



The Network of Chinese Human Rights Defenders (CHRD) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.
<https://www.nchr.org> ; X: @chrdnet

Main Issues and Recommendations for 4th UPR on China

Issue: Arbitrary detention of Human Rights Defenders and shrinking civil society space

As of November 22, 2023, CHRD has [documented](#) 3,041 cases involving human rights defenders currently in detention or prison in China. Many of these defenders work on economic, social, and cultural rights, such as housing and land rights, health rights, and labor rights. The Foreign NGO Law and other national security laws have severely [restricted the space](#) for civil society to operate without facing reprisals.

Recommendation: Adhere to China's legal obligations under international human rights law and immediately release arbitrarily detained human rights defenders and end persecution of rights defenders, revoke legislation and regulations that violate Chinese citizens' right to freedom of expression, association, and peaceful assembly.

Issue: Secret detention known as “Residential Surveillance in a Designated Location”

In 2012, the Chinese government amended the Criminal Procedure Law to authorize police to hold suspects in undisclosed locations for up to six months, depriving them access to lawyers – a practice known as “residential surveillance in a designated location” (RSDL). The government continues to use RSDL, despite numerous UN human rights experts [urging](#) its abolition because it is a form of enforced disappearance. CHRD has documented many cases in which individuals were put under RSDL, who have credibly alleged to have been subjected to torture or other forms of ill-treatment.

Recommendation: Immediately amend the articles in the Criminal Procedure Law (CPL) that authorize police to use RSDL and ensure that such secret detention does not reappear under new guises and nomenclature.

Issue: Widespread use of Torture

Torture and ill-treatment remain commonplace in detention centers and particularly in RSDL. The law allows for lawyers to seek to have “illegally obtained evidence” by the police through torture excluded as evidence in trials, but in practice, such attempts are rarely successful. The Chinese government's political will to combat torture is lacking. Its State report to the Committee against Torture was due in 2019 but still has not been submitted.

Recommendations: Implement the recommendations made by the Committee against Torture in its last review of China's compliance with the Convention against Torture in 2015. Amend its legislation and grant all detainees the right to have access to a lawyer from the very outset of deprivation of liberty, including during the initial interrogation by the police, irrespective of the charge brought against them. Immediately submit its overdue report to the Committee.

Issue: Human Right Lawyers Facing Persecution

In the aftermath of the 2015 crackdown on human rights lawyers, the government has tightened control over, and increased retaliation against, rights lawyers. Since 2015, CHRD has documented the cases of at least 46 human rights lawyers who were [forced out](#) of practice due to government pressure.. A number of rights lawyers remain in prison or detention, allegedly subjected to torture, often deprived of access to their lawyers. A number of lawyers released from prison continue to face [harassment](#), with their children barred from schools, their rental housing lease cancelled, power and water cut off, and travel abroad not permitted.

Recommendation: Immediately repeal all legal provisions, unlawful and extra-legal practices used to silence and punish human rights lawyers for exercising their human rights and practice their profession in defending their clients' due process rights.

Issue: Attack on LGBTIQ+ Rights

While the Chinese government accepted recommendations regarding LGBTIQ+ rights in the last UPR, during the past five years, the government's position has hardened. The Beijing LGBT Center was forced to shut down in May 2023 and, LGBT Rights Advocacy China, an NGO with operations nationwide, was forced to shut down in November 2021. In July 2021, nearly 20 WeChat accounts of university students' LGBT and gender studies groups were suddenly [closed down](#) by WeChat, under government pressure. Same-sex marriage was not legalized in the 2020 Civil Code.

Recommendation: Within one year, adopt measures prohibiting direct, indirect discrimination and harassment targeting lesbian, gay, bisexual, transgender and intersex persons.

Issue: Human Rights Due Diligence Ignored and Restricted

No Chinese law or regulation mandates companies conduct mandatory human rights due diligence, despite the government claiming that this was the case during the previous UPR. The government has launched national security [investigations](#) against firms providing such services in China, which makes it difficult for companies in China to respect human rights in their operations.

Recommendation: Adopt legislation to require Chinese companies to engage in human rights due diligence according to the UN Guiding Principles on Business and Human Rights within one year and create an enabling environment for businesses firms, auditors, and multistakeholder entities to engage in human rights due diligence in China.