PRIVACY INTERNATIONAL

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11 July 2016

To Troels Lund Poulsen, Minister for Business and Growth

We are writing in reference to a media report which appeared last Saturday, 9 July 2016, in *Information* entitled ''Denmark gives Green Light to the Export of Surveillance to China'. A copy of the report is attached (Annex 1).

The report states that an unnamed Danish company was on, 15 April 2016, granted an export license to export controlled items to an unnamed end-user in China for a Field Acceptance Test. The controlled items come under categories 5A001j, 5D001c, and 5D002.c.1.

We are concerned that the export of these controlled items to China poses a clear risk to human rights. Below, we provide more information about such technology and the associated human rights issues. We also urgently request assurances related to the specific export outlined in the *Information* report as well as to the export of such technology in general.

**Internet Protocol (IP) network communications surveillance systems or equipment**

Category 5A001j controls 'Internet Protocol (IP) network communications surveillance systems or equipment' and was introduced into the Wassenaar Arrangement Dual Use list in 2013. It was incorporated into Denmark's national control list and across EU member states with the update of the list of controlled items in Regulation (EC) No 428/2009 in December 2014. The control, proposed initially by France, came after evidence emerged in 2011 that a French company had provided Libya's Gaddafi regime with such a system, which according to a former official of the Libyan External Security Organisation, allowed the government to listen "*in on the entire country*," find "*targets within the country's massive flow*," and identify "*individual suspects using key words*".[1]

Category 5A001j is aimed at controlling general traffic analysis systems, such as deep packet inspection items, which can classify and collect information flowing through a network. The Internet Protocol is one of the core standards upon which today's communications infrastructure

1 https://www.fidh.org/en/region/north-africa-middle-east/libya/16959-the-amesys-case-the-victims-anxious-to-see-tangible-progress

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is built, enabling online searches, emails, and VoIP calls among other services. The interception of these communications lies at the heart of many mass surveillance systems. Such systems can collect, store, and analyse information about large numbers of people, often without any regard to whether they are legally suspected of wrongdoing. In countries with weak rule of law and under the control of an authoritarian government, these systems are wielded to violate the right to privacy, and pose a serious threat to other human rights. They can be used to identify, target, and locate individuals, thereby facilitating torture and other cruel, inhuman and degrading treatment or punishment, arbitrary detention, extrajudicial killing, and other major violations of fundamental human rights.

Recent European Court of Human Rights judgments in the cases of Szabo and Vissy v. Hungary[2] and Zakharov v. Russia[3] have ruled against untargeted, mass intelligence collection systems. In Zakharov, the Court distilled the body of its case law to summarise the requirements of an interception authorisation, which "*must clearly identify a specific person to be placed under surveillance or a single set of premises as the premises in respect of which the authorisation is ordered.*"

A sales brochure of such a system produced by ETI-A/S, a Danish company which was in 2011 acquired by BAE Systems, is attached (Annex 2).

**Export to China**

The export of an IP network communications surveillance system to China poses a clear risk to human rights. Amnesty International's latest annual assessment on China, attached (Annex 3), found that 'Torture and other ill-treatment remained widespread in detention and during interrogation', and that 'Human rights defenders, lawyers, journalists and activists faced increased intimidation, harassment, arbitrary arrest, and violence'. It also highlights that:

> *A series of new laws with a national security focus were drafted or enacted that presented grave dangers to human rights. The government launched a massive nationwide crackdown against human rights lawyers. Other activists and human rights defenders continued to be systematically subjected to harassment and intimidation. Five women's rights activists were detained for planning to mark International Women's Day with a campaign against sexual harassment. Authorities stepped up their controls over the internet, mass media and academia. Televised "confessions" of critics detained for investigation multiplied. Freedom of religion continued to be systematically stifled. The government continued its campaign to demolish churches and take down Christian crosses in Zhejiang province. In the predominantly Muslim Xinjiang Uighur Autonomous Region, the regional government enacted new regulations to more tightly control religious affairs and ban all unauthorized religious practice. The government maintained extensive controls over Tibetan Buddhist monasteries. The UN Committee against Torture regretted that previous recommendations had not been implemented.*

Amnesty reports that a counter terrorism law passed in December 2015 has "*virtually no safeguards to prevent those who peacefully practised their religion or simply criticized government policies from being persecuted on broad charges related to 'terrorism' or 'extremism'".*

Further, a draft cybersecurity law would "*force companies operating in China to store users' data in China...in a way that 'runs counter to national and international obligations to safeguard the right to freedom of expression and the right to privacy".* Reuters last month reported that the law, which forces "*network operators to comply with social morals and accept the supervision of the*

2 http://hudoc.echr.coe.int/eng?i=001-160020
3 http://hudoc.echr.coe.int/eng-press?i=001-159324; see also https://www.privacyinternational.org/node/688

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*government*", had had a second reading in the National People's Congress.[4]

**Export Control Obligations**

As you are aware, Article 1 of Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment states that EU member states shall assess export license applications against the criteria specified in Article 2, which includes "*[r]espect for human rights in the country of final destination as well as respect by that country of international humanitarian law*". It states that "*[h]aving assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States shall...deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression*".

Article 6 also states that:

> *Without prejudice to Regulation (EC) No 1334/2000, the criteria in Article 2 of this Common Position and the consultation procedure provided for in Article 4 are also to apply to Member States in respect of dual-use goods and technology as specified in Annex I to Regulation (EC) No 1334/2000 where there are serious grounds for believing that the end-user of such goods and technology will be the armed forces or internal security forces or similar entities in the recipient country. References in this Common Position to military technology or equipment shall be understood to include such goods and technology.*

Article 2.3 of the User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, as endorsed by the Council ("Foreign Affairs") on 20 July 2015, states that:

> *Member States should consider the current and past record of the proposed end-user with regard to respect for human rights and that of the recipient country in general. The latter includes the policy line of recipient country's government; recent significant developments, including inter alia impact of "fight against terrorism"; effective protection of human rights in constitution; human rights training among key actors (e.g. law enforcement agencies); impunity for human rights violations; independent monitoring bodies and national institutions for promotion or protection of human rights.*

Article 2.8 also states that:

> *[It] is also important to recognise that a wide variety of equipment has a track record of use to commit or facilitate repressive acts. Items such as Armoured Personnel Carriers (APCs), body armour and communications/surveillance equipment can have a strong role in facilitating repression.*

**Request for Further Information & Assurances**

Given the information available on the use of IP network communications surveillance systems for human rights abuses, human rights in China, and export control regulations, we would appreciate an urgent response to the questions below.

1. Regarding the items authorised for export on 15 April 2016 under license DK 8023 for 5A001j:

4 http://www.cnbc.com/2016/06/27/china-moves-closer-to-passing-controversial-cybersecurity-law.html

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a) Is the end-user a unit of the military, paramilitary, law enforcement, intelligence, or similar entities?
b) Is the ultimate end-use of the items intended for military, intelligence gathering, evidence collection, or security purposes?

2. If the answer to 1.a) and 1.b) is no:

   a) Who is the stated end-user and exporter?
   b) How are the items intended to be used?
   c) What assurances are there that the items will not be used for military, intelligence gathering, evidence collection, or security purposes?
   d) Are there any mechanisms in place to monitor the use of the items to ensure that they will be used in compliance with any end-use/end-user undertakings?

3. If the answer to either 1.a) and 1.b) is yes:

   a) Who is the stated end-user and exporter?
   b) Was an assessment conducted against Criteria 2 of the EU Common Position 2008/944/CFSP? If not, please describe why not. If it was, please describe why the export was not denied.
   c) Was consideration given to the possibility of 5A001j items being covered by the EU arms embargo placed on China in response to the internal repression of protestors at Tiananmen Square in 1989 (Declaration of European Council, Madrid, 27.6.1989)?
   d) Given the information available, does the Minister for Business and Growth consider there to be a clear risk that the export of IP network communications surveillance systems or equipment to China at present might facilitate internal repression?
   e) Can the Minister for Business and Growth confirm that without significant improvements to the current situation, any forthcoming license applications for permanent exports of 5A001j items to China for military, intelligence gathering, evidence collection or security purposes will be denied?

4. In general, with respect to controlled items that can be used for electronic communications surveillance (Intrusion Software (4A005), Telecommunications Interception Equipment (5A001f) and Internet Protocol Network Surveillance Equipment (5A001j)) what assurances are there that:

   a) Criteria in Article 2 of the Common Position are used for assessment where there are serious grounds for believing that the end-user of such goods and technology will be the armed forces or internal security forces or similar entities in the recipient country?
   b) There is no clear risk that any of the items granted export licenses to date might be used for internal repression?

We thank you for your attention in this matter and look forward to a prompt response.

Yours sincerely



Edin Omanovic
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# Danmark åbner for eksport af netovervågning til Kina

*Et unavngivet dansk firma har for nylig fået tilladelse til at eksportere et avanceret overvågningssystem til Kina. Stærkt bekymrende, mener organisationer, fordi det kan bruges til at bekæmpe styrets kritikere og journalister*

**9. juli 2016** **Kommentarer (13)**

Mens Kina under præsident Xi Jinping strammer grebet om menneskeretsforkæmpere og journalister, er et unavngivet dansk firma på vej til at levere et sofistikeret overvågningssystem til landet.

Det viser dokumenter fra Erhvervsstyrelsen, som Information har fået aktindsigt i.

Den 15. april i år udstedte styrelsen en eksporttilladelse til firmaet, hvoraf det fremgår, at »bestemmelsesland« er »Kina«. Overvågningssystemet, som består af både hardware og software, er i tilladelsen fra Erhvervsstyrelsen kategoriseret som »Internetprotokolnetbaserede kommunikationsovervågningssystemer eller udstyr, og specielt konstruerede komponenter hertil«.

Menneskeretsorganisationen Amnesty International finder sagen stærkt bekymrende.

»Vi ved, at overvågning i Kina bliver brugt systematisk til at forfølge, pågribe og dømme kritikere af styret og deres familier, venner og bekendte. Det skal vi i Danmark selvfølgelig ikke bidrage til,« siger organisationens talsmand, Ole Hoff-Lund. Han opfordrer derfor de danske myndigheder til at stoppe handlen.

## Opsnapper alt

It-sikkerhedsekspert Alberto Pelliccione fra firmaet ReaQta, der specialiserer sig i løsninger til beskyttelse mod overvågning, har gennemgået oplysningerne fra Informations aktindsigt og sammenholdt dem med produktbeskrivelser på EU's eksportkontrolliste.

Han vurderer på den baggrund, at der er tale om et meget avanceret overvågningssystem. Når en internetbruger for eksempel sender en e-mail med et vedhæftet billede til en af sine bekendte, kan den type system eksempelvis registrere afsenderens ip-adresse, afsendelsestidspunkt, de involverede mailadresser og registrere en forbindelse mellem de to personer, forklarer han. Materialet kan herefter gemmes til senere brug og indekseres, så det er let at søge i.

»Hvis det system så har en ordentlig brugerflade, kan man til enhver tid gå ind og søge på, hvad den pågældende persons forbindelser er. Og få en liste over vedkommendes venner, alle de vedhæftede filer, han har sendt, og alt andet, der er relateret til personens onlineaktivitet for den sags skyld,« forklarer Alberto Pelliccione.

**Læs også: 'De kan finde ud af alt om mig, hvis de vil' <https://www.information.dk/moti/2016/07/kan-finde>**

Foreløbig er tilladelsen fra Erhvervsstyrelsen midlertidig og giver kun firmaet lov til at udføre en såkaldt »Field Acceptance Test« i Kina. Det er en test af, at systemet fungerer som aftalt i kundens setup.

Før firmaet kan lave den endelige leverance af udstyret, vil det skulle bede om en ny tilladelse fra Erhvervsstyrelsen.

Men den endelige leverance kan være nært forestående, vurderer Alberto Pelliccione. Som tidligere ansat i det italienske overvågningsfirma Hacking Team har han et indgående kendskab til industriens arbejdsgange.

»En Field Acceptance Test er noget, man laver meget langt fremme i processen,« forklarer han.

»Som regel har man allerede underskrevet den endelige aftale. Det er almindeligvis en indikation på, at handlen er ved at blive lukket.«

## 'Få det stoppet'

Samme vurdering har Edin Omanovic, senior researcher ved organisationen Privacy International, der kæmper for retten til et privatliv. Derfor haster det med at få stoppet handlen, mener han.

»Danmark bør gøre alt, hvad man kan for at fremme politisk og social frigørelse i Kina – ikke facilitere statslig undertrykkelse. Det er essentielt, at den danske regering nu revurderer sin beslutning og sikrer, at den endelige eksport af teknologien ikke får lov at ske,« siger Edin Omanovic.

Han mener, at eksporten af systemet kan være i strid med Danmarks forpligtelser under EU's regler for eksportkontrol.

Reglerne er blandt andet skabt for at undgå, at europæisk teknologi bliver brugt til at krænke menneskerettighederne.

Ifølge Torsten Andersen, kontorchef i Erhvervsstyrelsen, skal myndighederne som følge af EU-reglerne inddrage hensynet til menneskerettighederne i sager om eksport af overvågning, »når det er relevant.« I praksis sker det ved, at Erhvervsstyrelsen beder Udenrigsministeriet vurdere sagens mulige konsekvenser for overholdelsen af menneskerettighederne, siger han. Men at dømme efter sagsakterne har Erhvervsstyrelsen ikke gjort det i sagen om eksport af overvågning til Kina.

Hvorfor det forholder sig sådan, vil Torsten Andersen ikke svare på.

»Vi udtaler os ikke om konkrete sager,« siger han.

## Sorte streger

Den danske overvågningsindustri er tidligere blevet sat i forbindelse med diktaturstater. Ifølge det amerikanske medie Bloomberg solgte danske ETI, der i dag er ejet af den britiske våbengigant BAE Systems, internetovervågning til Tunesiens Ben Ali-regime forud for Det Arabiske Forår.

Og tidligere på året afdækkede Information, hvordan ETI i lækkede dokumenter fra 2010 og 2011 optræder som »hovedentreprenør« og »systemintegrator« på en leverance af overvågningsudstyr til styret i Saudi-Arabien. Information har dog ikke kunnet få bekræftet, om dette overvågningssystem blev leveret.

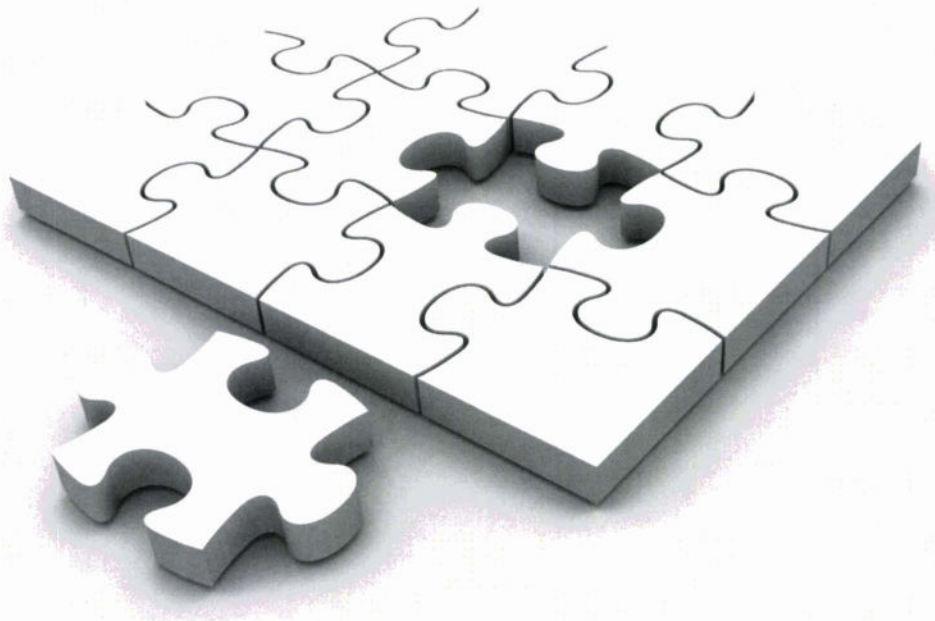
I de udleverede dokumenter om den kinesiske sag har Erhvervsstyrelsen overstreget en række centrale oplysninger, som efter styrelsens vurdering er af »forretningsfølsom karakter«. Det er

Annex 2

CONFIDENTIAL – COMMERCIAL

EVIDENT™

ETI GROUP





# ACQUIRE & SELECT

## TARGET COMMUNICATION

EXCELLENCE THROUGH SPECIALISATION



# Collecting all data

## ACQUISITION

Acquisition is an important part of any law enforcement monitoring solution. The main challenge in this process is to collect and correlate target data from a broad spectrum of varied physical interfaces and delivery formats, used in different CSP networks (PSTN, Mobile, Satellite, IP, NGN, etc.).

## CORRECT TARGET DATA

The EVIDENT solution verifies the delivery from various Communications Service Providers (CSP), to ensure that the correct data is correlated to the correct warrant. Furthermore, EVIDENT ensures that the delivery infrastructure is maintained, and that only specific relevant target communication is intercepted, according to the interception warrant. The accuracy of the collected material is kept in an impeccable state, making sure that the intercepted information can be used as evidence.

## ACTIVE OR PASSIVE INTERCEPTION

All ETI acquisition units are flexible in network deployment and can either be placed in the CSP network(s) or in the customer's own domain, depending on the requirements. That is, whether the target data should be collected by passive/non-intrusive monitoring of selected communication line(s), using a probe, or via an active monitoring approach, in which existing network elements (routers, telephone switches, etc.) capture the relevant target data, and forward it to the acquisition units.

## DEMON FOR CS NETWORKS

The Demon acquisition units intercept communication from a variety of networks, and help to maintain the important in-depth knowledge of worldwide communication networks. The units are specifically designed for intercepting relevant communication, from a number of different circuit switched networks.

## Finding target data

With ETI's Demon X-Stream acquisition units you can select relevant traffic based on a warrant defined target selection criteria, e.g. e-mail addresses. Through an intuitive warrant management system, specific target selection criteria are applied to each acquisition unit, ensuring that only relevant target data is recorded. Real-time interpretation of call related data ensures instant and correct correlation according to interception warrants.

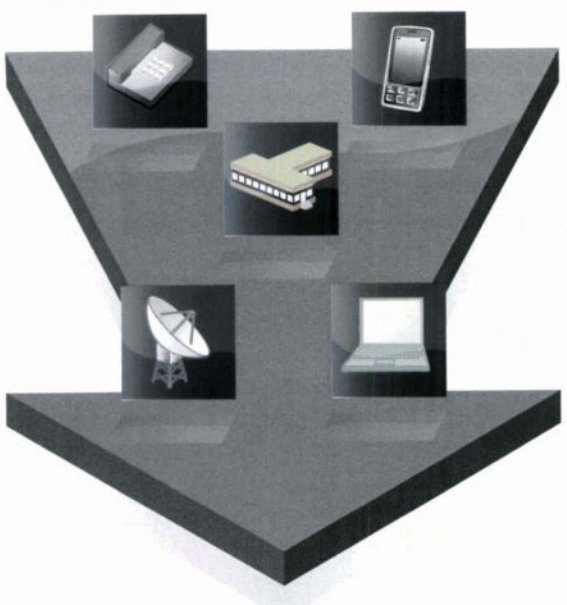
## Real-time acquisition

The X-Stream units are able to acquire online Internet activity and VoIP in real time, providing analysts with the ability to examine and process incoming transactions, as they take place. To achieve this level of performance, the Demon X-Stream units have a high-level intelligence, which enables them to acquire and correlate activity, for example log-ins, sent and received e-mails, and chat room activity.

# Acquisition challenges

## Getting a future-proof investment

COMPLETE DATA COLLECTION





Demon & Demon X-Stream

## Acquisition units

- Demon E1/T1 Input
- Demon E1/T1 4x4
- Demon Analog Input
- Demon DCME E1 Input
- Demon ISAT Acquisition
- Demon X-Stream 10/100 Ethernet
- Demon X-Stream 1 G Ethernet
- Demon X-Stream 10 G Ethernet
- Demon X-Stream STM-1/OC-3
- Demon X-Stream STM-4/OC-12
- Demon X-Stream STM-16/OC-48
- Demon X-Stream CS



# Future-proof

## MULTIPLE SOURCES - ONE SOLUTION

EVIDENT solves the challenges associated with collection of relevant communication from packet switched, circuit switched, and satellite networks. It provides tools matching interception requirements, ranging from passive monitoring of a simple twisted pair, to high bandwidth optical fibre connections, used in high-speed access lines, international gateways, and sea cables.

EVIDENT is designed to reflect the global proliferation of communication on packet switched networks. Furthermore, it combines both packet switched and circuit switched acquisition, and integrates multiple interception requirements into one solution. All of our solutions efficiently select specific events among massive volumes of data, while excluding unnecessary information.

## IP target selection criteria*

- Chat nickname
- Chat keywords
- E-mail address
- E-mail, keywords in body
- E-mail, keywords in subject
- Ethernet mac address
- Ethernet VLAN
- FTP login name
- Import, e.g. PCAP
- IP address
- Phone number
- User login name
- VoIP participant
- VoIP phone number
- Web post
- Web URI
- Webmail login name

** Can be limited by national legislation*

## TARGET SELECTION CRITERIA

The Demon X-Stream units are available in a number of configurations, based on line speed, selection level, and number of selectors. A standard unit offers 1000 selection criteria, based on IP, MAC, login, etc. Selection level upgrades are available for keyword selection in e-mails, chat conversations, web pages, and keyword/VoIP/chat selection. To increase the number of selection criteria, all Demon X-Stream units can be upgraded to contain 100.000 selection criteria. 24-hour buffering can be included.

## Demon X-Stream selects data in

**STANDARD E-MAIL**

- IMAP
- SMTP
- POP3
- NNTP

**WEBMAIL**

- Hotmail
- Hotmail Live
- Yahoo classic
- Yahoo live
- Gmail
- Gawab
- Maktoob
- IslamOnline
- Naseej
- AltaVista
- Canada.com
- care2
- Email.com
- Excite
- Juno
- Lycos
- Mail.com
- NetAddress
- Netscape
- NetZero
- Onebox
- myway mail
- viproyal.com
- mail2World
- AOL (9Mail + Webmail)
- everyoneMail

**VOIP/CHAT**

- BuddyTalk
- CallServe
- PhoneServe
- Chat Anywhere
- CU world/CU pals

Annex 3

AMNESTY INTERNATIONAL

ANNUAL REPORT CHINA

← Back to China

# CHINA 2015/2016

A series of new laws with a national security focus were drafted or enacted that presented grave dangers to human rights. The government launched a massive nationwide crackdown against human rights lawyers. Other activists and human rights defenders continued to be systematically subjected to harassment and intimidation. Five women's rights activists were detained for planning to mark International Women's Day with a campaign against sexual harassment. Authorities stepped up their controls over the internet, mass media and academia. Televised "confessions" of critics detained for investigation multiplied. Freedom of religion continued to be systematically stifled. The government continued its campaign to demolish churches and take down Christian crosses in Zhejiang province. In the predominantly Muslim Xinjiang Uighur Autonomous Region, the regional government enacted new regulations to more tightly control religious affairs and ban all unauthorized religious practice. The government maintained extensive controls over Tibetan Buddhist monasteries. The UN Committee against Torture regretted that previous recommendations had not been implemented.

## Human rights defenders

Human rights defenders, lawyers, journalists and activists faced increased intimidation, harassment, arbitrary arrest, and violence.

The detention of lawyer Wang Yu and her family on 9 July marked the beginning of an unprecedented government crackdown on human rights lawyers and other activists. Over the following weeks, at least 248 lawyers and activists were questioned or detained by state security agents, and many of their offices and homes were raided. At the end of the year, 25 people remained missing or in custody, and at least 12 of them, including prominent human rights lawyers Zhou Shifeng, Sui Muqing, Li Heping and Wang Quanzhang, were held in "residential surveillance in a designated location" on suspicion of involvement in state security crimes.[1] This form of detention allows the police to hold individuals suspected of such crimes for up to six months outside the formal detention system, with suspects denied access to legal counsel and families. Family members were also subject to police surveillance, harassment and restriction of their freedom of movement.

Human rights lawyer Pu Zhiqiang was given a three-year suspended sentence on charges of “picking quarrels and provoking troubles” and “inciting ethnic hatred”, primarily on the basis of comments he had made on social media. He was barred from practising law as a result of the conviction.

In April journalist Gao Yu was sentenced to seven years’ imprisonment by a court in the capital, Beijing, on the charge of “disclosing state secrets” for sharing an internal Communist Party document in which freedom of the press and “universal values” such as freedom, democracy and human rights came under severe attack. In November, her sentence was reduced to five years and she was released from prison on medical parole. Her release came after her family and friends claimed she did not have access to necessary medical care in detention.[2]

Of the more than 100 people in mainland China detained for supporting Hong Kong protests in 2014, eight had been formally arrested and remained in detention as of December. At least two had reported being tortured in detention.[3]

In March, five women’s rights activists – Wei Tingting, Wang Man, Wu Rongrong, Li Tingting and Zheng Churan – were arrested and detained on the charge of “picking quarrels and provoking troubles” for planning to mark International Women’s Day by launching a campaign against sexual harassment. They were released on “bail pending trial” on 13 April after unprecedented international pressure, although they continued to suffer police interrogations, evictions and confiscation of personal items while on bail.

Many former employees and volunteers of Yirenping, a well-known anti-discrimination advocacy organization, were detained and suffered harassment and intimidation. Two former employees – Guo Bin and Yang Zhangqing – were detained on 12 June on suspicion of “illegal business activity”; they were released on bail on 11 July.[4]

In December, at least 33 workers and labour rights activists were targeted by police; seven were detained in Guangdong province, where labour unrest and strikes were on the rise. The detention centres did not allow access to lawyers on the grounds that the cases involved “endangering national security”.[5]

## Legal, constitutional or institutional developments

The government enacted or drafted a series of sweeping laws and regulations under the pretext of enhancing national security. There were fears that they could be used to silence dissent and crack down on human rights defenders through expansive charges such as “inciting subversion”, “separatism” and “leaking state secrets”. There were concerns that the National Security Law, enacted on 1 July, includes a broad and vague definition of “national security” that comprises areas such as politics, culture, finance and the internet.

The draft Foreign NGO Management Law, if enacted in the form presented for public consultation in May, would severely restrict the rights to freedom of association, peaceful assembly and expression.[6] While the law was ostensibly designed to regulate and even protect the rights of foreign NGOs, it would give the Ministry of Public Security the responsibility to oversee the registration of foreign NGOs, as well as supervising their operations and pre-approving their activities. The wide discretion given to authorities to oversee and manage the work of NGOs raised the risk that the law could be misused to intimidate and prosecute human rights defenders and NGO workers.

The draft Cyber Security Law,[7] which purports to protect internet users' personal data from hacking and theft, would also force companies operating in China to censor content, store users' data in China, and enforce a real-name registration system in a way that runs counter to national and international obligations to safeguard the right to freedom of expression and the right to privacy. The draft law would prohibit individuals or groups from using the internet to "harm national security", "upset social order", or "harm national interests" – vague and imprecise terms that could be used to further restrict freedom of expression.

In December, parliament passed the Anti-Terrorism Law, which had virtually no safeguards to prevent those who peacefully practised their religion or simply criticized government policies from being persecuted on broad charges related to "terrorism" or "extremism".

## Freedom of expression – internet and journalists

In January the government announced that the internet would be the main "battlefield" in 2015 in its campaign to "fight pornography, and unlawful [information]". The same month, the government announced it had shut down 50 websites and WeChat accounts – many related to discussion of current events, military affairs or anti-corruption platforms, and 133 accounts that were disseminating information that was "distorting history of the Communist Party and national history". Also in January, the Minister of Education stated that foreign textbooks would be banned in order to stop the spread of "wrong Western values", and he warned against universities being infiltrated by "hostile forces".

In August, according to state media, 197 people were "punished" in a special campaign led by the Ministry of Public Security for allegedly spreading rumours about the stock market, the chemical explosion in the coastal city of Tianjin earlier that month, or other issues.

Later that month, Wang Xiaolu, a reporter with the financial magazine *Caixin*, was detained after the government claimed that an article he wrote about the stock market was "fabricated". He was forced to make a "confession", which was broadcast on national TV and was subsequently placed in "residential surveillance in a designated location". Chinese media observers believed he was used as a scapegoat and as a caution to keep the press from reporting negative news about the downturn in the stock market.

In October, investigative reporter Liu Wei was detained after he exposed a corruption scandal involving government officials. Famed historian Yang Jisheng was forced to resign as editor at the liberal journal *Yanhuang Chunqiu* after the State Administration of Press, Publication, Radio, Film and Television criticized the magazine for publishing dozens of articles that were "against the regulations".

## Freedom of religion and belief

The campaign to demolish churches and take down crosses in Zhejiang province that was launched in 2013 intensified throughout 2015. According to international media reports, more than 1,200 crosses had been torn down during the campaign, prompting a series of protests. In July, the Zhejiang provincial government passed a regulation restricting the size of an object attached at the top of a building to not exceed one tenth of the total size of the building, which many believed was aimed at legitimizing the removal of crosses.

Zhang Kai, a lawyer who was offering legal assistance to the affected churches, was detained on 25 August

on suspicion of state security crimes and "disturbing public order" and was later placed under "residential surveillance in a designated location".[8] Numerous other pastors and "house church" leaders were also subsequently put under the same form of incommunicado detention.

Falun Gong practitioners continued to be subjected to persecution, arbitrary detention, unfair trials and torture and other ill-treatment.

## Death penalty

Amendments to the Criminal Law, which came into effect in November, reduced the number of crimes punishable by death from 55 to 46.[9] State media indicated that although the nine crimes were rarely used and would have little impact in reducing the number of executions, their deletion was in line with the government's policy of "kill fewer, kill more cautiously". However, the revised provisions still failed to bring the Criminal Law in line with requirements under international law and standards on the use of the death penalty. Statistics continued to be classified as state secrets.

On 24 April, Li Yan, a victim of domestic violence who had killed her husband in 2010, was given a "suspended" death sentence with a two-year reprieve which is normally converted into a life sentence at the end of that period. The Supreme People's Court, in an unprecedented move in 2014, had overturned her initial death sentence and ordered a retrial. Evidence of the sustained domestic violence had been ignored by judges at the original trial, just as her previous calls for police protection had gone unheeded. In March, the Supreme People's Court and government had issued new guidelines on domestic violence cases, including recommendations on sentencing for victims of domestic violence who commit crimes against their abuser. In December the parliament passed the Domestic Violence Law which for the first time required police to investigate all reports of domestic violence and set up a restraining order system to protect victims.

## Torture and other ill-treatment

Torture and other ill-treatment remained widespread in detention and during interrogation, largely because of shortcomings in domestic law, systemic problems in the criminal justice system, and difficulties with implementing rules and procedures in the face of entrenched practices. Lawyer Yu Wensheng was tortured during his detention from October 2014 to January 2015 at Daxing Detention Centre in Beijing. He was questioned for 15 to 16 hours every day while seated on a rigid restraint chair, handcuffed for long hours and deprived of sleep.[10]

Detainees with deteriorating health were either denied or were unable to access adequate medical treatment. These included Gao Yu and Su Changlan, the latter a prominent women's rights activist who remained in detention throughout the year after being detained in October 2014 for supporting the pro-democracy protests in Hong Kong.

Zhou Jinjuan, an 84-year-old victim of forced eviction who had sought redress in Beijing by visiting government offices, was detained in August and placed in an unofficial detention facility for more than a week without necessary medical treatment, which contributed to her losing sight in one eye.

On 18 June, when Wang Quanzhang, defence lawyer for several Falun Gong practitioners, was speaking in

Dongchangfu District Court in Liaocheng City, Shandong Province, he was interrupted by the judge and expelled from the courtroom for "disrupting court order". Wang Quanzhang said that court police dragged him to another room and beat him.

In December the UN Committee against Torture repeated recommendations on legal safeguards to prevent torture; and reported harassment of lawyers, human rights defenders and petitioners as well as lack of statistical information on torture. It also urged the authorities to stop sanctioning lawyers for taking action in accordance with recognized professional duties, and to repeal legal provisions that allowed de facto incommunicado detention through "residential surveillance in a designated location".

## Sexual and reproductive rights

In October, the government announced changes to the family planning policy. After many years of incremental changes, the authorities promoted this change as an end to the "one-child policy", and as allowing one couple to have two children. Policies allowing rural households and ethnic minorities under certain circumstances to have additional children would continue. The government also announced that it would take steps to regularize the status of China's 13 million undocumented children born in contravention of the old policy.[11]

## Tibet Autonomous Region and Tibetan populated areas in other provinces

To mark the 50th anniversary of the establishment of the Tibetan Autonomous Region in September, the Chinese government issued a white paper denouncing the "middle way" approach advocated by the Dalai Lama and the "Dalai Lama group's separatist activities". In a ceremony marking the anniversary, political leader Yu Zhengsheng vowed to fight against separatism and urged the army, police and judicial staff in Tibet to be ready to fight a protracted battle against the "14th Dalai clique".

Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedoms of religious belief, expression, association and peaceful assembly. Several Tibetan monks, writers, protesters and activists were detained, including Tibetan monk Choephel Dawa and Tibetan writer and blogger Druklo.[12] At the end of the year the charges against them and their place of detention were not known.

Tenzin Deleg Rinpoche, a Tibetan religious and community leader who was imprisoned for "inciting separatism" in 2002, died in July while serving a life sentence. Police harassed and detained family members and others who had gathered to demand the return of his body so that customary Buddhist religious rites could be performed.[13] The authorities cremated his body against the family's wishes. There were also reports that the police countered these large-scale protests with excessive and arbitrary use of force, including tear gas and gunshots.

At least seven people set themselves on fire in Tibetan-populated areas during the year in protest against repressive policies by the authorities; at least five died as a result. The number of known self-immolations since February 2009 rose to 143.

## Xinjiang Uighur Autonomous Region

A “Strike Hard” campaign targeting “violent terrorism and religious extremism”, which had originally been a limited one-year-long campaign launched in May 2014, was extended throughout 2015. At the campaign’s one-year mark in May, the authorities claimed to have broken up 181 “terror groups”. An increasing number of violent incidents and counter-terrorism operations were reported, resulting in many casualties.

On 1 January new “Enforcement of Religious Affairs Regulations” came into effect in the region, with the professed goal of more tightly controlling online communications, and clamping down on the role of religion in “marriage, funerals, culture, the arts, and sports”. In effect, this further tightened restrictions on Uighurs, a mainly Muslim Turkic ethnic group, living in the region who have been subjected to extensive discriminatory practices for many years. The same month, the region’s capital city, Urumqi, banned the wearing of burqas.

As in previous years numerous counties posted notices on their websites stating that primary and secondary school students and Communist Party members should not be permitted to observe Ramadan.

## Forced repatriations from neighbouring countries

After Chinese diplomatic pressure, in July, Thailand deported 109 Uighurs to China, where they were at risk of torture, enforced disappearance and execution.[14] In November, two pro-democracy activists who had been granted refugee status by UNHCR, the UN refugee agency, and had confirmed resettlement destinations, were also repatriated to China. China continued to ignore *non-refoulement* obligations in international law by repatriating North Koreans to North Korea, where they risked detention, imprisonment, torture and other ill-treatment and forced labour.

## Hong Kong Special Administrative Region

Police in Hong Kong formally arrested 955 people during the year who had taken part in the 79-day pro-democracy protests in Hong Kong between September and December 2014, also known as the “Umbrella Movement”. A further 48 were summoned. Among those arrested were opposition lawmakers, the three co-founders of the “Occupy Central” civil disobedience campaign, and leaders of two student groups – Alex Chow of the Federation of Students and Joshua Wong of “Scholarism”, a youth-led pro-democracy organization. A pattern of long intervals between initial arrests and the decision to prosecute meant that only a small proportion of the protesters who had been arrested were convicted by the end of 2015.

In October, Ken Tsang Kin-Chiu, a pro-democracy activist whose beating by police during the protest in 2014 was caught on camera by a local TV channel, was charged with one count of “assaulting police officers in the due execution of their duties” and four counts of “resisting a police officer in the due execution of his duty”. The seven police officers who allegedly carried out the beating were charged with “causing grievous bodily harm with intent” on the same day. In December the officers and Ken Tsang pleaded not guilty.

The Hong Kong University administration was criticized for decisions which raised concerns about academic freedom in Hong Kong. These included university sanctions, in August against law professor Benny Tai for his handling of anonymous donations related to the protests, which the administration claimed violated university procedures, and in September, the university’s governing council rejection of a nomination committee’s choice to appoint Johannes Chan Man-mun, professor of law and former Dean of the Faculty of

Law, as a pro-vice-chancellor. Media, academics and students claimed these decisions were retaliation for the two academics' support for the 2014 "Umbrella" protests.

In a landmark judgment in February, Law Wan-Tung was found guilty of intimidating, assaulting and causing bodily harm to her employees, Indonesian migrant domestic workers Erwiana Sulistyaningsih and Tutik Lestari Ningsih. She was sentenced to six years in prison.

1. China: Latest information on crackdown against lawyers and activists (Press release, 28 August)
2. China: Authorities show callous disregard for imprisoned journalist by denying appropriate medical care (Press release, 6 August)
3. China: Release supporters of Hong Kong pro-democracy protests (Press release, 28 September)
4. Further information – China: Two activists released in China (ASA 17/2097/2015)
5. China: Activists held in crackdown on labour rights (ASA 17/3015/2015)
6. China: Submission to the NPC Standing Committee's Legislative Affairs Commission on the second draft Foreign Non-Governmental Organizations Management Law (ASA 17/1776/2015)
7. China: Submission to the NPC Standing Committee's Legislative Affairs Commission on the draft "Cyber Security Law" (ASA 17/2206/2015)
8. China: Lawyer supporting churches in China detained (ASA 17/2370/2015)
9. China: Submission to the NPC Standing Committee's Legislative Affairs Commission on the Criminal Law Amendment (9) (Second Draft) (ASA 17/2205/2015)
10. China: Submission to the UN Committee against Torture (ASA 17/2725/2015)
11. China: Reform of one-child policy not enough (News story, 29 October)
12. China: Fears for Tibetan monk detained in China – Choephel Dawa (ASA 17/1551/2015)
13. China: Return the body of prominent Tibetan monk Tenzin Deleg Rinpoche who died in prison (ASA 17/2102/2015)
14. Thailand must not send Uighurs to Chinese torture (News story, 9 July)

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