

1. Enforced disappearances

Recommendations:

- **Abolish Article 73 of the Criminal Procedure Law and end the practice of enforced disappearances; and**
 - **Amend regulations on counter-extremism to ensure that individuals are not held in extra-legal detention under the guise of “re-education.”**
- 1) China has expanded its use of enforced disappearance since the previous cycle of UPR, 2013-14, especially targeting human rights defenders, ethnic minorities, and government critics. The government did not accept recommendation 186.115 and 186.122 on eliminating enforced disappearances, instead claiming, “There are no arbitrary or extrajudicial detentions in China.”¹ However, authorities have increasingly leveraged Article 73 of the Criminal Procedure Law (CPL) to present a veneer of legality for forcibly disappearing individuals. Article 73, in effect since January 2013, allows police to put an individual under “residential surveillance at a (police-) designated location” (RSDL), whereby police can hold individuals in secret for up to six months if they are suspected of “endangering state security,” “terrorism,” or significant bribery crimes.
 - 2) Since 2013, the government has increasingly disappeared human rights defenders (HRDs) into such “designated locations.” The Chinese government does not provide statistics on the number of RSDL cases or the number of RSDL detainees granted a visit by their lawyer (only police can grant access to legal counsel, which they rarely do). However, we have documented 42 cases between 2015-2017 of HRDs forcibly disappeared in RSDL for up to six months.² None of these individuals were granted a meeting with a lawyer of their or their families’ choosing. There is a significant risk of torture in RSDL; at least eight of these 42 individuals later alleged that police tortured and ill-treated them while they were under RSDL.³
 - 3) RSDL has also been applied to detain HRDs who have not been charged with offenses stipulated in Article 73, including “picking quarrels and provoking trouble”⁴ and “disrupting court order.”⁵ This indicates that police may be exploiting legal loopholes which allow police to label any criminal act as a threat to “national security.”⁶
 - 4) Authorities have continued to use “black jails”—unlawful temporary detention facilities run by state agents or government-hired thugs—even as government officials have declared that such facilities do not exist in China. Black jails have been used to deprive the liberty of individuals without due process, and often to enforce government policies or punish dissent.⁷ Though no official statistics on black jails have been made available, civil society rights groups in China tracking their use documented at least 189 cases of HRDs held in black jails between 2013-2017.⁸ There are likely many more unreported or undocumented cases.

- 5) Reports indicate the use of enforced disappearance has vastly expanded in the Xinjiang Uyghur Autonomous Region since the August 2016 appointment of a new Communist Party secretary for the region.⁹ Based solely on their ethnicity and religion, thousands of ethnic Uyghurs, Kazaks, and Kyrgyz have reportedly been held in “camps,” or essentially black jails, which China’s state media has referred to as “counter-extremism training centers” or “education and transformation training centers.”¹⁰ New regulations on counter-extremism in Xinjiang, which went into effect in April 2017, have provided “legal basis” for forcibly disappearing individuals to force them undergo ideological “re-education.”¹¹ Eating Halal meat, having a beard, or wearing a headscarf are all grounds for detention in “re-education” camps. The regulations do not ensure that provisions in the Criminal Procedure Law on deprived liberty are adhered to, including written notification to families stating the reason for detention and location of the detention.
- 6) One Chinese NGO reported that many villagers in Southern Xinjiang had been sent to “counter-extremism” camps before the 19th Party Congress in October 2017.¹² There have been reports that, in January 2018, approximately 120,000 ethnic Uyghurs were being held in such re-education camps in the prefecture of Kashgar, and that one township had 10% of its population in camps in December 2017.¹³

2. Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment

Recommendations

- **Strictly enforce relevant legal provisions to ensure that illegal evidence extracted through torture is excluded in court trials;**
- **Hold state agents criminally accountable for committing acts of torture; and**
- **Establish effective and confidential monitoring procedures in all incarceration facilities, and ensure that any designated monitoring body can function with independence.**

Overview

- 7) The Chinese government has not taken effective steps nor adopted effective measures to prevent and prohibit torture, and instead has perpetuated impunity for perpetrators while denying victims the right to seek compensation, rehabilitation, and redress. The government has continued to violate provisions of the Convention against Torture, which China ratified in 1988.¹⁴ Our documentation shows that China has failed to establish mechanisms within law-enforcement and criminal justice systems to ensure that measures to curb torture are implemented. Specifically, the government has not provided protection for detainees during interrogations, established receptive channels for alleged torture victims to safely file complaints, or prosecuted alleged torturers according to law.
- 8) Few victims of alleged torture in China file complaints or seek accountability, underscoring a lack of public confidence in the country’s law-enforcement and justice systems. Specifically, those who wish to seek justice confront numerous obstacles,

including ineffective legal and administrative channels for filing allegations, a strong possibility of reprisals, and the absence of state bodies that can investigate torture allegations with independence from Chinese Communist Party (CCP) influence.¹⁵

Definition of torture & non-transparency on data

- 9) There is no clear and comprehensive definition of torture in Chinese law that complies with the standards in the Convention, even though national legislators in 2014 amended the definition in both the Criminal Law (CL) and Criminal Procedure Law (CPL). Chinese law still only criminalizes some forms of physical mistreatment and does not consider psychological abuse to be torture.¹⁶ At the previous UPR, China claimed to be “implementing” recommendation 186.49 on harmonizing the definition of torture in Chinese law with the Convention, but this has not happened.
- 10) China’s Criminal Law’s provisions prohibiting torture do not cover all public officials and persons acting in an official capacity, and do not address the use of torture for purposes other than extracting confessions. Very few state agents accused of torture have been criminally prosecuted in China, and those who have been convicted are given light punishments relative to the severity of their crimes, creating a cycle of impunity for torturers.¹⁷
- 11) The Chinese government has essentially treated information on torture as “state secrets.” While China’s Law on Guarding State Secrets does not specifically refer to “torture,” information related to torture can be retroactively classified as a “state secret” under Chinese law.¹⁸ China has consistently refused to publish or provide to the UN concrete data and specific information on torture, including disaggregated data on individual cases, investigations into allegations, and criminal punishments of perpetrators.¹⁹

Torture remains widespread and largely unpunished

- 12) The Chinese government has perpetuated a cycle of impunity for perpetrators, largely denying victims the right to seek compensation or any means to obtain rehabilitation and redress. In 2016-17, four individuals reportedly died in police custody in China due to suspected torture, but no credible investigation has been conducted on any of these incidents.²⁰ The government has not taken effective steps needed to eliminate torture, including mandating the use of audio and video equipment to record criminal interrogations and other police behavior in incarceration facilities, which can conceivably function as a check on acts of torture. As we have documented, the CCP-controlled judicial system rarely prosecutes state agents accused of torture. Torture victims in China often have no other choice for seeking justice beyond filing complaints through an ineffective petitioning system.²¹
- 13) Deprivation of medical treatment is a particular form of torture used against incarcerated HRDs.²² We have documented 16 currently detained or imprisoned HRDs who have been subjected to such abuse. In these cases, authorities have rejected applications to release these individuals on medical grounds. Since the previous UPR, deprivation of timely and

necessary medical treatment has also led to or contributed to the deaths of at least five HRDs, including activist Cao Shunli (曹顺利) in March 2014 and Nobel Peace Prize Laureate Liu Xiaobo (刘晓波) in July 2017.²³

- 14) Other HRDs have reportedly been tortured in custody, including with physical assaults, forced medicating, denied medical care, sleep deprivation, excessive shackling, and other types of abuse. At least 10 individuals detained in the 2015 crackdown on human rights lawyers alleged they were tortured, including four lawyers.²⁴ There have not been any independent investigations into the circumstances behind the aforementioned cases of alleged torture, including those that led to the deaths of HRDs.²⁵

Torture-extracted evidence and confessions used in court

- 15) Despite the government's acceptance of recommendation 186.51 (on excluding evidence in court extracted through torture), authorities have not fully implemented relevant legal provisions, and such evidence is still being allowed in Chinese courts. We have documented cases where judges allowed such evidence to be introduced, declined requests by lawyers to exclude the admissibility of such evidence, or interrupted testimony by defendants about being tortured to force them to confess.²⁶ According to one human rights lawyer, even when courts have excluded evidence obtained via torture, case verdicts have not indicated whether the evidence was used to support conviction.²⁷ Chinese judicial authorities disbarred a lawyer in January 2018, citing, among other behavior, "misconduct" from trying to gather evidence of torture by photographing his client's injuries allegedly caused by guards.²⁸
- 16) The government has provided virtually no data on cases in which the exclusionary rule has been invoked, creating doubts about the validity of its claim that courts are dismissing torture-related evidence. Information provided by the government for the CAT review in 2015 listed just five cases (that occurred between 2011 and 2013) where courts had thrown out evidence extracted through torture.²⁹
- 17) We have documented cases in which Chinese police have allegedly tortured or coerced human rights defenders (HRDs) partly to extract confessions used later to convict them. In some cases, it is believed authorities had offered individuals "clemency" (i.e. lighter or suspended sentences) in exchange for their confessing. For example, lawyer Li Heping (李和平) and activists Gou Hongguo (勾洪国) and Zhai Yanmin (翟岩民) were given suspended sentences in 2016 and 2017 after "confessing" and pleading guilty at trial; each man revealed after release that he had been tortured.³⁰ In 2017, trials of HRDs that featured coerced confessions were broadcast on state television, in the cases of lawyers Xie Yang (谢阳) and Jiang Tianyong (江天勇) and Taiwanese activist Li Mingzhe (李明哲). (Xie and Li were given suspended sentences, while Jiang was handed a two-year prison term.) In October 2017, the UN Working Group on Arbitrary Detention issued a ruling on Xie Yang's case, and stated it was not convinced that Xie had freely confessed to criminal acts and expressed concern that he might have been tortured.³¹

3. Freedom of Expression and Internet Use

Recommendations

- **Amend laws and remove restrictions on freedom of expression and press, including freedom of information on the Internet, that are not in accordance with the ICCPR and UDHR;**
- **Immediately release those being held in detention or in prison for exercising their right to freedom of expression and press;**
- **Take steps to ensure that all persons including bloggers, journalists, and human rights defenders, can freely exercise their right to freedom of expression, online and offline, without fear of persecution.**

Overview

18) The government has intensified suppression on free expression under Xi Jinping, leveraging laws and policies to control access to and sharing of information online, and escalating criminal persecution of speech.³² The government has grown increasingly intolerant of expression of political dissent, including criticisms of government policies, both online and in physical space. HRDs in particular have been persecuted for speech critical of human rights violations by the government or for sharing information online on rights abuses. The stifling environment for free expression undermines the government's claim that it was implementing the 2013 UPR recommendation to "increase transparency of traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary" (186.170).

19) In recent years, Chinese authorities have developed an increasingly sophisticated surveillance state. China's rapid growth in the number of Internet users³³ has made available more communication channels for reporting on human rights abuses or disclosing official corruption. In response, however, the government has stepped up its suppression of print, online, and social media outlets. Via the "Great Firewall," the state's extensive cyber-policing apparatus, the government has fortified its virtually total monitoring and censorship of Internet activity and information. In addition, public security forces have begun using glasses powered by artificial intelligence to scan the faces of individuals for "anti-crime" purposes. There are concerns that such technology, in which the glasses are linked to centralized data that allows for facial recognition and other privacy invasions, will in part lead to intensified crackdowns on political dissent.³⁴

Laws & regulations target free expression

20) Since 2014, China has adopted or amended a trove of national laws and regulations that have further reduced the already restricted space for free expression by giving the government more power to control mass media, private communications, and access to information.³⁵ A common element among these laws and regulations is the

criminalization of information-sharing in the name of “national security,” a nebulously defined need that allows the government to target its critics.

- 21) In recent years, the Cyberspace Administration Office (CAC), China’s central Internet oversight and censorship agency, has issued several new rules that restrict the sharing of news and other information via websites, software applications, blogs, social media accounts, and instant messaging. These regulations target content on news websites that have not been “verified” by the government, mandate that mobile app providers cut down the spread of “illegal information,” order news sites to purge online comments espousing views prohibited by the government, and require app providers take action against users who post content that “endangers national security” or “disrupts the public order.”³⁶
- 22) Instant messaging tools are increasingly monitored as their use has expanded. Since October 2017, the government has required group leaders on WeChat, the most popular private instant messaging tool in China, to be held responsible for content discussed by members. State control over messaging tools was clearly evident just prior to the 19th Party Congress in 2017; authorities interrupted use of WeChat and closed tens of thousands of accounts, allegedly due to “rumor-mongering,” and severely disrupted WhatsApp, another popular messaging tool.³⁷
- 23) The Ministry of Industry and Information Technology issued regulations in January 2017 requiring that virtual private network (VPN) providers obtain state authorization. This move effectively outlawed most VPNs used by companies and citizens in the country, including those used by citizens to circumvent the “Great Firewall” and access government-blocked websites and social media platforms. Several individuals have since been detained or prosecuted for selling VPNs that are not government-approved.³⁸

Criminalizing free speech in human rights advocacy work

- 24) Chinese authorities have incarcerated individuals for exercising free expression, especially for speech involving critical comments on CCP leaders or government policies or that exposed human rights violations. Alleged offenses include “subversion of state power,” “inciting subversion of state power,” “picking quarrels and provoking trouble,” “libel,” and “illegal business activity.”³⁹ “Picking quarrels” in particular has been widely applied since China’s highest judicial bodies expanded the scope of the crime in September 2013 so that “cyberspace” is considered a “public place.”⁴⁰
- 25) In recent years, two particularly harsh prison sentences for speech-related activities have been given to Uyghur scholar Ilham Tohti (伊力哈木·土赫提),⁴¹ imprisoned for life in 2014 after advocating for the rights of the Uyghur ethnic group through a website that he founded, and activist Zhang Haitao (张海涛),⁴² a Xinjiang-based HRD who received a 19-year prison sentence in 2016 for making critical comments online about state policies. Chinese courts in 2015 convicted the veteran dissident journalist Gao Yu (高瑜) and the outspoken human rights lawyer Pu Zhiqiang (浦志强),⁴³ in two widely publicized speech

cases emblematic of the state's criminalization of information-sharing and free expression.

- 26) In a case of swiftly coordinated police operations meant to silence free speech, authorities suppressed and punished some Chinese citizens who memorialized dissident and Nobel Peace Prize laureate Liu Xiaobo (刘晓波) after his death in July 2017. State censors expunged online comments about Liu and the government's handling of his medical treatment. Authorities blocked the communications and restricted the movements of Liu Xiaobo's wife, Liu Xia (刘霞). Police detained several individuals for calling for Liu's release prior to his death or, after he passed away, for memorializing him online or in public places.⁴⁴

Media censorship and persecution of journalists

- 27) Human rights NGOs regard China as one of the most repressive countries for exercising press freedom. In this area, China was ranked 176th of 180 countries in 2017 by one international NGO,⁴⁵ and that same year was named one of the biggest jailers of both citizen and professional journalists.⁴⁶ Chinese authorities have shut down many news websites and independent publications, often on the pretext that they had allegedly "spread falsehoods" or exposed "state secrets." Government authorities have forced the dismissals of reporters, bloggers, and editors from their jobs for expression that challenged CCP orthodoxy.⁴⁷ The state has criminally prosecuted online writers, bloggers, editors, and publishers for exercising their free expression rights, convicting them for alleged offenses such as "subversion of state power," "inciting subversion," "illegal business activity," "leaking state secrets," "libel," and "fabricating and spreading falsehoods."⁴⁸
- 28) The government has enacted rules to censor media products and restrict public consumption of content that does not conform to official CCP ideology. For example, in December 2016, China's main media regulatory body issued rules requiring a government permit for sharing audio-visual materials on social media accounts, which also must be approved by state censors.⁴⁹ In addition, new legislation from 2016 and 2017 have further tightened state controls over the fields of online publishing and popular entertainment.⁵⁰

4. Freedom of Peaceful Assembly & Association

Recommendations

- **Expedite legal and institutional reforms to fully protect in law and in practice freedom of association and peaceful assembly;**
- **Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals for the peaceful exercise of their rights to freedom of association and peaceful assembly;**

- **Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by removing legislative obstacles to NGO funding, ensuring registration to all categories of NGOs and social organizations, and expanding their freedom to operate freely and effectively; and**
- **Ensure accountability for state agents that deny citizens the rights to freedom of association and peaceful assembly.**

Overview

29) Chinese laws and regulations curtail, prevent, or obstruct the exercise of the right to peaceful assembly and freedom of association, despite the recognition of these rights under Article 35 of China's Constitution. Police routinely punish those who exercise these rights, including by prosecuting them for engaging in alleged crimes. Rights-based organizations and their staff/volunteers in China have faced increased criminal prosecution and harassment since President Xi Jinping came to power in 2013.

30) China's Law on Assemblies, Processions, and Demonstrations (1989)⁵¹ includes stipulations that do not comply with international standards. The law bans gatherings based on message or content (Article 4).⁵² Police categorically deny permits for demonstrations and aggressively shut down peaceful protests. Those who gather in public or privately risk harassment, detention, and imprisonment.

31) Chinese regulations governing registration and management of domestic non-profit groups obstruct the exercise of the right to free association. Groups that wish to register as a legal entity are required to obtain sponsorship from a government department, thus compromising their independence.⁵³ Unregistered groups are considered "illegal" and can be shut down for lack of legality.⁵⁴ Such rules violate international norms, whereby the right to free association applies equally to all groups, regardless of official registration status.⁵⁵

Severely curtailed right to freedom of peaceful assembly

32) China has amended legislation since the 2nd UPR to further restrict the exercise of the rights to assembly. In 2015, authorities adopted an amendment to the Criminal Law, stipulating those who "organize" or "provide funding" for public gatherings can be issued a prison sentence of up to three years.⁵⁶ The amended provision allows for prosecution on charges of disrupting public or social order for those who "organize" or "fund" a demonstration but are not themselves present.

33) The government does not provide data on the number of protests or demonstrations. Two Chinese citizen journalists documented protests on an online blog for years.⁵⁷ Compared to 2014, they tracked a 34% increase in such incidents in 2015; they also documented over 14,000 incidents involving individuals detained in relation to protests.⁵⁸ In apparent retaliation for this work, authorities arrested the two journalists in July 2016. The blog's founder, Lu Yuyu (卢昱宇), received a four-year prison sentence in August 2017.⁵⁹

34) China has stepped up criminal prosecutions, arrests, and intimidation of individuals for exercising and promoting the right to peaceful assembly. In 2013, 70 individuals associated with (or inspired by) the “New Citizens’ Movement,” a loose network of activists working on rule of law issues, were detained for their roles in peaceful protests; 40 were later convicted of crimes.⁶⁰ Those involved had organized or participated in demonstrations and made speeches denouncing government corruption, calling for press freedom, and demanding China to ratify the ICCPR. Several individuals who took part in peaceful demonstrations in mainland China in support of the 2014 “Occupy Hong Kong” protests received prison sentences up to four years in prison.⁶¹

NGOs and further restrictions on freedom of association

35) The government has investigated the funding sources of many independent Chinese organizations in an effort to intimidate them. Cutting off their funding is the government’s way to effectively shut them down. Rights-based advocacy groups working on a broad range of human rights issues are particularly targeted.⁶² Police have detained some NGO staff members or legal advisors for alleged financial crimes, including “illegal business activity.”⁶³ Such affected NGOs include groups working on issues of discrimination, social policy research and advocacy, rural education, disability rights, labor rights, and women’s rights.⁶⁴ In one case, the founder of labor rights group Panyu Worker’s Center, Zeng Feiyang (曾飞洋), received a three-year sentence, suspended for four years, in 2016.⁶⁵ Three other Panyu staff were also convicted of crimes. Authorities accused them of criminal activities for receiving funding or training from INGOs.

36) In 2016, the government put out draft revisions of three sets of regulations governing domestic non-profits.⁶⁶ The proposed changes would permit an easier registration process for certain types of social organizations, such as business and trade associations, but not for other independent advocacy groups. The draft regulations also include provisions to mandate CCP cells inside non-profit groups to perform political monitoring and supervisory functions (Article 4 in all three).

37) The Chinese government has made it more difficult for national and international NGOs to promote and protect human rights in China, despite the government’s resolution to accept recommendation 186.150 during the 2nd UPR. The government has restricted NGOs from operating effectively by introducing two new laws that curb these organizations’ funding: the Charity Law, enacted in September 2016,⁶⁷ and the Overseas NGO Management Law, enacted in January 2017.⁶⁸ The Charity Law restricts all online fundraising activities to government-registered charities while levying heavy fines on non-registered and/or non-profit groups that seek donations online.⁶⁹ The Overseas NGO Management Law, which is ostensibly aimed at governing the work of INGOs, also constricts funding for independent Chinese groups.⁷⁰ The law bans Chinese NGOs from receiving any funding from, or conducting “activities” with, INGOs that have not registered with, or received a temporary activity permit from, the Ministry of Public Security. Both laws ban civil society organizations from harming “national security.” In

both laws, the lack of a clear definition of what activities constitute “endangering national security” gives police broad powers to impede and intimidate civil society groups.

38) The government has intensified its persecution of members or affiliates of human rights groups for allegedly “endangering national security.” For example, in July 2015, police launched a crackdown on human rights lawyers and activists, many of whom were part of an informal association called the “China Human Rights Lawyers Group.” The group had organized petitions and open letters to defend lawyers’ rights, expose human rights violations, and demand the government respect rule of law and judicial independence. To date, nine individuals seized in this crackdown have been convicted (three lawyers and six activists).⁷¹ Chinese authorities also launched a crackdown in 2016-7 on human rights NGOs that monitor, document, and report on human rights violations. Police detained on “endangering state security” criminal charges the directors of three such groups, including Liu Feiyue (刘飞跃), head of Civil Rights & Livelihood Watch, which had submitted information for China’s 2nd UPR.⁷²

5. Human Rights Defenders: Persecution & Reprisals

Recommendations

- **End all forms of reprisal against Chinese citizens who seek to participate in, or cooperate with, UN human rights mechanisms, and ensure their freedom and safety without being subjected to police interrogation, banned travel, and detention or imprisonment;**
- **Facilitate the development, in law and practice, of a safe and enabling environment in which human rights defenders can operate without fear, obstruction, and threats;**
- **Release all detained and imprisoned human rights defenders including lawyers for promoting and protecting human rights; and**
- **Ensure that independent and impartial investigations are conducted in all cases of retaliation and attacks on human rights defenders, including lawyers.**

Overview

39) Since the 2013 UPR, the Chinese government has escalated its suppression of human rights defenders (HRDs), including carrying out several crackdowns on human rights activists and lawyers, some of them remain in secret detention or jailed. HRDs seeking to engage with UN human rights mechanisms, including participating in human rights trainings and conducting advocacy campaigns at home and abroad, have also faced reprisals from government authorities. In retaliation for their human rights activities, the government has subjected HRDs to intimidation, harassment, physical assaults, enforced disappearances, torture, and arbitrary detention.⁷³ Such persecution of HRDs contradicts claims that China made at the previous UPR, that “[t]here is no so-called issue of suppressing ‘human rights defenders.’”⁷⁴

Gross and systemic abuses of the rights of human rights defenders

- 40) The government has persecuted many HRDs while systematically depriving them of due process rights. CHRDC documented numerous cases involving 1,936 HRDs in China who have been detained in reprisal for their human rights advocacy between January 1, 2014 and December 31, 2017.⁷⁵ The government has further curtailed the basic liberties necessary for human rights defenders to promote and protect human rights—freedom of expression, peaceful assembly, and association. Authorities have imprisoned large numbers of HRDs by convicting them of crimes such as “subversion of state power,” “inciting subversion of state power,” “leaking state secrets,” “disrupting public order,” “picking quarrels and provoking trouble,” “fraud,” and “illegal business activity.” Human rights lawyers have faced political interference in their work, harassment, detentions, physical attacks, and criminal prosecution for representing clients in “sensitive” cases.⁷⁶
- 41) Government agents have retaliated against HRDs for their promoting and defending of human rights, including in such campaigns as: urging the government to ratify the ICCPR and eradicate official corruption (2014), expressing support for pro-democracy protests in Hong Kong (2014), and calling for justice for victims of the 1989 Tiananmen Massacre.⁷⁷ In addition, a crackdown was launched in July 2015 against human right lawyers and activists.⁷⁸ At least 64 HRDs have been convicted of crimes and issued prison sentences after being seized in these clampdowns, according to our documentation.

Reprisals against HRDs cooperating with the UN or participating in UN human rights activities

- 42) The Chinese government has aggressively obstructed civil society participation in UN human rights activities and cooperation with the UN, often labeling such efforts as “illegal” acts that may “endanger national security.” HRDs attempting to participate in or cooperate with UN rights mechanisms have faced various obstacles, including prohibited travel, confiscation of passports, intimidation, threats, and arbitrary detention. Among those affected, activists and NGO professionals have lost their jobs, and rights lawyers have faced delayed license renewal or been barred from practicing law.⁷⁹ Thus, the government has failed to implement an accepted UPR recommendation, to “ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals” (186.62).
- 43) There has been no independent or credible investigation into the death of activist Cao Shunli (曹顺利) in March 2014, in a clear example of government refusal to end retaliation against HRDs who seek to engage with the UN. Cao’s family, lawyers, and supporters calling for an independent investigation and autopsy have faced harassment, threats, or detention. To date, no Chinese officials have been held accountable for Cao Shunli’s death.⁸⁰ Additionally, activists who had taken part in civil society activities alongside Cao and demanded participation in UPR at the national level have experienced state reprisals.⁸¹

- 44) Several other HRDs besides Cao Shunli have been prevented or intimidated from traveling abroad for UN treaty body reviews or human rights trainings. Police in Henan Province blocked HIV/AIDS activist Wang Qiuyun (王秋云) from travelling to Geneva in October 2014 to attend CEDAW review on China. Hubei police detained another women’s rights activist after she tried to draw attention to the review and its lack of civil society participation.⁸² Several HRDs also faced obstruction in 2014 when traveling to attend trainings on human rights, or were harassed after they returned.⁸³ In June 2015, police interrogated and barred one activist from attending a human rights training in Geneva.⁸⁴ Authorities prevented seven HRDs from attending CAT’s November 2015 review, claiming that their trip to Geneva would “endanger national security.”⁸⁵ In March 2016, national security officers intimidated a Chinese activist and barred one rights lawyer from traveling to a training program on UN human rights mechanisms; authorities explicitly warned the activist not to engage in UN-related activities. In 2017, police blocked at least three HRDs, including two lawyers, from traveling abroad for human rights training.⁸⁶
- 45) HRDs have also been punished for meeting with UN officials or trying to share information with UN bodies. In September 2015, authorities barred four human rights lawyers from traveling to attend a workshop to prepare a civil society report for the Committee against Torture (CAT)’s review of China. The criminal prosecution of lawyer Jiang Tianyong (江天勇) was perhaps partly in reprisal for his meeting with Philip Alston, the UN Special Rapporteur on extreme poverty and human rights during Alston’s visit to China in August 2016. Jiang received a two-year prison sentence in November 2017.⁸⁷ Guizhou activist Mi Chongbiao (糜崇标) and his wife, Li Kezhen (李克珍), have been under house arrest since 2013, after Mi posted online a complaint that he had submitted to the Human Rights Council about rights violations that his family had suffered.⁸⁸ Mi and Li have been subjected to torture and never allowed to see a lawyer.

Retaliation for HRDs demanding government transparency & compliance to UN requested data

- 46) Since China’s second UPR, authorities have refused HRDs’ requests to disclose information concerning civil society participation in the preparation of the state’s human rights reports to UPR, the “national human rights action plan,” and other information submitted by the government for UN treaty body reviews. Instead, authorities have retaliated against some citizens who had made the requests through the government’s Open Government Information system, by subjecting them to interrogation and, in some cases, detention on suspicion of “disturbing public order.”⁸⁹

¹ China’s reply to Recommendation 186.115 made by the United States of America. UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

² This number includes: 17 in the “709 Crackdown” on human rights lawyers, nine in Suzhou, 12 in Shenzhen, and individual cases of Huang Qi, Gu Yuese (Joseph Gu), Jiang Tianyong, and Liu Feiyue. “Repression & Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” pgs. 3-14, https://www.nchrd.org/wp-content/uploads/2018/02/CHRD-2017-Annual-Report-of-Situation-of-HRDs-in-China_Feb-2018.pdf.

³ Network of Chinese Human Rights Defenders (CHRD) in Collaboration with a Consortium of Chinese Civil Society Groups, Civil Society Follow-Up Report Submitted to the UN Committee Against Torture: Responses to the Committee’s Requests & to China’s Follow-up Report, June 2017, para. 3, <https://www.nchrd.org/2017/06/civil-society-follow-up-report-submitted-to-un->

[committee-against-torture-jun-2017](#); “Repression & Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” pg. 5.

⁴ Rights Defense Network (RDN), “Environmental Defender Ji Shulong, Detained Before 19th Party Congress, Put Under Residential Surveillance at a Designated Location on Suspicion of ‘Picking Quarrels and Provoking Trouble’” (十九大前遭抓捕的江苏环保卫士嵇书龙被以“涉嫌寻衅滋事”指定监视居住), November 3, 2017, http://wqw2010.blogspot.com.au/2017/11/blog-post_46.html.

⁵ CHRDR, *China Human Rights Briefing March 20-23, 2017*, <https://www.nchrd.org/2017/03/chrb-detentions-in-suzhou-new-measures-curb-free-expression-320-23-2017/>.

⁶ Article 374: Crimes of “endangering national security” in this provision include those included in 102-112 of the Criminal Law *as well as other crimes that endanger national security*: terrorist activities, including generating terror in society, endangering public safety, or threatening state agencies or foreign organizations; use of violent, destructive, or threatening means to plot to kill or injure people, inflict serious harm, damage public infrastructure, create social chaos; and other serious crimes that harm social stability. “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” (公安机关办理刑事案件程序规定), <http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html>;

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