



Chinese Human Rights Defenders (CHRD)

Web: <http://crd-net.org/> Email: networkcrd@gmail.com

Promoting human rights and empowering grassroots activism in China

Annual Report on the Situation of Human Rights Defenders in China 2010

Chinese Human Rights Defenders

March 3, 2011

Introduction

During 2010 human rights defenders (HRDs) in China did their crucial work in a hostile and dangerous environment. CHRD's 4th annual report on this theme documents a range of abuses against HRDs, including 3,544 instances of arbitrary detention, 118 cases of torture and 36 "enforced disappearances."¹ Despite these conditions, HRDs pioneered innovative methods for pressuring authorities on cases of detention and ill-treatment while also increasing their networking and solidarity actions.

This report examines the climate for HRDs' work, and the extent to which the Chinese government fulfilled its obligations to protect their rights, as specified in the Declaration on Human Rights Defenders (hereafter referred to as "the Declaration").² The report focuses on some of the key protections provided by the Declaration for individuals working in the field of human rights, such as:

- The right to freedom of expression (Articles 6 & 7);
- The right to freedom of assembly and association (Articles 5 & 13);
- The right to an effective remedy for human rights violations (Article 9)

The report covers the period from January to December 2010; all events referred to occurred in 2010, unless otherwise stated. The report is not exhaustive, in that it highlights only particular examples of the conditions under which Chinese HRDs carry out their work.

¹ "Enforced disappearance" is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State, or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law," Article 3, International Convention for the Protection of All Persons from Enforced Disappearance.

² The first three annual reports were: *Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China (2007)*, April 30, 2008; *Annual Report on the Situation of Human Rights Defenders in China (2008)*, June 26, 2009; *Annual Report on the Situation of Human Rights Defenders in China (2009)*, April 26, 2010.

In addition, many cases involving the abuses described here go unreported.

The award of the 2010 Nobel Peace Prize to Liu Xiaobo (刘晓波), one of China's best known intellectuals and human rights activists, has provided much-needed recognition for and encouragement to rights activists working in China. Yet the fact that Liu is serving an 11-year prison sentence for engaging in peaceful advocacy for human rights and democracy also highlights the severe repression that those engaging in human rights activism can face.

In 2010, the government continued to restrict freedom of expression, association, and assembly; HRDs were routinely subjected to arbitrary detention, torture, and enforced disappearance. CHRD documented a total of 3,544 cases of arbitrary detention of individuals attempting to exercise or defend their own or others' human rights.³ Forms of arbitrary detention included:

- imprisonment;
- criminal detention;
- administrative detention;
- re-education through labor (RTL);
- detention in "black jails"⁴ and psychiatric institutions;
- so called "soft detention";⁵ and

³ According to the UN Working Group on Arbitrary Detention (WGAD), deprivation of liberty is defined as arbitrary if a case falls into one of the following three categories:

A) Category I.

When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him);

B) Category II

When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by Articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights;

C) Category III

When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.

⁴ Black jails are secret and illegal detention facilities; as well as being located in Beijing they are found across the country and are used by local governments to detain petitioners. For more information, see CHRD's reports, "Black Jails: China's Growing Network of Illegal and Secret Detention Facilities," October 19, 2008, http://www.crd-net.org/Article/Class9/Class15/200810/20081019220335_11238.html and *Black Jails in the Host City of the "Open Olympics: Secret Detention Facilities in Beijing are Illegally Incarcerating Petitioners,"* September 21, 2007, <http://chrnet.org/2007/09/21/black-jails-in-the-host-city/>

⁵ Individuals subjected to soft detention are guarded by police stationed outside their homes. Though some individuals may be allowed to leave their homes during this kind of detention, they are closely followed and monitored by police, or are required to travel in police vehicles and are often barred from meeting other "sensitive" individuals. Some being detained in this way may not be allowed to leave their homes at any time during their soft detention. The length of the detention period will usually last until the "sensitive period" which

- “enforced travel”.⁶

The report has been compiled based on a review and analysis of CHRD’s 2010 news briefings and press releases, interviews with human rights activists in various regions of China who are working on a range of issues,⁷ and international and domestic media reporting on the human rights situation during 2010. Some key findings include:

- **Continuing struggles for internet freedom**

The internet continued to be the main battleground for freedom of expression. Microblogging tools like Twitter were widely used by HRDs, but because of its limited reach (it is officially banned), domestic microblogs and other internet tools that are subject to censorship were also utilized to spread messages and organize protests. At the same time, the government was engaged in closing down sites and gathering information about activists.

- **Further restrictions on freedom of association**

New government regulations tightening requirements on organizations receiving foreign funding created further difficulties for NGO operations.

- **Creative methods to circumvent control over freedom of assembly**

Those engaged in organizing mass protests ran the risk of being punished with detention or jail terms. Nonetheless, despite government control and monitoring, HRDs were able to devise new ways to organize and meet in informal gatherings throughout the year, to exchange views and forge ties. In one of the more encouraging human rights stories from 2010, more than one thousand netizens from across the country traveled to Fujian Province in April to express their solidarity and support for three fellow netizens on trial for exposing a cover up in a rape case.

- **Right to an effective remedy remains elusive**

A Chinese newspaper’s daring exposé of the inner workings of a Beijing black jail—and of the security company running it—did not lead to any improvements in

triggered the detention has passed, or in rare cases, it may be extended for months, or even years. For the purposes of this report, “house arrest” has been subsumed under “soft detention.” This form of detention has no basis in law and does not include “residential surveillance” (*jianshi juzhu*), which is authorized under the Criminal Procedural Law (CPL). See, for example, one of such incidents, CHRD, “Liao Shuangyuan Deprived of Freedom for More than 24 Hours by National Security Officers” (廖双元被国保非法剥夺自由超过24小时), May 10, 2010, http://www.crd-net.org/Article/Class53/201005/20100510120004_21157.html

⁶ Individuals subjected to enforced travel are usually pressured into leaving their home and taken on a “tour” accompanied by policemen or guards.

⁷ In preparation for this report during two weeks of January 2011, CHRD canvassed the views of 12 human rights activists—five women and seven men—on the issues discussed herein, and were chosen to reflect the geographical, thematic and gender diversity of the activist community. They include petitioner-activists, women’s rights advocates, journalists, lawyers, democracy activists, housing rights activists and internet activists.

the situation of petitioners detained for complaining about government misconduct.

When lawyers tried to take on cases seeking redress for human rights abuses, they continued to be harassed and threatened by government authorities.

- **Persecution of human rights defenders**

In addition to the cases of arbitrary detention referred to above, in 2010 CHRD documented 118 cases of torture, 36 disappearances and 17 instances of homes raided by the authorities in retaliation for actions involving the exercise, or defense, of human rights.

*

Freedom of expression: the struggle over the internet continues

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;*
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;*
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters;*

Declaration on Human Rights Defenders, Article 6

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Declaration on Human Rights Defenders, Article 7

The internet was the principal arena where the battles for freedom of expression were fought out. The websites of a number of activist organizations were attacked,⁸ including CHRD's Chinese language website (www.crd-net.org), which suffered its severest assault since going online in 2005. Activists' blogs and microblogs hosted in China continued to be shut down by the government, while those on servers outside the country were blocked by the Great Firewall. Throughout the year activists reported suspension of their telephone services and internet connections, particularly around the time of the Nobel

⁸ CHRD, "Five Chinese Activists Websites Attacked by Hackers," January 25, 2010.

Peace Prize award ceremony in early December.⁹

In April, 2010, the government established a new agency, the Internet News Coordination Bureau (also known as Bureau Nine) as a means of strengthening its monitoring and control of communication portals, such as social networking sites, forums and microblogs.¹⁰

From September 1, 2010, stricter registration requirements for users of communications technologies were introduced. These required that buyers of cell phone SIM cards, as well as existing cell phone users, to present their ID cards for registration.¹¹ Purportedly aimed at clamping down on junk and fraudulent text messages, this new system may be used to strengthen monitoring of citizens' communications and identify—and penalize—activists who use their cell phones to organize protests or publicize rights violations. In February 2010, the Ministry of Industry and Information Technology (MIIT) announced that domain name providers would henceforth be required to keep a copy of an applicant's ID, take a color photo of the person applying for a domain name, corroborate the applicant's personal data and contact details, and verify the content of their website.¹² These restrictive requirements led to a 50% reduction in the total number of domain names registered in 2010.¹³

In October, 2010, revisions to the State Secrets Law came into effect. The revised law, like its predecessor, fails to provide a precise definition of what constitutes a "state secret." The revised law brings electronic data within the scope of what can be classified as a "state secret," and requires that telecommunications and internet companies inform on clients who may be leaking such "secrets."¹⁴ The new law thus makes it even easier for the government to prosecute activists when they circulate information which exposes

⁹ CHR, "Roundup of News Related to Chinese Government's Pressure on Civil Society in Recent Days," *China Human Rights Briefing December 8-13, 2010*, December 16, 2010.

¹⁰ "China Starts New Bureau to Curb Web," *The New York Times*, April 16, 2010, <http://www.nytimes.com/2010/04/17/world/asia/17chinaweb.html>

¹¹ CHR, "Ministry to Begin Registering ID Information of Cell Phone Users on September 1," *China Human Rights Briefing August 31, 2010*, August 31, 2010.

¹² Ministry of Industry and Information Technology (MIIT), "MIIT work program for the verification of the authenticity of website records" (工信部网站备案信息真实性核验工作方案), February 23, 2010, <http://www.chinanews.com/it/it-itxw/news/2010/02-23/2132878.shtml>
For an English report of the regulations, see ChinaTechNews.com, "China To Resume Personal Website Domain Name Registrations," February 24, 2010, <http://www.chinatechnews.com/2010/02/24/11620-china-to-resume-personal-website-domain-name-registrations>

¹³ China National Radio, "MIIT's ratification drive reduced the number of domain names registered to half in the past year" (工信部域名整頓一年 CN域名數量減少一半), November 23, 2010, http://big5.ce.cn/xwzx/gnsz/gdxw/201011/23/t20101123_21989459.shtml

¹⁴ CHR, "Revised State Secrets Law Falls Short of Minimum Protections for Chinese Citizens," *China Human Rights Briefing April 27 – May 3, 2010*, May 5, 2010; *The Washington Post*, "China set to tighten state-secrets law forcing Internet firms to inform on users," April 28, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/27/AR2010042704503.html>

government misconduct.

The internet and SMS blackout imposed in Xinjiang following the unrest which broke out in the region in July 2009, was not fully lifted until May 14, 2010.¹⁵ While prior to this the government has closed down the internet and other communication services in response to a local crisis, such as the riots in Shishou in June 2009, the communications blackout in Xinjiang was the most extensive and protracted electronic communications shutdown in the internet era in China, signaling that if the government considers social stability is threatened it will not hesitate to cut off these services.¹⁶ Cyber activists who primarily rely on the internet for their communications were duly warned.

Despite the government's attempts to control the internet, it is still the main platform used for organizing by human rights activists. Activists told CHRD that Twitter became an even more popular communications tool in 2010 than it has been in previous years. Its most important function allows instant communication between rights activists, who are then able to quickly notify the media about unfolding events—such as the detention of fellow HRDs—and thus exert pressure on the police for the release of detained activists.¹⁷ In

"I have used Twitter as a platform for releasing human rights information. It is like having my own media. I no longer need to rely on, or seek the attention of, traditional media... the subject-object relationship between the public and the media is changing,"
said one HRD.

addition to its use as a tool for self-protection and rapid communication, Twitter also enables activists to follow human rights developments in other parts of the country, and fosters solidarity and community among HRDs.¹⁸

According to some estimates, there are tens of thousands of Twitter users in China, and they are increasing in number.¹⁹

According to a survey of 1,000 Twitter

clients conducted by a netizen, its users are most often young educated males in coastal

¹⁵ "After Long Ban, Western China Is Back Online," *The New York Times*, May 14, 2010, <http://www.nytimes.com/2010/05/15/world/asia/15china.html>

¹⁶ About the internet blockade in Shishou City, Hubei Province, see for example, DWnews, "More than 1,000 armed policemen repelled but returned to the scene; Internet suspended in Shishou city" (石首全市断网, 上千武警被击退后再返现场), June 21, 2009, <http://politics.dwnews.com/news/2009-06-21/4975207.html>
The English translation of the news report is available on EastSouthWestNorth's webpage: http://www.zonaeuropa.com/20090621_1.htm

¹⁷ CHRD interviews with activists, January 2011.

¹⁸ Ibid.

¹⁹ Watchers of China's Twitter give different estimates of the number of its users in China. One estimated about 40,000 by March 2010 (InsideGFW, Twitter in China, March 9, 2010, <http://www.insidegfw.com/?p=16>), another put the figure at 243,293 by April 20, 2010 (Grey Review, "105,779,710 users and new estimates of Twitter users in Asia," April 20, 2010, <http://www.greyreview.com/2010/04/20/105779710-million-users-and-new-estimates-of-twitter-users-in-asia/>)

cities.²⁰ However, since Twitter is blocked by the government its influence is limited as users either have to scale the Great Firewall or, more commonly, use third party sites in

Because of the limitations of Twitter, more and more people are now finding Sina's and Tencent's microblogs valuable. Even though they are heavily censored, many people... are not deterred and they repeatedly open new blogs [after the old ones are shut down].

A Beijing-based activist

order to access it. The number of Twitter users is dwarfed by those accessing domestic microblogs hosted by companies that practice censorship and surveillance, such as Sina, which is predicted to have 150 million users by the end of 2011.²¹ Although domestic telecommunications tools are under strict control, and those using these technologies are prone to having their accounts closed or censored by the authorities, they continue to be used for organizing actions and promoting human

rights.

- In June 2010, Honda workers in Guangdong used QQ, an instant messaging program by Tencent, to organize 600 workers at the start of their strike.²²
- During the anti-Japanese protests between September and October, demonstrators used QQ groups to spread information about the protests. However, the instant messaging program was disabled between October 17 and 25 by Tencent for “system adjustment work,” reportedly to thwart protestors from using the function to transmit information, such as the location of protests.²³
- In October, HRDs used a combination of Twitter, Tencent and Sina’s microblogs to “live broadcast” the destruction of a seaside village in Guangxi Province, an action which exerted such pressure on the authorities that the demolition was stopped and has yet to be resumed.²⁴

While in previous years activists were arrested and imprisoned for posting articles on “hostile foreign websites” or in foreign media, 2010 saw them being penalized for posting information on internet media platforms, such as QQ and Twitter.

²⁰ Jason Ng, “A sample survey of Chinese Twitter Users” (中文 Twitter 用户群抽样调查), January 27, 2010, <http://www.kenengba.com/post/2540.html>. The article has been translated and is available in English on GlobalVoice’s website: <http://globalvoicesonline.org/2010/02/01/china-survey-on-twitter-users/>

²¹ Weibo, “Sina microblogs: the number of users will reach 150 million by end of 2011” (: 新浪微博2011年用户数量将达1.5亿), January 7, 2011, <http://www.weibo.com/news.php?id=1288>

²² “In China, Labor Movement Enabled by Technology,” *The New York Times*, June 16, 2010.

²³ CHRDR, “Authorities Step up Control over QQ Groups Following Recent Wave of Anti-Japan Protests,” *China Human Rights Briefing October 19, 2010*, October 19, 2010.

²⁴ CHRDR interviews with activists, January 2011.

- In November, 2010, Beijing-based activist Bai Dongping (白东平) was detained for several days after posting a photograph of student protestors from 1989 on a QQ group.²⁵
- Cheng Jianping (程建萍, aka Wang Yi [王译]) was detained for ten days then sentenced to a year's RTL for re-posting an ironic message on Twitter about the anti-Japanese protests. Her fiancée, Hua Chunhui (华春辉), was detained for five days for posting the original message.²⁶

Freedom of association and assembly

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(a) To meet or assemble peacefully;

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Declaration on Human Rights Defenders, Article 5

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with Article 3 of the present Declaration.

Declaration on Human Rights Defenders, Article 13

Further restrictions on freedom of association

Citizens who attempted to exercise their right to freedom of association continued to face restrictions in 2010. The Regulations for Registration and Management of Social Organizations²⁷ require all civil society groups to find a sponsoring government agency before they can register with, and be approved by, the Ministry of Civil Affairs. Some groups working on rights issues registers as businesses, or operate without official registration, because they are unable to meet the stringent requirements in the regulations

²⁵ CHR, "Beijing Activist Bai Dongping Criminally Detained After Posting Picture to QQ Group," *China Human Rights Briefing November 24-30, 2010*, December 2, 2010.

²⁶ CHR, "Statement from the Wang Yi (Chen Jianping) RTL Sentence Concern Group" (王译 [程建萍] 被劳教事件关注团声明), October 11, 2010, <http://news.boxun.com/news/gb/china/2010/11/201011241623.shtml>

²⁷ State Council, Regulations for Registration and Management of Social Organizations (社会团体登记管理条例), effective since October 25, 1998.

but they are often harassed or closed down by the authorities.²⁸

- In March, the Women's Law Studies and Legal Aid Center (北大法学院妇女法律研究与服务中心), a rights organization affiliated to Beijing University which has been in operation for 15 years, was notified by the university that it would no longer sponsor the organization. The head of the Center Guo Jianmei (郭建梅) said the affiliation was terminated because the organization received foreign funding and because it was increasingly dealing with "sensitive" issues.²⁹
- Aizhixing Research Institute (爱知行研究所) in Beijing, an organization supporting the rights of those with HIV/AIDS, was repeatedly investigated and harassed by different branches of government, such as the taxation bureau and the fire department, and some of its activities were cancelled due to police pressure.³⁰ In May the Institute's director Wan Yanhai and his family fled to the US because of fears for his safety.³¹
- Staff at Sunshine Charity (阳光公益), a Beijing-based organization dedicated to helping petitioners in the capital, suffered repeated official harassment and several were briefly detained and disappeared.³²
- On August 5, human rights lawyers were questioned by police and were warned against forming a group to defend the rights of petitioners.³³

²⁸ For more information see CHRDR's report, *Reining in Civil Society: The Chinese Government's Use of Laws and Regulations to Persecute Freedom of Association*, August 7, 2009.

²⁹ "China's crackdown on nonprofit groups prompts new fears among activists," *The Washington Post*, May 11, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/10/AR2010051004801.html>. Ms Guo continues to run Qianqian Law Firm, which she started in 2009.

³⁰ CHRDR, "Lan Yujiao Summoned for Organizing Film Screening" (兰玉娇因组织"激情夏日纳凉赏片会而被传唤), July 8, 2010, http://www.crd-net.org/Article/Class53/201007/20100708144423_22115.html; CHRDR, "Aizhixing Inspected by Beijing Taxation Bureau Again," *China Human Rights Briefing*, September 7, 2010, September 7, 2010; CHRDR, "On the Eve of Nobel Award Ceremony, Large Group of Scholars and Activists Forced to 'Travel,' Have Internet Cut, Phones Disconnected" (维权人士、大批学者, 诺奖前夕"停机、断网、被旅游"), December 9, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012091741.shtml>

³¹ "Another AIDS activist, Wan Yanhai, flees China," *The Christian Science Monitor*, May 20, 2010, <http://www.csmonitor.com/World/Asia-Pacific/2010/0510/Another-AIDS-activist-Wan-Yanhai-flees-China>

³² CHRDR, "Rights Activist Liu Anjun Freed, Returns Home" (维权人士刘安军被解除软禁回家), April 14, 2010, http://www.crd-net.org/Article/Class53/201004/20100414191416_20784.html; CHRDR, "Sunshine Charity Volunteer Han Hongbu Kidnapped" () 附演唱视频 (阳光公益义工韩洪布被劫持), March 30, 2010, <http://www.peacehall.com/news/gb/china/2010/03/201003301254.shtml>; CHRDR, "Beijing Petitioners' New Year Dinner Spoiled by Police" (北京访民年夜饭被警察搅局), February 13, 2010, http://www.crd-net.org/Article/Class53/201002/20100213190044_19932.html

³³ According to one of the lawyers involved, the group was only a list or directory of lawyers willing to offer legal assistance to petitioners. It did not operate as an association, but the fact that lawyers got together to help petitioners was sufficient cause for concern to the authorities. CHRDR, "Breaking News: Human Rights Lawyer Yang Huiwen Summoned by Beijing Police" (维权律师杨慧文被北京市局传唤: 快讯), August 5, 2010, <http://www.peacehall.com/news/gb/china/2010/08/201008051925.shtml>; CHRDR, "Situation Regarding Human

- In July and August, Transition Institute (传知行), a Beijing think tank, was pressured by National Security officers to cancel several in the series of seminars on political, social and economic issues it regularly holds at Beijing universities.³⁴
- While meeting in a park on August 1, members of the Beijing-based organization Yirenping (益仁平), which targets discrimination against those infected with hepatitis, had their “illegal gathering” interrupted by the police, who seized and questioned members.³⁵ On September 2, Yirenping’s staff were questioned about the NGO’s operations.³⁶
- In November, as a result of harassment by the authorities over tax compliance, Zeng Jinyan (曾金燕), activist and wife of imprisoned HRD Hu Jia (胡佳), closed her HIV/AIDS organization, Beijing Aiyuan Information and Consultation Center (北京爱源信息咨询中心). Zeng cited the new regulations on foreign funding as one of the major obstacles preventing the organization from staying open.³⁷

The regulations referred to by Zeng, promulgated by the State Administration of Foreign Exchange (SAFE), came into effect on March 1, 2010, and impose restrictions on foreign funding for domestic NGOs by imposing a range of bureaucratic hurdles organizations receiving funds from abroad must go through. Additionally, when banks receive funds they are required to report to SAFE if they consider such transfers “suspicious or unusual.”³⁸ The new regulations also require funding received from abroad to be notarized. An HRD who runs an NGO told CHRD that domestic notary agencies often refuse to notarize these funds because many of the grant-makers, since they are not in China, cannot sign the necessary documents, or because the notary agencies are afraid of being accused of “anti-government” activities.³⁹ Those NGOs who are able to get their funding notarized incur considerable expense in the process, and have to devote significant staff time to addressing the requirements set by SAFE’s regulations.⁴⁰

Circumventing control over freedom of assembly in creative ways

Despite facing punishment and harassment, expressions of discontent against issues

Rights Activist Zhao Changqing’s Summons” (维权人士赵常青被传唤情况), August 7, 2010, <http://www.peacehall.com/news/gb/china/2010/08/201008071607.shtml>.

³⁴ CHRD, Police Pressure Transition Institute to Stop its Seminars and Forums, *China Human Rights Briefing Weekly July 27- August 2, 2010*, August 5, 2010.

³⁵ CHRD, “NGO Gathering in Beijing Park Disrupted, Police Seize Volunteers,” *China Human Rights Briefing*, August 10, 2010.

³⁶ CHRD, Police Question Staff of Beijing NGO Yirenping, *China Human Rights Briefing*, September 2, 2010.

³⁷ Zeng Jinyan, “关于北京爱源信息咨询中心停业的声明,” November 11, 2010, <http://zengjinyan.wordpress.com/>.

³⁸ SAFE, Notice on the Problem of Foreign Exchange Management of Contributions to Domestic Organizations (国家外汇管理局关于境内机构捐赠外汇管理有关问题的通知), effective since March 1, 2010.

³⁹ CHRD interviews with activists, January 2011.

⁴⁰ Ibid.

such as land expropriation, forced evictions and corruption, in the form of protests, strikes and collective petitioning, continued through 2010. More than 90,000 “mass incidents” occurred each year between 2007 and 2009. According to research by the Chinese Academy of Social Science (CASS), land disputes in rural areas dominated such conflicts.⁴¹ Such large scale protests were invariably broken up and the organizers threatened.

- In September, a group of ten people were convicted of “assembling a crowd to disrupt social order” for organizing and documenting a peaceful protest outside a Chengdu court.⁴²
- Artist Wu Yuren (吴玉仁) was tried in November 2010 and January 2011, for “attacking” police after organizing a protest marching down Beijing's Chang'an Avenue in February to draw attention to the forced demolition of the 008 Arts District.⁴³

As many protestors and protest organizers are punished for holding “illegal assemblies,” some have tried applying for official protest permits in advance, but these have been refused, and some were even punished for having the temerity to apply.⁴⁴

One successful mass protest in 2010 brightened the otherwise bleak picture of the state of freedom of assembly:

- On April 16, three Fujian-based netizens, Fan Yanqiong (范燕琼), Wu Huaying (吴华英) and You Jingyou (游精佑), were on trial at the Mawei District Court in Fujian Province, charged with “slander” for their posting of articles and videos urging government officials to investigate the alleged rape and murder of a young woman. More than a thousand netizens and supporters from around the country, mobilized through Twitter, QQ groups and blogs, traveled to the court to protest, carrying placards outside to protest the charges against Fan, Wu, and You.

Though the three were eventually convicted, the activism around the trial was one of the largest actions organized in response to government persecution of online speech in

⁴¹ Yu Jianrong, “Maintaining a Baseline of Social Stability” (Part I), Speech before the Beijing Lawyers Association, February 17, 2010, English translation available at China Digital Times:

<http://chinadigitaltimes.net/2010/03/you-jianrong-maintaining-a-baseline-of-social-stability-part-i/>; AFP, “Mother killed in China land protest,” January 7, 2011, <http://www.intelasia.com/news/articles/society/111312957.shtml>

⁴² CHR, “Defendants in ‘Chained Gate’ Case are Convicted and their Verdicts Announced, Lawyers and Families Decry Illegality” (“链子门”案件有罪宣判 律师家属均指非法), September 28, 2010, <http://news.boxun.com/news/gb/china/2010/09/201009281221.shtml>

⁴³ CHR “Wu Yuren: Life in China is Extremely Dangerous” (在中国生：吴玉仁 活是非常危险的), January 28, 2011, <http://www.peacehall.com/news/gb/china/2011/01/201101281700.shtml>.

⁴⁴ See for example, CHR, “Fujian Activists Threatened, Placed under Surveillance and Movements Restricted for Applying to Protest” (监控、受到威胁申请游行福建维权人士因), December 15, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012151306.shtml>

recent years. The proceedings were widely followed online throughout China, as netizens on the scene posted updates throughout the trial.⁴⁵

On a smaller scale, HRDs contrived ways to get around the government's paranoia and met frequently throughout 2010 to exchange views and forge ties. Activists said that, depending on a number of factors, such gatherings are treated differently by the authorities. The larger the gathering, the more defined its objectives, the closer it is to a sensitive date or period, the more likely the authorities are to disrupt the event or prevent it from happening at all.⁴⁶ In 2010, activists met up with each other in small groups, using only the blandest terms to refer to their meetings; they met to have meals (*fanzui*), gathered virtually or physically to monitor government misconduct (*weiguan*), they congregated during the summer to "enjoy the coolness" (*chengliang*) in outdoor venues, visited sick or elderly activists, and organized book club gatherings or cultural activities.⁴⁷

At times such gatherings served to pressure officials on individual cases. After human rights lawyer Ni Yulan (倪玉兰) was released from two years' imprisonment for resisting the forced demolition of her home, fellow activists foiled several attempts by Beijing police to detain her and her husband by immediately spreading the news that they had been abducted and going to the police station to monitor (*weiguan*) and report on Twitter what was happening to them; such activities contributed to her release from custody.⁴⁸

Even informal gatherings were sometimes broken up by the police. The Guizhou Human Rights Forum, a small group of HRDs who regularly meet in public parks in Guiyang City to communicate human rights messages to the public, have had their meetings repeatedly broken up and their members placed in soft detention. Dinner parties organized by groups of activists to celebrate Liu Xiaobo's Nobel Peace Prize were also disrupted and a number of the participants taken away by the police.⁴⁹

Right to an effective remedy remains elusive

- 1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights... everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.*

⁴⁵ CHR, "Fujian Three and Landmark Citizen Activism," April 16, 2010.

⁴⁶ CHR interviews with activists, January 2011.

⁴⁷ Ibid.

⁴⁸ CHR, "Ni Yulan Seized in the Middle of the Night, Netizens Went to Rescue" (网友前往营救, 倪玉兰半夜遭抓走), June 15, 2010, <http://news.boxun.com/news/gb/china/2010/06/201006151110.shtml>

⁴⁹ CHR, "Chinese Authorities Continue to Clamp Down on Activists in Wake of Nobel Prize Announcement," *China Human Rights Briefing October 9-12, 2010*, October 13, 2010.

2. ...everyone whose rights or freedoms are allegedly violated has the right... to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law...
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - (b) To attend public hearings... so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

Article 9 of the Declaration on Human Rights Defenders

In September 2010, in the first article of its kind published in mainland China, the *Southern Metropolis Weekly* published a lengthy report on its investigation of a Beijing black jail and the role a private security company, Anyuanding, played in assisting local governments to intercept petitioners.⁵⁰ Previous media reports on black jails tended to be brief and avoided any reference to the facilities as black jails; discussion of how they operated was also avoided. The article was re-posted on internet sites and was even reported by some official media, including Xinhua, but was later removed from their websites.⁵¹ Although a couple of Anyuanding's executives were detained by the Beijing police, none of the officials who paid the security company to intercept and detain the petitioners to prevent their complaints against the local government from being lodged were held accountable.

Unfortunately, the exposé apparently had little effect on the use of illegal detention facilities. Activists contacted by CHRD reported no improvement in the overall situation of petitioners, who continue to be intercepted and held in black jails in Beijing and other parts of the country. Petitioners have also reported that security guards who used to work for Anyuanding continue to work as "interceptors" (who detain people from other parts of the

⁵⁰ "China Investigates Company Linked to 'Black Jails,'" *The New York Times*, September 27, 2010, <http://www.nytimes.com/2010/09/28/world/asia/28china.html>

⁵¹ CHRD, "Xinhua Blocks Report on Black Jail Setup by Anyuanding" (新华网封杀“安元鼎”设“黑监狱”报道), September 28, 2010, <http://news.boxun.com/news/gb/china/2010/09/201009282123.shtml>

country and take them to black jails run by the authorities from their place of origin) under another company with a different name.⁵² In addition to confinement in black jails, petitioners have also been sentenced to RTL, incarcerated in psychiatric institutions, imprisoned, subjected to soft detention and tortured. Two activists⁵³ also noted that to curtail the activities of petitioners authorities are increasingly using new methods to discourage them, such as offering monetary incentives not to petition and taking them on enforced trips.

Most of the activists CHRDR was in contact with said that there had been no improvements in the delivery of justice from judicial system in 2010; two said the situation had actually worsened.⁵⁴ Two main reasons were cited for the judicial system's poor performance.

Firstly, lawyers have been prevented from providing legal assistance to victims of human rights violations and are harassed by the police, the bureaus of justice, lawyers associations and law firms for taking on "sensitive" cases, such as those involving HRDs and Falun Gong practitioners. Pressure is exerted on victims' families to drop these lawyers and instead use lawyers more sympathetic towards the government.

Outspoken lawyers have been targeted for surveillance and others have been more harshly punished.⁵⁵

- Following a hearing in April, Liu Wei (刘巍) and Tang Jitian (唐吉田), two Beijing-based human rights lawyers, had their licenses to practice revoked, reportedly as punishment for their defense of Falun Gong practitioners and other "sensitive" clients.
- In April, Lin Hongnan (林洪楠), a lawyer representing one of three netizens in a freedom of expression case in Fujian Province, was notified by the Fuzhou Bureau of Justice that as his Fawei Law Firm had violated a regulation of the Lawyers Law it would have to close down.⁵⁶

[The situation has gotten] even worse. The National Security Police and the Bureau of Justice worked together to constantly ask lawyers for "chats" and intimidate them. The Beijing Bureau of Justice has listed 26 human rights lawyers as targets for "strict control."
Interview with human rights lawyer

⁵² CHRDR, "Anyuanding collapses but black jails continue to operate" (垮了安元鼎 黑监狱仍在运行), December 8, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012080905.shtml>

⁵³ CHRDR interviews with activists, January 2011.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ CHRDR, "Law Firm of Lawyer Lin Hongnan, Counsel in Case of Three Fujian Netizens, Dissolved by Fuzhou Authorities" (三网民案代理律师林洪楠所在事务所被福州当局解散), April 21, 2010, <http://peacehall.com/news/gb/china/2010/04/201004212353.shtml>

In February, the All China Lawyers Association (ACLA) issued a memo to local lawyers' associations calling on them to ensure their members focus on such matters as "resolving social conflicts" and "maintaining good social order." The memo also called on the associations to monitor their members when they were handling sensitive cases—such as those involving groups—with the aim of achieving unity between "legal, social and political effects."⁵⁷

Secondly, the courts have continued to refuse to accept rights cases and, due to political concerns, have manipulated the law and delivered unfair rulings.⁵⁸ The experiences of individuals and groups of citizens in 2010 who have tried to use legal remedies to challenge government decisions and policies support this view.

- Wang Ying (王莹), a Jiangsu lawyer, filed a lawsuit against the local family planning bureau after she was barred from obtaining a civil service position on the grounds that she had violated family planning regulations by having a child before getting married; Wang eventually lost her case.⁵⁹
- A lawsuit filed against the local government by a petitioner in Shandong Province challenging her illegal detention in a black jail has been heard three times, but more than three months after the third hearing a verdict has yet to be issued.⁶⁰

It is apparent from the cases documented by CHR D that many of the lawsuits filed against the government were not accepted by the courts, or if they were accepted ended inconclusively, or ended with the courts finding against the plaintiffs.

Persecution of human rights defenders

- 1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
- 2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*

⁵⁷ CHR D, "ACLA Issues Standards for Lawyers' Handling of Mass Incidents, Sensitive Cases" (、全国律协发文规范律师办理群体性 敏感性案件执业行为), February 7, 2010, http://www.legaldaily.com.cn/index_article/content/2010-02/07/content_2052248.htm?node=5955

⁵⁸ Interviews with activists in Chongqing and Shandong.

⁵⁹ CHR D, "Female Lawyer Wang Ying's Babygate Appeal Wraps Up" (女律师王莹婚育门案件二审结案), April 28, 2010, http://www.crd-net.org/Article/Class53/201004/20100428121429_20979.html

⁶⁰ CHR D, "Third Hearing in Case Brought by Li Hongwei, of Jinan, Against Black Jail" (济南李红卫诉黑监狱一案第三次开庭(图)), November 1, 2010, <http://news.boxun.com/news/gb/china/2010/11/201011012153.shtml>.

3. *In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*"

Declaration on Human Rights Defenders, Article 12

Arbitrary detention

During 2010,HRDs were subjected to criminal and administrative detention, imprisoned, held in black jails, incarcerated in psychiatric institutions, kept in soft detention, forced to travel away from their homes, seized and disappeared, and sentenced to RTL. CHRD documented a total of 3544 incidences of arbitrary detention of individuals for exercising or defending their own or others' human rights, as outlined in Table 1. These are cases documented and verified by activists in CHRD's network, but the actual figures are likely to be far higher as many similar cases remain undocumented.

Table 1

Cases of arbitrary detention of individuals for exercising or defending their own or others' human rights.

Type of detention	Incidences of arbitrary detention
Black jails	2621
Soft detention	641
Criminal detention	84
Administrative detention ⁶¹	75
Imprisonment	46
Enforced travel	36
Re-education through Labor ⁶²	34
Psychiatric institutions ⁶³	7

⁶¹ "Administrative detention" (xingzheng jülü) refers to short term detention of 20 days or less which can be imposed by the police.

⁶² For more information about RTL, see CHRD's report, *Re-education through Labor Abuses Continue Unabated: Overhaul Long Overdue*, February 8, 2009, <http://chrnet.org/2009/02/04/research-reports-article-2/>

⁶³ This refers to the use of psychiatric institutions to arbitrarily detain individuals who are not mentally ill.

TOTAL	3544
--------------	-------------

Certain groups of activists were more likely to be subjected to some types of detention. The majority of detainees in black jails were petitioners defending their own or others' rights. Ex-detainees have reported that the facilities were unhygienic and crowded, they were provided with little or no food, and barred from leaving. Higher profile activists, on the other hand, were often subjected to forms of arbitrary detention, such as soft detention and enforced travel, that allow for limited comforts, such as occasional walks in the company of guards.⁶⁴ HRDs continued to be arrested and convicted on such bogus charges as "extortion" and "attacking the police," as well as political crimes such as "inciting subversion of state power" and "subversion of state power." High profile political imprisonments in 2010 included:

- Sichuan activist Tan Zuoren (譚作人) was jailed for investigating the deaths of school children in the 2008 Sichuan earthquake.
- Zhao Lianhai (赵连海) was jailed for seeking accountability and justice for parents of children who became ill as a result of consuming tainted milk.⁶⁵

Other less well-known activists who were convicted on spurious charges and received harsh sentences included:

- Hunan activist Xie Fulin (谢福林) and his brother Xie Shulin (谢树林), who were given six-year jail sentences for "stealing electricity."⁶⁶

Some of the most draconian sentences were handed down to minority activists:

- In June, Tibetan environmental activist Karma Samdrup (噶玛桑珠) was sentenced to 15 years in prison for "grave robbing."⁶⁷ He was punished for his

⁶⁴ CHRd interviews with activists, January 2011.

⁶⁵ CHRd, "Activist Tan Zuoren Sentenced to Five Years in Prison for 'Inciting Subversion'," February 9, 2010, <http://chrnet.org/2010/02/10/activist-tan-zuoren-sentenced-to-five-years-in-prison-for-inciting-subversion/>; CHRd, "Zhao Lianhai Sentenced to Two-and-a-Half Years in Prison for 'Creating a Disturbance'" (赵连海被以“寻衅滋事罪”判刑两年半(图)), November 10, 2010, <http://news.boxun.com/news/gb/china/2010/11/201011100915.shtml>. Zhao was later reportedly released, see CHRd, "Kidney Stone Baby's Father Zhao Lianhai Possibly Released on Medical Parole" (结石宝宝之父赵连海或已保外就医), December 29, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012290034.shtml>

⁶⁶ CHRd, "Activists Xie Fulin and brother Sentenced to Six Years" (疑人权捍卫者谢福林被判刑案质), March 31, 2010, <http://peacehall.com/news/gb/china/2010/03/201003311043.shtml>

⁶⁷ CHRd, "Tibetan Environmental Activist Karma Samdrup Sentenced to 15 Years in Prison for Grave Robbing" (西藏环保人士噶玛桑珠被以“盗掘古墓葬”罪重判十五年), June 26, 2010, http://www.crd-net.org/Article/Class53/201006/20100626171737_21903.html; "Tibetan Environmental Activist Karma Samdrup States in Court He Was Tortured to Extract Confession" (西藏环保人士噶玛桑珠在法庭上控诉酷刑), June 26, 2010,

environmental activism and for speaking out on behalf of his brothers, also environmental activists, who had been detained for accusing local officials in Tibet of illegally hunting endangered animals.

- In July, Uyghur journalist Hailaite Niyazi⁶⁸ was sentenced to 15 years imprisonment for “endangering state security” as a result of comments he made to a journalist from *Asia Weekly*, a Hong Kong-based magazine, about the July 2009 riots in Xinjiang.⁶⁹

“[The activist in trouble] should try to think of ways to communicate with the outside world, to release the news about his/her situation... [activists in the community should] join hands to expose and observe the situation so that the illegal situation cannot continue. For example... when Mo Zhixu was under soft detention in Leshan City, the number of virtual “onlookers” were so many that [the police later] felt compelled to allow him to leave his home so he could go out for walks during the day.”

An activist reflecting on experience of dealing with arbitrary detention.

Crackdowns on HRDs increased during “sensitive” periods, and mostly took the form of soft detention and enforced travel. Prior to, and during, the Shanghai Expo, which lasted from May to October, many local activists were subjected to soft detention or held in black jails, and some confined to RTL facilities.⁷⁰ The award of the Nobel Peace Prize to Liu Xiaobo on October 8, 2010, triggered widespread use of soft detention and harassment against HRDs, which went on until December. During this period CHRDR documented nearly a hundred cases nationwide of activists being subjected to soft detention, forced to travel away from, or back to, their hometowns, or being threatened and interrogated by the authorities.

- Between October 8 and December 21, Ding Zilin (丁子霖), founder of the Tiananmen Mothers group, and her husband Jiang Peikun (蒋培坤), were forced to travel away from Beijing and were held in a rural location in Jiangsu Province.⁷¹
- The wife of Liu Xiaobo, Liu Xia (刘霞), has been confined to her home since the day of her husband’s award and has had her telephone and internet connections cut off.⁷²

http://www.crd-net.org/Article/Class53/201006/20100626124348_21897.html

⁶⁸ His name also is sometimes written as Hairat, or Gheyret Niyaz, or Niyaze.

⁶⁹ CHRDR, “CHRDR Protests Harsh and Unjust Sentence for Uyghur Journalist Hailaite Niyazi,” July 23, 2010, <http://chrdrnet.org/2010/07/23/chrdr-protests-harsh-and-unjust-sentence-for-uyghur-journalist-hailaite-niyazi/>.

⁷⁰ See for example, CHRDR, “Shanghai World Expo Update,” *China Human Rights Briefing Daily May 1-3, 2010*, May 4, 2010.

⁷¹ CHRDR, “Ding Zilin and Husband Jiang Peikun Return to Beijing, Begin to Reconnect with Friends and Family,” December 22-27, 2010.

⁷² CHRDR, “Happy Birthday to Nobel Laureate Liu Xiaobo,” *China Human Rights Briefing Weekly December 22-27*,

Many HRDs were barred from obtaining passports and other travel documents and were generally blocked from leaving the country to prevent them attending the Nobel Peace Prize Award ceremony in Oslo on December 10.⁷³

During 2010, high profile activists released after completing prison terms were often then illegally detained.

- After Chen Guangcheng (陈光诚), the blind barefoot lawyer who exposed abuses related to family planning policy, was released from prison on September 9, he has been under house arrest with his family in Linyi City, Shandong Province.⁷⁴ Telephone and internet connections to his home have been cut off, and people who have attempted to visit the village where he lives have been turned back by police and the hired thugs who prevent him and his family from leaving their house. Fellow HRDs, lawyers and diplomats have been unable to make contact with the family since October 27.⁷⁵
- After serving a 15-year jail sentence, Hada, a Mongolian activist imprisoned for establishing a Mongol organization, was due to be released on December 10. However, CHRDR has been unable to confirm the release with his family as his wife and son were seized by police before the release date and remain missing.⁷⁶
- In November, Zhao Lianhai (赵连海), (For details see above) convicted of "creating a disturbance" and sentenced to two-and-a-half years in prison, was reportedly granted medical parole and released, but CHRDR has been unable to contact him or his family to confirm this news.⁷⁷

At least three elected village chiefs were detained and imprisoned in 2010 for demanding adequate compensation and transparency after land was expropriated from villagers in their communities. These cases show the difficulties elected village chiefs face representing the interests of their constituencies when they come up against powerful government officials and interest groups.

2010, December 29, 2010.

⁷³ CHRDR, "Nobel Laureate Languishes in Prison, Police Harassment of Activists Rages On," November 8, 2010; CHRDR, "China Must End Political Repression, Release Nobel Laureate Liu Xiaobo," December 9, 2010.

⁷⁴ Liaoliao Yuan, "Chen Guangcheng out of Jail, His Entire Family is now Under House Arrest" (全家坐, 陈光诚出监狱 家牢), September 14, 2010, <http://zengjinyan.spaces.live.com/>.

⁷⁵ CHRDR, "Chen Guangcheng Still Tightly Confined, In Urgent Need of Medical Treatment" (亟需就医, 陈光诚仍被严密限制自由), November 15, 2010, <http://www.peacehall.com/news/gb/china/2010/11/201011150912.shtml>.

⁷⁶ CHRDR, "Inner Mongolia Scholar Hada Completes Sentence; Lack of Concrete Information Leads to Great Interest from All Corners" (内蒙学者哈达刑满 后无确切消息引各界广泛关注(图)), December 14, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012142144.shtml>

⁷⁷ CHRDR, "Kidney Stone Baby's' Father Zhao Lianhai Possibly Released on Medical Parole" (结石宝宝之父赵连海或已保外就医), December 29, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012290034.shtml>

- Xu Kun (许坤), from Baihutou Village in Guangxi Province, and Gao Qiang (高强), from Ganzhai Village in Shaanxi Province, are currently illegally detained.
- Lü Jiangbo (吕江波), from Keren Village in Fujian Province, was reportedly sentenced to eleven-and a half years imprisonment in October.⁷⁸

Torture

On June 25, new regulations⁷⁹ relating to the exclusion of confessions extracted through torture were published, but they appear to have had no noticeable impact.⁸⁰

- In July, in a high-profile test case, lawyer Zhu Mingyong (朱明勇) released a video in which his client, alleged Chongqing mob boss Fan Qihang (樊奇杭), who had been sentenced to death, described his torture by police and displayed the resulting scars on his body. Before publicly releasing the video Zhu submitted it to the Supreme People's Court (SPC), who were reviewing Fan's death sentence. About two months after sending them the video, the SPC approved of the imposition of the death penalty on Zhu because, they said, "The facts were clear, the evidence was reliable and adequate, the conviction was accurate, the sentence was appropriate and the proceedings were legal." Fan was subsequently executed; there is no evidence to show that the SPC investigated the torture allegations.⁸¹

"Yes, it [the level of surveillance] has increased. In addition to being followed and subjected to telephone tapping, the police also investigated me in the place where I have registered my household residency (hukou), [including] information about my rental properties. This brought a lot of stress to my family who live in the village."

A rights activist on the level of surveillance in 2010

HRDs continue to be tortured, mistreated and subjected to humiliating treatment. They are

⁷⁸ CHRD, "Beihai Rights-Defending Village Head Xu Kun Abused in Detention Center" (北海维权村主任许坤在看守所中遭到虐待), December 22, 2010, <http://news.boxun.com/news/gb/china/2010/12/201012220122.shtml>; CHRD, "Democratically Elected Village Head was Tried in Leg Irons, his Lawyers Beaten in Court" (, 民选村长戴镣庭审 代理律师法庭被打), December 7, 2010, <http://www.peacehall.com/news/gb/china/2010/12/201012071751.shtml>; CHRD, "Information Times Reporter He Huagao Taken Away by Police outside of Lü Jiangbo Verdict Announcement" (记者何华高在吕江波案宣判法庭外被带往派出所《信息时报》), October 28, 2010, <http://news.boxun.com/news/gb/china/2010/10/201010280922.shtml>

⁷⁹ The Dui Hua Foundation has translated the text of these regulations into English and made them available on their website at <http://www.duihua.org/hrjournal/evidence/evidence.htm>.

⁸⁰ CHRD interviews with activists, January 2011.

⁸¹ CHRD, "Supreme People's Court Gives Green Light to Execution despite Torture Allegations," *China Human Rights Briefing* September 24-27, 2010, September 28, 2010.

denied access to medical services, lawyers, their families, and if they are in prison, or in detention, are often forced to do strenuous physical work. CHRD documented 118 cases of torture of individuals for exercising or defending their or others' rights.

- On December 31, 2010, dissident and writer Li Hong (力虹, whose given name was Zhang Jinhong [张建红]) died from a terminal motor neurone disease. On June 5, more than two years after first being diagnosed with the illness, Li was released from prison. During this period of imprisonment, he was unable to receive the more specialized medical care his condition required, and as his health deteriorated was deprived of the company and comfort of family and friends.

Unless they have a high public profile, activists in detention with serious health conditions are rarely released on medical parole, despite being eligible for release according to the law.⁸² While some care might be provided by prison doctors, or in a prison hospital, it is often basic and its provision contingent on political considerations. In some cases, activists and dissidents may be held in detention until their illness becomes life threatening.⁸³

In March 2010, in its annual work report delivered to the National People's Congress, the Supreme People's Procuratorate reported that a nationwide campaign in 2009 investigating unnatural deaths in detention centers had resulted in the identification of 2,207 "prison bullies," inmates who, with the complicity of prison guards and others, physically and psychologically intimidate fellow detainees. The report stated that lawsuits had been filed against 123 of them.⁸⁴ Nevertheless prison bullies continue to be a serious problem in detention facilities. Hunan human rights activist Xie Fulin (谢福林) was violently beaten by a fellow inmate in early November, but no action was taken against his assailant.⁸⁵

Harassment of activists

Particularly during "sensitive" periods, human rights activists were harassed and monitored with a variety of surveillance methods: telephones were tapped and their

⁸² In general, the medical parole process is a political one. It is difficult for an ill prisoner to be granted release unless they are well-connected, and especially difficult for low-profile prisoners of conscience. For details about eligibility for medical parole, see Article 214 of the Criminal Procedural Law (刑事诉讼法), and the Implementation Methods for Medical Parole for Criminals (罪犯保外就医执行办法)

⁸³ CHRD, "Many Dissidents Placed Under Soft Detention as Zhejiang Dissident Author Li Hong Passes Away" (浙江异议 多位异议人士被软禁, 作家力虹去世(图)), January 1, 2010, <http://www.peacehall.com/news/gb/china/2011/01/201101011207.shtml>

⁸⁴ CHRD, "Supreme People's Procuratorate Reports on Actions Taken Against 'Prison Bullies' in 2009," *China Human Rights Briefing March 9-15, 2010*, March 17, 2010.

⁸⁵ CHRD, "Imprisoned Activist Xie Fulin Beaten, Requires Treatment for High Blood Pressure," *China Human Rights Briefing November 3-9, 2010*, November 11, 2010.

locations monitored; email, QQ, Skype, blog and microblog accounts were hacked and passwords stolen; internet and telephone connections were interfered with, or cut off; surveillance cameras were installed and directed at activists' homes; neighbors were pressured— or hired—to monitor them.⁸⁶ Some activists were summoned to the police station, or invited out to have “tea” or “a meal” by national security officers to put pressure on them. Activists' employers were told to demote them or fire them. When being interrogated about their activities and those of their fellow rights activists, they were threatened and intimidated. Activists' homes were raided by the police and savings and personal items confiscated; CHRD has documented 17 such cases.

Most of the HRDs interviewed for this report thought they and their fellow activists were subjected to more extensive harassment and monitoring in 2010 than in previous years, and believed that, as a result, the government possesses more knowledge about their activities than in the past. Several HRDs believed that their use of the internet enabled officials to respond quickly to thwart human rights activities which had been planned online.⁸⁷ About half of the activists also said government harassment interfered with their daily lives.⁸⁸ The families of HRDs were also frequently harassed by the authorities as a way to exert pressure on them to cease their human rights work. Liu Xia, wife of Liu Xiaobo, has been held under house arrest since October 2010; Wu Jingling (吴玲玲), wife of human rights activist and Christian house church organizer Fan Yafeng (范亚峰), was summoned for questioning on December 12 in relation to her husband's activities, and was later placed under soft detention.⁸⁹

Enforced Disappearance

In 2010, CHRD documented 23 cases of enforced disappearances of HRDs.⁹⁰ As a means of intimidating them, these HRDs were abducted for hours or days at a time to prevent them from “causing trouble” during sensitive periods.

- The prominent human rights lawyer Gao Zhisheng (高智晟) has been missing since April 20, 2010, which was at the end of a brief period when he was allowed to appear publicly for the first time since his earlier disappearance in 2009. Known for speaking out against government policies and exposing the persecution of

⁸⁶ Details gathered from the twelve activists interviewed by CHRD.

⁸⁷ Ibid.

⁸⁸ CHRD interviews with activists, January 2011.

⁸⁹ CHRD, “Chinese Government Must End Persecution of Family Members of Activists,” February 11, 2011.

⁹⁰ Not included here is the number of individuals held in black jails, which are forms of enforced disappearance and arbitrary detention. While on their way to petition petitioners are frequently seized on the streets by interceptors or the police; they are then detained for some time before being released. Their cell phones are often confiscated to prevent them from contacting the outside world, thus making it impossible for family and friends to know their whereabouts and publicize details of their detention.

Falun Gong, Gao had previously been abducted, arbitrarily detained, tortured and disappeared on multiple occasions.

The use of verbal and physical violence is common during enforced disappearances.⁹¹

- On October 27, documentary filmmaker and human rights activist Hua Ze (华泽; known online as Linghun Piaoxiang [灵魂飘香]), was abducted in Beijing. She was taken to an unknown location on the outskirts of the city, where she was held for three days and beaten and otherwise mistreated. Hua was then forcibly removed to an unknown location in Jiangxi Province for two weeks before being released.⁹² It is believed her disappearance was related to the award of the Nobel Peace Prize to Liu Xiaobo.⁹³

Recommendations

CHRD calls on the Chinese government to honor its international obligations to protect human rights defenders as set forth in the United Nations' Declaration on Human Rights Defenders,

In particular:

- Immediate action should be taken to end the persecution and harassment of HRDs, their families and the organizations they form, and to ensure the rights and freedoms essential to the defense of human rights, as outlined in Articles 1, 5, 6, 7, 8, 9, 11, 12, 13 of the Declaration are protected.

The State's promise to honor the obligations, as outlined in Articles 2, 3, 9, 12, 14, 15 should be fulfilled.

Government officials suspected of violating provisions of the Declaration should be investigated and held accountable according to the law.

- Release all detained and imprisoned human rights defenders including, but not limited to, Liu Xiaobo, Gao Zhisheng and Chen Guangcheng. These HRDs should be compensated for time spent in detention and for any other abuses they may have suffered during the period of their incarceration.

Police officers, guards, and prison bullies should be investigated and held

⁹¹ CHRD interview with activists, January 2011.

⁹² CHRD, "Citizen Journalist Hua Ze Still Under Soft Detention; Li Hai Missing For Many Days without Information" (公民记者华泽仍被软禁 李海失踪多日无消息(图)), November 15, 2010, <http://www.peacehall.com/news/gb/china/2010/11/201011152005.shtml>

⁹³ At least two others, Liao Shuangyuan and Wu Yuqin, were disappeared around the time of the announcement of the Nobel Peace Prize in October. "Guizhou Human Rights Forum Members in Beijing to Congratulate Liu Xiaobo, Missing for More than 100 Hours" (贵州人权研讨会成员在京贺刘晓波获奖失踪1百多个小时), October 12, 2010, <http://www.peacehall.com/news/gb/china/2010/10/201010121131.shtml>

accountable for crimes committed against HRDs.

- Abolish the Re-education through Labor system.
- As the detention of HRDs, and other citizens in black jails is both arbitrary and a violation of their fundamental rights, all such facilities should be shut down.
- Human rights defenders' freedom of expression should be protected. Censoring or blocking of their blogs, emails and websites should end.

The government must revise the State Secrets Law and provide a precise definition of what constitutes a "state secret."

- A constitutional review of the Regulations for Registration and Management of Social Organizations should be conducted, particularly:
 - the requirement that an organization has to be formally associated with a governmental sponsor, and
 - the restrictions on foreign funding for domestic NGOs permitted by the Notice on the Problem of Foreign Exchange Management of Contributions to Domestic Organizations.
- Accept the request, made in November 2008, by the Special Rapporteur on the Situation of Human Rights Defenders to visit China.
- Ratify the International Covenant on Civil and Political Rights immediately, which China signed more than a decade ago, and which guarantees fundamental rights essential to human rights defenders, including freedom of expression, association and assembly.