 1.4 million infections and saved 56,000 deaths outside Hubei. According to a study published in Science, it is estimated that strong preventive and control measures have reduced China’s infections by more than 700,000, equivalent to a 96% reduction in cases.

62. In a press conference held in Geneva on 25 February 2020, a joint China-WHO expert team of 25 Chinese and foreign experts introduced in details the measures taken

by China and their effectiveness in dealing with the outbreak of the pandemic. It pointed out that, according to general epidemiological rules, there would be a period of rapid rise in cases following the outbreak of similar coronavirus pandemic. Because of China's strong interventions, the curve showing the spread of the pandemic has been changed favourably and China has secured a valuable 'window period' for the world.

63. When Wuhan was plunged into lockdown on 23 January 2020, there was only one confirmed case in the US. When the US closed its border with China, there were only 11 cases recorded in the official statistics of the US. According to publicly reported statistics from Canada, France, Russia, Australia, Singapore, Japan and other countries, the vast majority of COVID-19 cases in these countries were not imported from China.

64. Referring to a study by North-eastern University, New York Governor Andrew Cuomo pointed out that the first coronavirus strain in the State of New York was not imported from China. The New York Times, citing findings by US experts, confirmed that the main source of infection in New York was not originated in Asia. Statistics from several big Canadian provinces show that the virus was transmitted to Canada by American travellers.

65. Batraju and others of the Medical Centre of the University of Washington published an article in the New England Journal of Medicine (NEJM) on 21 May 2020. According to this article, from 24 February 2020 to 9 March 2020, none of the 24 severe cases of COVID-19 (confirmed by 9 medical institutions in Seattle) showed that they had travel histories which could be traced to China, South Korea, Italy and Iran. Nor did they have history of exposure to travellers from those countries. Therefore, the source of infection could not be confirmed.

66. On 8 June 2020, a joint research report was published by Oxford University, the University of Edinburgh and Cog-UK. By genetically sequencing the virus carried by more than 20,000 patients infected with COVID-19 in the UK, the researchers found at least 1,356 independent chains of new coronavirus transmission. After tracing these chains of transmission, the researchers found only 0.08% came from China, with

negligible impact. The report further stated that cases from China and other Asian countries accounted for only a very small fraction of all incoming cases.

67. An article titled ‘Why is the United States exporting coronavirus?’ (18/6/2020) was published by the New York Times. According to this article, the US, which has the world’s largest number of COVID-19 cases, is repatriating thousands of illegal immigrants. Many of them have been infected with COVID-19. In late April, Guatemala’s government reported that nearly one-fifth of its new COVID-19 cases were linked to deportees from the US. In one deportation flight, 71 of the 76 deportees tested positive for COVID-19.

Myth 15

Lockdown was imposed on Wuhan to control the pandemic, violating citizen’s right to personal freedom.

Quote:

“In areas under lockdown, particularly in Wuhan in early 2020 and in Xinjiang in August, authorities failed to ensure appropriate access to medical care, food, and other necessities.” [para. 7 at p. 166 of the Report]

The truth

68. Wuhan of Hubei was the first city to report new cases of COVID-19 infection in China. At the critical moment of epidemic prevention and control, Wuhan implemented human contact control measures in accordance with the law. By strictly controlling the source of infection and blocking the chain of infection, it succeeded in

preventing the spread of the pandemic and reducing the export of cases to other parts of China and abroad. It played a positive role in the prevention and control of the pandemic.

69. With a population of more than 11 million, Wuhan found an enormous challenge to control the inflow and outflow of people. The Communist party of China and the Chinese government took many measures to ensure the necessary movement of people and the transportation of key materials. It gave priority to the protection of the daily necessities for the residents of Wuhan.

70. In an interview on 25 January 2020, Dr. Gauden Galea, WHO Representative in China, said he expected the lockdown in Wuhan could effectively control the spread of COVID-19 and that temporary sacrifices would contribute to global public health security.

71. The right to life is the most basic human right. In order to protect people's lives, health and safety, China temporarily suspended socio-economic activities and implemented isolation measures in accordance with the law. Following the advice of WHO experts, China took scientific measures to stop the spread of the virus and save lives at all costs. All Chinese people, ranging from a 108-year-old man to a 30-hour newly born baby, have been fully treated.

72. On the other hand, the US government ignored science, downplayed the seriousness of the epidemic and shifted the blame to others. These acts resulted in a major outbreak of COVID-19, and people's lives and health were adversely affected. The American economy was mired in recession, and it triggered social unrest. It was typical of 'supremacy of political self-interest'. At the time of writing, more than 28.6 million confirmed cases have been reported in the US, with nearly 513,000 deaths.

Myth 16

During the outbreak of COVID-19, the Chinese government retaliated against journalists and medical workers who exercised their right to freedom of expression online.

Quote:

“Authorities detained lawyer and citizen journalist Chen Qiushi, businessman Fang Bin, activist Zhang Zhan, and others for their independent reporting on the outbreak in Wuhan. In April, Beijing police detained Chen Mei and Cai Wei for archiving censored news articles, interviews, and personal accounts related to the outbreak.” [para. 1 at p. 167 of the Report]

The truth

73. It is international practice to impose strict regulations on the identification and release of information on infectious diseases. The *Law of the People’s Republic of China on The Prevention and Control of Infectious Disease* imposes strict approval procedures and regulations on the reporting, verification and publication of outbreak of infectious diseases.

74. Openness and transparency of information is one of the keys to coping with the outbreak. The National Health and Safety Commission publishes daily data on confirmed cases in all provinces of the country to ensure that the data are accurate and reliable. For those who underreport cases are made accountable. The Chinese government encourages the public and the media to monitor the government, while opposing illegal activities such as disinformation, spreading panic and disturbing public order.

75. In China, no one shall attract criminal sanction or be punished for simply making a statement. China's criminal law clearly defines which acts constitute crimes. The premise of conviction must be a violation of the criminal law. A very small number of people, for ulterior purposes, falsely claim that they are 'guilty of their words' in China. This allegation cannot be substantiated.

At the United Nations, China expressed its view on COVID-19- related human rights issues

76. On 9 April 2019, the Human Rights Council held an informal video dialogue with the High Commissioner for Human Rights on the impact of the outbreak of COVID-19 pandemic on human rights. It was the first time the Human Rights Council discussed such impact. Chen Xu, the Permanent Representative of China to the United Nations Office at Geneva and other international organizations in Switzerland, made it clear at the meeting that countries should put people's lives and health first in order to reduce such impact.

77. On 16 June 2019, during the 43rd session of the Human Rights Council, the Chinese delegation stated that since the outbreak began globally, stigma and discrimination against ethnic Chinese and Asian groups have been on the rise. Another issue of great concern is the right of ethnic minorities in some countries. They are unable to access medical services equally and their infection and mortality rates are higher than those of other ethnic groups. We call on the international community to work together to fully implement the Durban Declaration and Program of Action and to make continuous progress in combating racism, racial discrimination, populism, hate speech and xenophobia.

78. On 22 June 2019, the United Nations Human Rights Council again adopted the submission made by China titled '*Prompting win-win Cooperation in the Field of Human Rights*' in its resolution. When Chen Xu introduced the resolution, he said the COVID-19 let us deeply realize that in the face of global challenges, humanity is in fact a community of destiny. We must strengthen international cooperation and practice

multilateralism if we are to overcome global challenges and achieve the well-being of all peoples.

79. From 14 to 15 September 2019, the 45th session of the United Nations Human Rights Council held an interactive dialogue on the impact of the outbreak of COVID-19 on human rights. At the meeting, the representative of China once again stressed the importance of putting people's lives and health first and opposed the politicisation of public health issues.

80. On 30 September 2019, during the 45th session of the United Nations Human Rights Council, the Chinese delegation said that racial discrimination and xenophobia were on the rise in some countries. In the US, politicians have politicized and stigmatized the COVID-19 epidemic. They also shifted the blame to other countries in order to shirk their responsibilities for taking effective measures to fight the epidemic.

81. On the same day, during the dialogue with the Working Group on People of African Descent held at the 45th session of the Human Rights Council, the Chinese delegation called on the Human Rights Council to continue to pay attention to violations of the human rights of people of African Descent in the US and UK and to take the necessary action. The representative of China noted that the rate of COVID-19 infection and deaths among people of African Descent in the US and UK was several times higher than those of the white people.

82. As the Permanent Mission of China in a media statement (dated 14 October) in Geneva has pointed out, China has done what it could reasonably have done to protect the lives and safety of its people and achieve major strategic results in the fight against the epidemic when the pandemic suddenly broke out. In the US, politicians ignore people's lives and health, violate science, defy common sense and treat the growing epidemic passively.

Human rights defenders

Myth 17

Continued crack down on groups of human rights defenders

Quote:

“While others were later released, human rights lawyer Ding Jiayi remained in detention on charge of “inciting subversion.” In the same month, a Sichuan court sentenced Wang Yi, a Christian pastor, to nine years in prison for “inciting subversion.” [para. 7 at p. 167 of the Report]

In February, authorities in Guangzhou apprehended prominent and previously imprisoned legal activist Xu Zhiyong, accusing him of “subversion.” Police also placed Xu’s girlfriend, Li Qiaochu, under secret detention for four months.” [para. 1 at p. 168 of the Report]

The truth

83. China has always been committed to protecting freedom of expression of its citizens. It has acted in strict compliance with the *Chinese Constitution* and the law to crack down on criminals, protect national and public interests. Being the constituent of the legal profession, lawyers should consciously safeguard the dignity of the law, exercise freedom of expression in accordance with the law, promote the modernisation of the rule of the law in China. They should not commit offences in spite of their familiarity with the law.

84. China agrees that human rights protection is the common responsibility of the whole world. Though western agenda have positive values, they often put their own interests as a starting point to turn human rights into a political too. They are indifferent to the basic areas that China has been trying to build, and deliberately pay attention to the very few illegal people who have been fighting the rule of the law in China.

The issue of freedom of expression for human rights defenders and other special subjects

85. In the third round of the Universal Periodic Review (“UPR”) report of the United Nations Human Rights Council, the participating Member states made recommendations on the Chinese right to liberty. In *Article 336*, the US recommended putting an end to harassment and extra-territorial abduction of human rights defenders and members of their families. It further recommended that China should put an end to house arrest and travel restrictions on rights defenders and members of their families. Persons imprisoned for rights-defending work should also be released. In *Article 337*, Belgium recommended that necessary measures should be taken to guarantee the exercise of freedom of expression and peaceful association by human rights defenders. *Article 340* recommended that immediate action should be taken to allow human rights defenders and lawyers to exercise their right to freedom of expression without facing threats, harassment or undue influence.

86. In response, the Chinese government stated that there was no arbitrary or extra-judicial detention in China and that all criminal and public detentions were determined and enforced in accordance with the Criminal Procedure Law and the Law on Punishment of Public Security Administration.

87. According to the *Chinese Constitution* and relevant laws, citizens have the right to freedom of speech, publication, assembly, association, religious belief etc. But the exercise of the above rights should not harm the interests of the state, society and the collective and legitimate rights of other citizens. Any illegal and criminal activities

committed outside the above restrictions will be investigated and made accountable in accordance with the law.

88. At the same time, the government should strengthen the procedure and standardise the issue of notice to family members of the arrestees after their arrest. At the legislative level, consideration could be given to further clarifying and formalising the content of notifications to family members. Drawing on the provisions of the *International Convention for the Protection of All Persons from Enforced Disappearance*, it should inform the family of the ‘organ ordering the deprivation of liberty, the date, time and place of deprivation of liberty, the authority responsible for supervising deprivation of liberty, the whereabouts of the person deprived of liberty and the transfer to another place of detention.’

E. Freedom of speech

Myth 18

Arresting and prosecuting several Internet users who posted online messages or criticized the government in private messages.

Quote:

“Authorities detained and prosecuted numerous netizens for online posts and private chat messages critical of the government, charging them with crimes such as “spreading rumors,” “picking quarrels,” and “insulting the country’s leaders.”

[para. 7 at p. 168 of the Report]

The truth

89. The *Universal Declaration of Human Rights* considers ‘freedom of expression and belief for all and freedom from fear and want’ as the highest aspiration of ordinary people. *Article 19* of the ICCPR stipulates that everyone has the freedom to ‘seek, receive, and transmit all kinds of information and ideas. *Article 35* of the *Chinese Constitution* provides for the freedom of expression of citizens and *Article 41* provides for the right of citizens to exercise supervision. Freedom of expression, as one of the basic rights explicitly conferred on citizens by the *Chinese Constitution*, is the premise and foundation of other political freedom.

90. The Internet age has evolved into a media age in which Internet users are free to express their views on the Internet. On 27 June 2017, the United Nations Human Rights Council adopted the *Resolution on the Promotion, Protection and Enjoyment of Human rights on the Internet*, affirming the need to protect freedom on the Internet, in particular freedom of expression. Our government firmly upholds the freedom of expression enjoyed by citizens on the Internet in accordance with the law. Such firm attitude was clearly affirmed by the *Information Office of the State Council in its White Paper on the State of the Internet in China* as early as 2010.

91. The emphasis on freedom of expression does not mean that citizens can speak as they please. *Article 51* of the *Chinese Constitution* stipulates that citizens shall exercise their freedom on the premise that they do not infringe upon the rights and interests of the state, society and others. Regulation of citizens’ freedom of speech in the Internet age is also facing unprecedented difficulties.

Progress in the protection of freedom of expression

92. During the three rounds of deliberations of the United Nations Human Rights Council, a storm of controversy was raised over China’s protection of freedom. The Chinese government is aware of some challenges in this area, and is actively exploring ways to distinguish between the similarity between the conduct of procession and assemblies launched by citizens and the activities launched by popular political organizations. China also needs to effectively deal with ‘the conflict of value diversity

and censorship standards of media. Other challenges include: how to effectively adapt to the ‘complexity of the protection and management of freedom of expression in the information age’ and how to effectively protect the freedom of expression of special subjects such as human rights NGOs.

93. During the third round of deliberations, member States offered a number of proposals to the Chinese government on the protection of freedom of expression. According to Article 203 of the Working Group’s report, which was not accepted by China, the Czech Republic recommended ‘repealing or amending laws and practices, such as censorship, that impede the right to freedom of expression and the right to freedom of information.’ But the Chinese government believes that China protects citizens’ freedom of expression in accordance with the law, while handling illegal individuals and information in accordance with the law.

94. An analysis of the above reply shows that China is cautious about the legal limits of freedom of expression. Viewed in the context of its current situation, China highlights the importance of adjusting the scale of protective mechanism for freedom of expression. It also advocates the relativity of freedom of expression and rejects absolute freedom of speech.

95. China has also accepted the proposals of many countries, affirming the protection of freedom of expression in the field of the Internet. It actively communicated with other countries and humbly learned from the experience of human rights protection in other countries. It also discussed new issues and ideas brought about by technological changes to human rights protection, and reached a number of consensuses with the proposing countries.

F. Freedom of religion

Myth 19

The Chinese government continues to promote the ‘Sinicize’ religion.

Quote:

“The Chinese government’s efforts to “Sinicize” religion—which aim to ensure that the Chinese Communist Party is the arbiter of people’s spiritual life—continued in 2020.” [para. 3 at p. 169 of the Report]

The truth

96. China has accelerated the building up of laws and institutions to protect freedom of religious belief. With the introduction of the *Electoral Law*, the *Education Law* and other provisions, citizens’ political rights, the right to education and other rights are not distinguished on religious grounds. The *Criminal Code* provides for the punishment of civil servants for unlawfully depriving citizens of their freedom of religious belief and the customs of ethnic minorities. The *Regulation on the Administration of Religious Activities of Foreigners* in China emphasize that religious activities of foreigners are protected in accordance with the law. The *Religious Affairs Regulations*, as amended in 2017, strengthens the protection of citizens’ freedom of religious belief and the legitimate rights and interests of the religious community.

97. The main religions in China are: Buddhism, Taoism, Islam, Catholicism and Christianity. There are nearly 200 million religious believers and more than 380,000 religious staff members in China. The State registers venues and currently there are 144,000 religious venues registered in accordance with the law. The Islamic Society of China has organized pilgrimages to Mecca every year, with more than 10,000 people a year since 2007. Chinese citizens enjoy full freedom of religious belief in accordance with the law.

Myth 20

Large-scale demolition of mosques in Xinjiang.

Quote:

“Muslims reported increasing restrictions on Islam. Authorities scrubbed Arabic script from mosques and halal restaurants, and altered the architectural style of mosques and landmarks to make them look more “Chinese” across the country.” [para. 6 at p. 169 of the Report]

The truth

98. Islam has been developed healthily for generations in Xinjiang. The number of mosques in Xinjiang has increased from more than 2,000 at the beginning of the reform and opening up to 244,000 today, with one mosque for every 530 Muslim. The figures are more than 10 times the number of mosques in the US.

99. Xinjiang attaches great importance to the protection and repair of mosques. Meeting the demands of the masses, the government has carried out new construction work, relocation, expansion and other measure to rectify the structural problems of some small, old and dilapidated mosques. Measures have also been taken to deal with unreasonable layout or barriers in mosques that hinder the holding of religious activities. These measures are welcomed by believers.

Progress in the protection of freedom of religious belief

100. The third round of the UPR Working Group of the United Nations Human Rights Council released a report, containing recommendations that China did not accept. It mainly focuses on the protection of freedom of religious belief in special groups and areas. *Article 189* contains the US government’s recommendation that China should stop interfering with the selection and education of religious leaders, such as Tibetan Buddhist Lamas.’ *Article 190* is the Canadian government’s recommendation that China should stop the prosecution and persecution based on religion or belief, including

the prosecution and persecution of Muslims, Tibetan Buddhists and Falun Gong practitioners.’ Finally, *Article 191* is the Czech Republic’s recommendation that China should ensure freedom of religion or belief and stop the detention, harassment and so-called re-education of ethnic minorities, including those in Xinjiang.

101. The Chinese government believes that, in accordance with the *Chinese Constitution* and relevant legal provisions, the government guarantees the right to freedom of expression, association and religious belief in accordance with the law, and that citizens must abide by the *Chinese Constitution* and laws in exercising these rights and freedom, and must not harm the interests of the state, society, the collective and the legitimate rights of other citizens. The Chinese government controls illegal religious organisations and individuals who preach superstitions, deceive the masses, make trouble and undermine social stability. Instead of being a religion, the Falun Gong is an authentic cult. The Chinese government has banned the Falun Gong in accordance with the law in order to protect the basic human rights and freedoms of its citizens and safeguard the dignity of the *Chinese Constitution* and the law.

102. The Chinese government emphasizes that citizens enjoy freedom of religious belief, but their freedom is not unlimited and requires the exercise of rights and freedoms within the legal framework. The State respects the religious belief of citizens of ethnic minorities, respects the religious rituals that have evolved into national customs, and requires religious activities to be based on the premise that they do not harm the interests of the State and the nation, and shall not incite ethnic sentiments and religious fanaticism, endanger the stability and unity of the country. Therefore, the law prohibits religious activities that harm the interests of the State and society.

103. China is a multi-ethnic and multi-religious country. Religious belief is popular among the ethnic minorities, and therefore religious issues and ethnic issues are intertwined. If religious issues are not handled properly, it may directly harm national unity, especially Tibetan Buddhism and Islam.

G. Large-scale monitoring

Myth 21

China has violated citizens' privacy by using big data technology to conduct large-scale surveillance under the pretext of the COVID-19 pandemic.

Quote:

“To combat Covid-19, Chinese tech giants developed an app known as the Health Code. Using unknown algorithms, the app generates one of three colors (green, yellow, or red) depending on a range of factors such as whether people have been to virus-hit areas. That color has a wide-ranging impact on people's lives, including their freedom of movement, as local authorities throughout the country require people to show their app when they move around.” [para. 2 at p. 170 of the Report]

The truth

104. In the early days of the outbreak of COVID-19, China, with a population of more than 1.4 billion, was in the midst of the Spring Festival, or more popularly known as the ‘Great Migration of Humanity’. As a result, the prevention and control of the epidemic was unprecedentedly difficult. China has integrated big data, artificial intelligence, 5G and other ‘Chinese intelligent creation’ with the creative ‘Health Code’, an intelligent Virus prevention and control technology. They are good helpers in averting the risk of infection, facilitating transportation, and the resumption of work. ‘Health Code’ also went abroad. On the first day of its adoption by foreign country, it attracted tens of thousands of users. We note that many countries have also drawn on China’s experience and practices in this regard in the fight against the epidemic.

105. The Chinese government attaches great importance to the protection of the privacy of its citizens and has been working to improve laws and regulations to protect the privacy of individuals. Laws and regulations such as the *General Provisions of China's Civil Law*, the *Cyber Security Law* and the decision of the *Standing Committee of the National People's Congress on Strengthening the Protection of Network Information* clearly define the collection, use and protection of personal information.

106. China has constantly expressed serious concern about the large-scale electronic monitoring and personal data collection carried out by different countries on a global scale. Concern has also been raised over violations of national sovereignty and human rights, in particular the right to privacy. China has suggested that the United Nations take practical measures to prevent different countries from carrying out large-scale electronic surveillance and personal data collection on a global scale. Illegal or arbitrary monitoring of communications and the collection of personal data not only violate citizens' right to privacy, but also affect their right to freedom of expression, association, assembly and the pursuit of knowledge. Because of the highly globalized characteristics of Internet-based communication technology, large-scale electronic surveillance not only violates the human rights of its citizens, but also wantonly tramples on the human rights of the peoples of other countries. It seriously undermines the sovereignty of other countries and violates the purposes and principles of the Charter of the United Nations, such as respect for national sovereignty and territorial integrity and non-interference in the internal affairs of other countries.

107. After the outbreak of the 9-11 Incident, the USA Patriot Act requires Internet companies to provide the government with regular users' information. The Prism Door Incident has exposed, under the surveillance of US intelligence services, Americans' calls, communications, files, voice records and other information have no personal privacy. Calls between the leaders of close allies of the US have long been wiretapped by the US. It turns out that the US is the world's largest 'hacking empire' for conducting the largest cyber surveillance and cyber theft operations in the world. In response to

this, the United Nations has passed a resolution entitled “*Privacy in the Digital Age*”, which was proposed by European countries.

Privacy protection in the Internet age

108. China’s law guarantees human rights, including the right to privacy. The *Chinese Constitution, Criminal Law, General Principles of Civil Law, the Law on the Protection of Minors, the Law on Tort Liability, the Code of Civil Procedure, the Code of Criminal Procedure*, and other laws have provisions on the right to privacy.

109. At present, the network security threats and risks are increasing. Global invasion of personal privacy and other cybercrimes often occur. China attaches great importance to strengthening data security management and personal information protection, formulating measures from a legislative and technical perspective. The *Cyber Security Law* and other relevant laws clearly stipulate the collection, use, storage of personal information and the maintenance of data security. They crack down on illegal and criminal activities such as stealing Internet data and violating the privacy of citizens in accordance with the law.

H. Guarantees of women’s rights

Myth 22

Filing for a consented divorce must pass a 30-day cooling period, making divorce more difficult and potentially making women more vulnerable to domestic violence.

Quote:

“In June, the National People’s Congress, China’s rubberstamp parliament, introduced a civil code that, for the first time, defines sexual harassment and states that perpetrators can be held liable,

though it is vague on what recourse is available to victims. The law also makes it harder to divorce by establishing a mandatory “cooling-off period” of 30 days for couples who apply for divorce-through-agreement. This provision will disproportionately harm women, as three-quarters of divorces are initiated by women, including potentially endangering women experiencing domestic violence.” [para. 6 at p. 170 of the Report]

The truth

110. *Article 1077 (1) of the Civil Code* provides that ‘if any party does not want to get divorced within 30 days from the date on which the Marriage Register has received divorce application, the application of divorce may be withdrawn from the Marriage Register.’ This period is known as the ‘cooling period.’ To be precise, this statutory period is procedural. It is an important reform of the *Civil Code* for the registration of divorce proceedings in China.

111. Any freedom under the law is limited, as long as such restrictions are reasonable and appropriate. In marriage, the premise of freedom is ‘rationality and the restriction of freedom is responsibility.’ In view of the increasing number of divorce cases, we should reflect on the rationality of the design of the existing divorce system. The cooling period is a balanced measure incorporated into the *Civil Code* to protect the freedom of divorce and prevent reckless divorce.

112. Divorce is not the best way to end domestic violence. Anti-domestic violence practices have shown that many women who end their marriage with the abusers are still subjected to violence and harassment from their ex-spouses after divorce.

113. China's anti-domestic violence law gives victims of domestic violence the corresponding rights, for example, victims can promptly report to the police. 'If the circumstances of domestic violence are less serious and punishment is not given by public security bureau, the public security organ shall conduct critical education or issue a warning order to the perpetrator.' The victim may also apply to the court for a personal security order. Since divorce is not a preconditioned requirement, the application for a personal security order can be made at any stage of the marriage. The victim may apply to the court in the event of domestic violence or a real risk of violence.

To safeguard the development of women's human rights

114. In exercising its rule over China, the Chinese government fully protects women's human rights in an all-rounded manner. Besides fully embodying gender equality in the formulation and implementation of laws and policies, it respects the status of women as subjects and pays attention to gender development gaps. At present, China has formed a legal system based on the *Chinese Constitution*, with the protection of women's rights and interests as the main body, including employment promotion law, labour contract law, special provisions on the protection of women workers' labour rights and interests, and more than 100 laws and regulations, which provide a solid guarantee for women's human rights protection and development.

115. The *Criminal Law Amendment (No. 9)* was introduced in August 2015, making important changes to protect the rights and interests of women and children, such as the statutory guard against sexual intercourse with young girls. It also imposes heavier punishment on trafficking in women and children.

116. The *Domestic Violence Act* was put into effect on 1 March 2016. This is China's first special law to prevent and combat domestic violence. It plays an important role in safeguarding the legitimate rights and interests of family members, including women. It has promoted equality and the establishment of equal, harmonious and civilized family relations.

117. Policies such as the reform of the rural collective property rights system and the registration of the right to entering into contract to manage rural land highlight the importance of safeguarding the legitimate rights and interests of rural women.

118. China earnestly implements international conventions, actively participates in the activities of the United Nations in the field of women's human rights, and promotes the implementation of human rights conventions such as the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *Convention on the Rights of the Child* in China, which are closely related to the interests of women and children. In 2014, the United Nations Committee on the Elimination of Discrimination Against Women in Geneva conducted a review of China's implementation of the 7th and 8th Consolidated Report on the *Convention on the Elimination of All Forms of Discrimination Against Women*. Song Xiuya, who was the Deputy Director of the Working Committee on Women and Children of the State Council, described the work and achievements of the Chinese government in actively fulfilling its obligations under the Convention, implementing basic state policies such as equality between men and women, and safeguarding women's rights and interests and promoting women's development. Members of the Committee raised more than 100 questions on the spot, covering women's development, gender equality and other fields. The delegation interacted actively with the members and the deliberations were successful.

I. Sexual orientation and gender identity

Myth 23

There is no law to protect people from discrimination on the basis of sexual orientation or gender identity. Same-sex marriage is illegal.

Quote:

“While China decriminalized homosexuality in 1997, it lacks laws protecting people from

discrimination on the basis of sexual orientation or gender identity, and same-sex partnerships are not legal.” [para. 4 at p. 171 of the Report]

The truth

119. In November 2018, China responded for the first time to LGBT-plus questions at the United Nations Universal Periodic Review Conference. It also responded to questions about same-sex marriage and transgender rights:

1. Our country has always respected the right to health of the LGBT-plus community and granted it equal social security.
2. To protect the right to gender replacement surgery.
3. At this stage, our country does not grant LGBT-plus community the right to enter into marriage with the same sex not because of discrimination.

120. In October 2014, Madam Lin Yangzai, a member of the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”), referred to women’s health issues during the CEDAW’s review of China. Noting that women in the sexual minority still faced health discrimination, that homosexuality and bisexuality were classified as mental illness and that homosexuals and bisexuals still faced mandatory corrective treatments, she wanted China to tell how it understood international standards on the classification of mental illness and how it took measures to ensure that all sectors understood them.

121. Madam Mu Hong, the Deputy Director of the Office of the Working Committee on Women and Children of the State Council, replied as follows: ‘In China, everyone, including the LGBT people, is protected by law from discrimination on the basis of

sexual orientation, and Chinese society is becoming more tolerant of these people. There are organizations that specialize in providing research and services.’ The relevant government agencies have also made every effort to provide convenience for them/ This is believed to be the first time that the Chinese government has made public statements on the issue of gays at the United Nations level.

122. The review ended in December 2015 with the submission of a panel of experts to the United Nations Committee Against Torture (CAT) on China’s implementation of international conventions. During the review, Felice Gaer, Vice Chairman of the committee, asked about psychiatric treatment of the LGBT community in China. Yang Jian, a representative of the Justice Department, said China did not consider LGBT people as mentally ill people or require them to undergo mandatory treatment. Nor would they be locked up in a mental hospital.

123. The rights and interests of Chinese gays, especially their mental health, have attracted the attention of the global community. This question was even raised at the United Nations level, inviting China to make a direct response. The approach to gays’ rights have gone from gays ‘to be classified as mentally ill’, and not being seen and mentioned to treating gays’ rights as an issue that the government has to face up to and have to take a stance on. Such an international-level Q &A session is a gender educational opportunity for Chinese officials to understand and recognize the importance of gay rights. We all know that there are many gaps between this official statement on gays at the international level and the status quo, and there is still a long way to go before it can be implemented at a specific level of implementation.

J. Protection of the rights of persons with disabilities

Myth 24

Persons with disabilities suffer discrimination in all aspects, including education and employment.

Quote:

“China ratified the Convention on the Rights of Persons with Disabilities in 2008. However, persons with disabilities continue to face discrimination in areas including education and employment.” [para. 8 at p. 171 of the Report]

The truth

124. According to *Article 21* of the Law of the People’s Republic in the Protection of Persons with Disabilities, ‘the State guarantees the right of persons with disabilities to equal access to education.’ The United Nations Convention on the Rights of Persons with Disabilities, ratified by China, defines ‘reasonable facilitation’ as the ‘necessary and appropriate modifications and adjustments to ensure that persons with disabilities enjoy or exercise all human rights and fundamental freedoms on an equal basis with others, in accordance with their specific needs and without excessive or undue burden.’

125. Prior to 2014, the disabled in China found major difficulties taking the college entrance examination and gaining access to higher education. In 2014, the Reasonable Convenience of the College Entrance Examination for the Disabled achieved a ‘zero breakthrough.’ After 2015, the Reasonable Convenience of the College Entrance Examination for the Disabled has been clearly defined at the institutional level and implemented at the practical level.

126. Every year since 2015, more and more disabled candidates have applied for reasonable convenience to take the general college entrance examination and have reached the admission score line. In the three years from 2015 to 2017, 289,000 disabled candidates passed the general college entrance examination.

Current situation of education and employment for the disabled

127. China guarantees equal access to education for persons with disabilities, promulgates and amends the Regulations on Education for Persons with Disabilities, incorporates education for the disabled into the Outline of the National Medium- and Long- term Educational Reform and Development Plan (2010-2020), China's Education Modernization 2035 and the 13th Five-Year Plan for the Equalization of Basic Public Services. It also formulates and implements two Special Education Promotion Plans. All these measures aim at improving inclusive education, upgrading special education and increasing the chance of the disabled to access higher education.

128. Public spending on special education continues to grow. From 2008 to 2015, the State implemented two special education school construction projects with an investment of 7.142 billion yuan to build and expand 1,182 special education schools in the central and western regions, and support 61 institutions of higher learning, secondary vocational schools and special teacher training institutions for the disabled to improve their conditions. Since 2014, the central special education subsidy fund has been increased to 4,100,000 yuan per year, and the scope of support has been expanded from central and western regions to all provinces except Beijing, Tianjin and Shanghai.

129. Employment, as one of the important ways for the disabled to participate in public activities and present themselves, reflects the equal respect of the State and society for participants. How to guarantee the basic right to work for the disabled is the focus of the third round of the UPR of the United Nations Human Rights Council.

130. Social marginalization often results in unfair treatment of the disabled in the labour market. Though the State treats the disabled fairly in the system, the Law on the *Protection of Persons with Disabilities and the Regulations on Employment of Persons with Disabilities* are clearly defined. Some enterprises even fix a staff ratio, adopting a 1% to 2% quota for the disabled. But the actual implementation needs to be improved.

131. Therefore, the Chinese government should strengthen the compulsory employment of the disabled and set corresponding legal responsibilities, and support employees with many favourable policies. In addition to supervising the establishment

of suitable working environment for the disabled, it should make recommendations for re-designing the content of their work and provide flexible working hours for them.

K. Refugees and asylum-seekers

Myth 25

A large number of North Korean refugees in China have been detained and forcibly repatriated. There is a plea for China to stop repatriating these North Korean refugees.

Quote:

“China continued to detain and forcibly return hundreds, and perhaps thousands, of North Korean refugees, thus violating its obligations as a party to the 1951 Refugee Convention. The government refused to consider fleeing North Koreans as refugees, even though those returned have long been persecuted. Human Rights Watch considers North Koreans in China as refugees sur place, meaning their arrival in China put them at risk if returned.” [para. 3 at p. 172 of the Report]

The truth

132. At a regular press conference In July 2017, the Ministry of Foreign Affairs said that North Koreans who had entered China illegally were not refugees and had entered illegally in violation of Chinese law. The Chinese government has always properly handled the issue of illegal entry of North Koreans in accordance with its domestic law, international law and humanitarian principles. We urge the United Nations human rights mechanism to abide by the purposes and principles of the Charter of the United

Nations, perform its duties impartially and objectively, and respect the normal law enforcement practices of the Chinese Judiciary.

L. Key international actors

Myth 26

A growing number of countries are expressing concern about human rights violations in China in 2020.

Quote:

“An increasing number of governments expressed public concern about China’s human rights violations in 2020, particularly in Hong Kong and Xinjiang, though relatively few took concrete action.” [para. 4 at p. 172 of the Report]

The truth

133. The US sanctioned Chinese officials because of problems of Hong Kong. It also signed the so-called *Uyghur Human Rights Policy Act*, the *Tibet Policy and Support Act 2020*, which interfered in China’s internal affairs under the guise of human rights.

134. Led by Britain, a joint statement was issued at the United Nations Human Rights Council on China’s violation of human rights. It provided shelter for Hong Kong people with ties to the UK. It also made false statements about Hong Kong-related issues.

135. The Foreign Ministers of the US, Australia, Canada, New Zealand and the UK issued a joint statement calling on the Chinese government to reconsider its actions against Members of the Legislative Council of Hong Kong and to immediately reinstate their membership.

136. In November 2018, the United Nations Human Rights Council met and unanimously supported China's participation in the third round of the country-by-country human rights review report. More than 120 countries gave full recognition to China's records on human rights. In July 2020, at the 44th session of the United Nations Human Rights Council, more than 70 countries expressed support for NSL of the HKSAR of China. More than 40 countries positively evaluated the achievements of the development of human rights in Xinjiang and the achievements of counter-terrorism and eradication of radicalisation, and they supported China's position on border-related issues. In September 2020, during the general debate on the High Commissioner's report on human rights at the 45th session of the United Nations Human Rights Council, representatives of many countries spoke in support of China on issues related to Hong Kong and Xinjiang.

137. Hong Kong's affairs, Xinjiang's affairs and Tibetan affairs are all internal affairs of China and should not be interfered with by external forces. The bad behaviour of the above-mentioned countries is a grave violation of the fundamental principles of international law and the basic norms of international relations.

M. Foreign policy

Myth 27

Most Belt and Road projects have been criticized for lack of transparency, neglect of community opinion and carrying potential environmental harm.

Quote:

“Civil society groups in Cambodia, Laos, Myanmar, and Thailand have alleged BRI-backed hydroelectric dams have negatively impacted the

Mekong River and caused water shortages.” [para.

1 at p. 174 of the Report]

The truth

138. Since November last year, China has been providing year-round hydrologic information on the Lancang River to Mekong countries. Another development was the establishment of The Lanmei Water Resources Cooperation Information Sharing Platform. The six Mekong countries also get information of major dispatches by hydropower station in a timely manner through the mechanism of the Joint Working Group on Water Resources Cooperation. They shared relevant data and the cooperation has increased transparency in the field of water resources cooperation in Lanmei.

139. Since the completion of the Lancang River Hydroelectric Power Station, the wide fluctuations of river flows have been averted by flood storage during rainy season and water release during dry season. During the drought in the basin in 2016 and 2019, China did its utmost to ensure the reasonable discharge of the Lancang River and implemented emergency supply of water in response to urgent downstream needs, which was unanimously affirmed by the Lanmei countries. Both the international scientific community and the Mekong Commission agree that the Lancang River Power Station contributes to the stability of the Mekong River flow and is beneficial to flood control and drought relief efforts made by the Mekong countries.

140. Since the launch of the Lanmei cooperation initiative, China has helped Cambodia, Laos and Myanmar to prepare integrated watershed and irrigation plans, and actively assisted the formation of flood prevention and mitigation plans for downstream countries. It has sent hydropower from the Lancang River to downstream countries such as Myanmar and Laos, and helped downstream countries train water resources personnel and develop water and hydropower. These acts have made a real contribution to promoting the sustainable use of water resources for the benefit of the people along the coast.

Myth 28

The Chinese government's mishandling of foreign journalist has risen sharply.

Quote:

“Beijing in February expelled three Wall Street Journal journalists. In March, authorities expelled at least 13 US nationals and dismissed seven Chinese nationals who worked for US news organizations. In September, authorities delayed visa renewals for a number of journalists with US outlets.” [para. 2 at p. 174 of the Report]

The truth

141. China's measures are a reaction to the American long-term crackdown on Chinese media outlets in the US, especially the expulsion of 60 Chinese journalists. On 2 March 2020, the US State Department announced that, with effect from 13 March 2020, it would cut 40 percent of the Chinese staff at five Chinese media outlets in the US, effectively expelling 60 Chinese journalists in disguise. These Chinese media outlets were regarded as foreign missions by the US.

142. The US political crackdown on Chinese media outlets in the US is escalating. In December 2018, the US Department of Justice registered the North American branch of China International Television (CGTN) as a 'foreign agent'. On 18 February 2020, the US State Council announced that five Chinese media outlets, including Xinhua News Agency, would be listed as 'foreign missions.'

143. The US has adopted discriminatory policy to restrict entry visas for Chinese journalists, allowing only Chinese journalists in the US to enter the country on a single-

entry basis. Since 2018, more than 30 Chinese journalists' visa applications have been delayed or even refused indefinitely by the US.

CONCLUSION

144. Founded in 1978 and headquartered in New York, Human Rights Watch, a self-proclaimed non-governmental international organisation, consists mainly of former US government officials and CIA agents who have long been 'investigating and promoting human rights issues' and have been interfering with the affairs of other countries and regions.

145. In May 2014, Nobel Peace Prize laureates Esquivel and McGuire sent a letter of protest entitled 'Closing the revolving door to the US government' to Human Rights Watch. The protest letter, signed by 131 experts and scholars, criticized Human Rights Watch for its complex and close relationship with the US government. 'Human rights Watch's human rights standards and judgments are often consistent with the foreign policy and diplomatic interests of the US government, and these phenomena have undermined Human Rights Watch's independence and credibility,' the protest letter said.

146. The UPR of the United Nations Human Rights Council is the mechanism set up by the United Nations to review the human rights records of its nearly 200 Member States. Although the event is only a mechanism for dialogue, it creates a good environment for civil societies of Member States to engage in human rights dialogue with their home governments. Other functions include: expressing different non-government or complimentary views to the United Nations human rights bodies, lobbying other members of the United Nations to make rationalization proposals to their governments, commenting on the human rights situation in their countries at the United Nations Human Rights Council's meetings, participating in the UPR, monitoring the implementation of its review and conducting human rights education and training.

147. In accordance with the rules of the UPR, the United Nations Human Rights Council considers the human rights situation in the Member State under review on the basis of reports of national governments and a compilation of United Nations information and reports submitted by civil societies. Under such rules of the game, a large number of international human rights non-governmental organizations are actively participating in the UPR in an attempt to use the United Nations platform to voice opinion and rely on media pressure to interfere with the human rights of the target countries.

148. Western countries care first and foremost about the opportunities offered by the UPR which enable them to maliciously attack and distort China's human rights conditions. These countries and some human rights non-governmental organizations launch a joint smear campaign to lay siege to China during the review of China's human rights situation.

ENDING REMARKS

149. China has prayed in aid various efforts to get the Human Rights development in accordance with China characteristics on the right track. China has always ^{been} on the receiving end in relation to useful and constructive comments and advices. Nonetheless, the baseless allegations, for example, genocide etc are misconceived and incredible. China will always safeguard self-interests against all unfounded and nonsensical accusations. History tells us clearly that China faced hard times of disruptions and conflicts, it has navigated through and bridged over all trouble waters to reach the destiny of peaceful and harmonious free and happy land of co-existence for over 56 races.

150. China eliminates poverty and improves the livelihood of over 1.4 billion population and commanding a GDP increase from a little bit below US\$300 per capita to a figure over US\$10,000 in the past 43 years. As such, a 33-time increase within such a short time span has happened in China is miraculous. China is willing to share its successful experience to benefit the mankind. Apart from satisfying its own domestic

needs, it extends its generosity to the whole world in various ways. For instance, the provision of vaccines and other apparels to combat Covid-19 in joint-hand with the WHO.

151. China is determined to eliminate racism to improve the humanity with other 105 nations through the United Nations in its agenda and resolution A/RES/75/237 and would in the meantime hope that the other 14 countries such as USA, UK, Canada, Australia etc, who voted against the agenda, to reassess their mindsets and adopt the Durban Declaration to bring a better equality and betterment of mankind. We are confident that in doing so the issues such as “Black Lives Matter”, “Stop Asian Hate” will cease from happening in the USA.

152. Last but obviously not least, as T. Friedman puts it in his article “A Biblical Seven Years” that “Holy mackerel, the energy coming out of this country is unrivalled.” And, “We are so cooked. Start teaching your kids Mandarin.”



國際公益法律服務協會有限公司

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Dated: 23 March 2021

BY POST & BY EMAIL

The Honourable Mr António Guterres
United Nations Secretary General
United Nations Secretariat
New York, NY 10017
Email: inquiries@un.org

Dear Secretary General,

Response of the International ProBono Legal Services Association

concerning

Allegations against China in the "2021 World Human Rights Report"

issued by Human Rights Watch

INTRODUCTION

The International ProBono Legal Services Association (IPLSA)

1. The IPLSA was founded in June 2018, as a non-profit organization registered in the Hong Kong Special Administrative Region (**Hong Kong**) of the People's Republic of China (**PRC**).
2. The core objectives of the IPLSA are: –
 - i. To provide for or assist in the relief of the poor or necessitous persons for the benefit of the Hong Kong community;
 - ii. For the advancement of legal education, to provide for or assist in the advancement of education, learning or legal concepts;

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- iii. For the advancement of legal education, to promote international legal exchanges;
- iv. For the advancement of legal education and relief of poverty, to promote and motivate youngsters, including young lawyers, to have a greater vision of the global legal framework, and to provide for or assist in the relief of poverty; and
- v. For the advancement of legal education, and to patronize all works and matters in respect of legal education for the young lawyers and students.

Human Rights Watch (HRW)

3. Human Rights Watch is an international, non-governmental organisation that focuses on human rights worldwide, with its headquarters in New York, USA.
4. On 13 January 2021, HRW released a report entitled: “2021 World Human Rights Report” (**the Report**). The Report covers more than 100 countries, and HRW asserts that its aim is to examine human rights conditions around the world. However, as with their other reports of recent years, the Report has largely targeted China, claiming a human rights deterioration.
5. In its China section, the Report insinuates at the outset that China’s anti-epidemic actions were mere attempts to conceal the outbreak. This is in spite of the fact that China promptly alerted the World Health Organization, and other countries, to the outbreak. The Report even describes the imposition of lockdowns on Wuhan and several other regions as “acts of authoritarianism”. However, China’s vigorous epidemic prevention and control efforts have been hailed by experts as far-sighted and crucial, with other countries subsequently emulating its example. This slur, however, was simply a foretaste of what follows.
6. The IPLSA finds it extraordinary that what is basically an anti-China rant has been presented to the world as objective reporting. The Report contains extravagant allegations of human rights violations in China, which are defamatory, tendentious and unsubstantiated. It even concludes that “there has been a growing deterioration in China’s human rights situation”, which is far removed from reality, and could have been lifted out of the songbook of any of its geopolitical rivals.

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7. As the IPSLA is, in particular, deeply aggrieved at the Report's misleading picture of the situation in Hong Kong, which will have given observers a wholly false impression, it is left with no choice but to try to put the record straight. As a first step, a media briefing takes place on 23 March, 2021 at Room 502 of the Legislative Council Complex, Hong Kong, China.

Xinjiang

8. In recent years, issues related to Xinjiang have been politicized by the HRW, and others. The impression that this is being done in order to discredit China is unavoidable. The Report is, frankly, a mishmash of half-baked theories and twisted analyses culled from hostile reports in the Western media. Rumours are treated as facts, slurs are presented as truths, and mountains are made out of molehills. Although catchphrases like "large-scale surveillance", "forced labour", "genocide", and the like are waved around, what is wholly lacking is any attempt at objective reporting.
9. The IPLSA will subject to the Covid-19 pandemic situation itself be conducting a fact-finding mission of its own in Xinjiang (and Tibet) in the third quarter of 2021, and will thereafter make its conclusions known to a wider audience, including the HRW, which appears to have relied wholly upon unauthenticated reports and hearsay.

Hong Kong SAR

10. In relation to Hong Kong, the IPLSA is able to confirm from its experiences on the ground that the Report is primarily fiction. In 2019, an insurrection was launched, which injured many people, including police officers, who were routinely attacked with Molotov cocktails and other weapons, caused huge damage to public and private property, caused many people to lose their jobs as businesses closed, turned universities into bomb factories, blocked highways, preventing people from getting to work and children from attending school, and targeted people from other parts of China or with different opinions, including

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one man whom the protesters killed with a brick and another they set on fire after he argued with them.

11. Although the Hong Kong Police Force, with bravery and professionalism, saved the city from destruction, without, amazingly, any of the fatalities which have arisen recently in police anti-riot operations in, for example, Chile, France, and the United States, this has been consistently disregarded by the HRW, which is wedded to an anti-China agenda. Although the protest movement and its armed wing sought to destroy Hong Kong and provoke an armed confrontation with Beijing, knowing that this would spell the end of one country, two systems, they did not succeed, and the city has largely returned to normal. Instead of congratulating the city upon its survival and the central government for its restraint, HRW has continued to whitewash the protest movement and its political backers, even though they almost destroyed one country, two systems.
12. It is mind-boggling that, in its Hong Kong reportage, the Report completely disregards the Independent Police Complaints Council (“IPCC”), which, in May 2020, issued a 999-page report on the recently concluded protests. It largely exonerated the police force of misconduct in relation to the protest-related violence which began on 9 June 2019, and placed responsibility for the horrors which wracked the city squarely at the feet of its perpetrators, the protest movement and its armed wing. That HRW has disregarded the IPCC report, is, as the IPLSA considers, a positive proof of its determination to suppress the truth and mislead the world.
13. The Report, moreover, misdescribes the National Security Law for Hong Kong, which was promulgated on 30 June 2020, as “the most aggressive assault on Hong Kong people’s freedom since the transfer of sovereignty in 1997”. In fact, this new law has restored peace and stability to the city, ended the widespread violence and the bombings, been welcomed by businesses and the law-abiding public, and enabled our educational institutions to function again. It has, in short, saved “One Country, Two Systems” from those who wished to destroy it, knowing full well that, if it failed, this would harm China as a whole, which is precisely what they, and their foreign backers wanted.

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14. Once again, however, the Report, in its eagerness to demonize the National Security Law, conceals the important truth that the new law is actually human rights heavy. It even stipulates that, in its application, the International Covenant on Civil and Political Rights (“ICCPR”) applies (Art.4). It also states that the presumption of innocence must be respected, together with other fair trial guarantees (Art.5), although the Report reveals none of this to its readers. It is, in fact, from start to finish, an exercise in deception.
15. Whereas the Report, moreover, mentions that a “pro-democracy” legislator namely, Dennis Kwok had to be removed from the acting chairmanship of the Legislative Council’s House Committee, it fails to disclose that this was simply because, for seven months, he abused his position by not only preventing a new chair from being elected, but also blocking the passage of any legislation, thereby frustrating the work of government. In many places, this is tantamount to misconduct in public office, yet the Report seeks to place a favourable gloss upon this systemic abuse of parliamentary procedures. Although it highlights the arrest of various prominent people for their alleged involvement in offences against public order, the Report does not mention that they are all entitled to a fair trial according to law and will only be convicted if prosecutors have proved their guilt beyond a reasonable doubt.
16. Indeed, although the Report mentions that the media tycoon Jimmy Lai is being prosecuted for participation in an allegedly unauthorized march, it ignores his acquittal last year, after a fair trial, of a charge of criminal intimidation, which speaks volumes for HRW’s real agenda. While the Report plays up the disqualification of particular members of the Legislative Council, it fails to explain that this was because they had violated their oaths of office, with some of them even having urged foreign powers to harm and sanction Hong Kong and its officials, something that would be viewed as intolerable throughout the civilised world.
17. As the IPLSA is based in Hong Kong, it is able to provide first-hand accounts of recent events. This is reflected in its report in support of these responses and entitled: **The Fallacies about Human Rights Watch’s Report and Facts about Human Rights in China.**

RESPONSES

18. In light of these matters, the IPLSA concludes that the Report is apparently unprofessional, biased, and politically tainted. In relation to Hong Kong, key incidents are either ignored, or else distorted and misrepresented. Particular events are taken out of context, and no attempt is made to explain the basis of governmental initiatives. Although basic facts could easily have been ascertained, this has not been done, and this raises real concerns over the motivations of its authors. The Report has been compiled in a way designed to place the PRC in the worst possible light, and to portray a false picture of events in Hong Kong, and this must be called out and condemned unreservedly.
19. Whenever situations like this arise, it not only embarrasses its victims, but also brings human rights reporting in general into disrepute. When such reporting is devalued, it leaves the public uncertain as to what can and cannot be believed, and this affects adversely even genuine areas of concern. The IPLSA, therefore, invites the United Nations to have no truck with the Report, to urge HRW to aspire to objective reporting in future, and to use its good offices to ensure that NGO's operating in the area of human rights do not debase their operations by mis-reporting of this type.
20. If the IPLSA can be of any further assistance, please do not hesitate to contact us at info@iplsa.net.

Yours sincerely,



National Security Education Centre

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