

Chapter 2: Civil & Political Rights

2.1. Political Participation

By Civil Society Monitor on Basic-Level Elections and CHR

1. During the 2013 UPR of China, UN Member States made seven recommendations, six of which China accepted, including Russia's (186.168), India's (171), Uganda's (172), Austria's (222), and Vietnam's (228). China did not accept Germany's recommendation (186.232) to "[e]nsure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet."¹
2. Since the 2013 UPR review, China has not implemented any of the six accepted recommendations related to elections and political participation, including the role of women in public affairs, or the one authorities did not accept.
3. Three of the six accepted recommendations are "poor" because of the presumption that citizens' in China have rights that do not exist and in the absence of those achievements, it makes little sense to ask the state to "further guarantee" those rights (173); because there are few measures to ensure participation in decision-making by any citizens, including by ethnic minorities, so it makes no sense to take "further" measures in that regard (222); and because continuing a system that has not provided autonomy in ethnic areas and has been the foundation for human rights violations in China is counter to the goals of the UPR (228).²
4. Women continue to be underrepresented in the Chinese Communist Party (CCP), and government and legislative bodies at all levels. Chinese authorities have not fully implemented election laws, and the CCP has excessive influence over who can be a candidate in elections. Party and governmental interference in people's congress and village elections has been pervasive, and political institutions have not complied with international norms. CCP and government officials often retaliate against independent candidates, including through harassment, detentions, and prison sentences. In addition, discrimination against ethnic and decision-making bodies affecting religious minorities continues to be a concern.
5. To understand the situation in China, a brief description of elections in China is necessary. China only has direct elections for people's congress delegates in local townships, counties, municipal districts, and cities not divided into districts. Above these levels, including at the national level, there are no direct elections; congress delegates are selected by people's congresses at the next lower level.³ Direct elections are also held at the lowest administrative levels for village committees and urban community-level "residence committees." Village-level administration is particularly complex— involving Party, village committee, and village "supervision" and "assembly" groups⁴—but according to law, the Party committees play the leading role.⁵

Low women's' public participation & election laws not fully implemented

6. Women in China continue to be underrepresented in Party and government leadership positions, a fact that the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about in its 2014 Concluding Observations.⁶ Chinese authorities have not met the 30 percent goal for women's participation in government and political agencies, which was set out in the 1995 Beijing Declaration and Platform for Action, and reiterated in China's 2011-2020 Women's Development Program.⁷ Underrepresentation is particularly grave at the top. Of the 204 members of the Party Central Committee selected in October 2017, only 10 are female (4.9%). There is only one woman on the 25-member Politburo (4%), and no women in the seven-member Politburo Standing

Committee.⁸ As of 2017, there were no female provincial party secretaries, the highest Party position at the provincial level.⁹

7. Since the 2013 UPR review, Chinese authorities have not made additional efforts to ensure equal political participation for women in China's legislative and advisory bodies at all levels, and women continue to be underrepresented¹⁰; hence, China has not implemented India's recommendation (171). In the 13th National People's Congress (NPC) (2018-2023), women delegates hold 24.9 percent of the seats. According official Chinese statistics, the percentage of women in the NPC has hovered around 21 percent since the late 1970s.¹¹ Even fewer women are in leadership positions; in the 13th NPC women hold just 11.32 percent of the NPC Standing Committee positions, and only one woman is in a leadership position on the Standing Committee (6.25%).¹² The percentage of women in the advisory body, the Chinese People's Political Consultative Conference (CPPCC), is even less; women hold just 20.4 percent of the total seats in the 13th National Committee of the CPPCC (2018-2023).¹³ Even fewer women are in CPPCC leadership positions; in the 13th CPPCC National Committee Standing Committee, women hold only 13 percent of the positions, and just 8 percent of the Standing Committee's leaders are women (2 women).¹⁴
8. Authorities have not implemented the two recommendations from Uganda (172 and 173) because they have not fully implemented the 2010 revisions to the Organic Law of Villagers Committees; nor have they taken additional measures since then,¹⁵ thereby not taking steps to ensure equal representation for women in village committees. The percentage of women on village committees has not changed much since the early 1990s; in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of 1.4 percent from 2010, but only 1.8 percent higher than in 1993.¹⁶ One delegate of the CPPCC noted that, in some provinces, women's representation on village committees had not reached 20 percent, and reports note that committees in other villages have no women representatives at all.¹⁷ The percentage of women leaders of village committees was even lower, at 11.5 percent in 2015 and 10.5 percent in 2016.¹⁸ While the percentage of village committee women leaders meets Chinese official targets, the target is extremely low.
9. Moreover, numerous reports from within China note problems with discrimination against women in elections since 2013.¹⁹ In addition, gender-specific roles in politics also remain deeply ingrained. One Chinese People's Political Consultative Conference (CPPCC) delegate noted that women on village committees still mostly work on family planning policy issues, propagating gender-specific stereotypes.²⁰ While the percentage of women in urban residence committees in 2014 was 48.9 percent, 49.2 percent in 2015, and 48.7 percent in 2016,²¹ these committees have always been considered "women's work," and so women traditionally have dominated these committees.²²

No guarantee of the rights to vote & be elected

10. The government has not implemented Uganda's recommendation—that Chinese authorities guarantee citizens' right to vote, to be elected, and to express themselves (186.173)—since the CCP and government officials wield undue influence over who can be a candidate in people's congress elections. Without protection of the right to be elected, elections in China are not necessarily free and fair, and political institutions do not comply with international standards.²³ Interference by officials in elections includes judging potential candidates using criteria not disclosed to the public or that conflicts with national laws. For example, the 2015 revision to the Election Law for people's congresses included a new provision that gives an "examination committee" the authority to "examine" the credentials of individuals who win people's congress elections before they assume office.²⁴ The "criteria" the Examination Committee uses are not disclosed to the public, and are above and beyond the scope of the basic criteria in Article 2 of the Election Law.²⁵ The additional

“examination” further opens the door to arbitrariness and increased government or CCP interference in elections.

11. This problem of interference also takes place at the village level. Higher-level authorities impose secondary eligibility criteria for candidates that go beyond the law, sometimes under the banner of having members of the committee be “broadly representative.” Since the 2013 UPR, officials in some parts of China prohibited certain types of individuals from becoming candidates in, being elected to, or assuming office in village committees by imposing requirements not stipulated in China’s Organic Law of Village Committees. These criteria include age, education, and loyalty to the Party line.²⁶ Other arbitrary criteria authorities utilized to prohibit individuals from becoming village committee candidates include, among other activities: the lack of Party membership, alleged distribution of “suggestions that counter Party theories, guidelines, and policies,” “creating or disseminating political rumors,” or initiating mass incidents or inspiring people to file petitions (*xinfang*).²⁷ Documents from higher-level officials or local leaders outline additional “criteria” that are not included in the Election Law, which local “election work leading small groups” or other Party or government agencies use to “disqualify” individuals from running in elections.²⁸

Reprisals against independent candidates & election monitors

12. As one local observer pointed out, elections have deteriorated to the point that that “not only do people not have the right to participate in elections, but even if you are considering it, you may be punished. People are frightened to join elections.”²⁹ In 2014, CEDAW expressed its deep concern over reports that women who have stood in elections as independent candidates have been “subjected to abuse and violence.”³⁰ In the latest round of people’s congress elections in 2016, authorities have cracked down on unsanctioned candidates across the country.³¹ Would-be candidates for village committees also face reprisals and have been prevented from running in elections. Some examples of reprisals against independent candidates, their supporters, and election monitors include:
 - a. In June 2016, Guangdong Province authorities detained Wukan Village committee chief, Lin Zulian (林祖恋), assigned him a government-appointed lawyer, likely forced him to make a televised confession—which he later retracted—and then tried and convicted him in September on charges of “bribery.”³² Lin received a 37-month sentence and a fine of 200,000 RMB (approx. 29,500 USD),³³ and lost his appeal in October.³⁴ Lin’s initial detention came just days after Lin published an open letter saying he would initiate protests and mass-complaints to higher-level authorities regarding continuing illegal land sales and failure to provide compensation for land confiscations in Wukan.³⁵ Lin had led past demonstrations against such land deals, and had been freely elected by his peers in 2012.³⁶
 - b. In August 2016, local authorities in Zixi County, Jiangxi Province administratively detained Yang Wei (aka, Yang Tingjian, 杨霆剑) for 10 days after he tried to submit an application to become a candidate in people’s congress elections in Hecheng Township.³⁷ Yang has said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house.³⁸
 - c. Also in October, officials in Qianjiang City, Hubei Province forced election expert Yao Lifa (姚立法) into a vehicle and took him away³⁹ on the same day he and 57 others declared their candidacy for local people’s congress elections.⁴⁰ Not long before, officials had shut down Yao’s popular election monitoring blog, likely for his reporting on Shanghai and Beijing independent candidates.⁴¹
 - d. Beijing authorities harassed Ye Jinghuan (野靖环) after she and 17 others issued an open letter declaring their intention to run in elections in October.⁴² Authorities in Fangshan district, Beijing, followed and prevented Liu Huizhen (刘惠珍), who was among the very few of 60 independent

- candidates to get onto the ballot, from meeting with voters or carrying through with a rally.⁴³ Beijing police also harassed, intimidated, or beat up other independent candidates to prevent them from running, meeting journalists,⁴⁴ and voters, making campaign speeches,⁴⁵ or canvassing.⁴⁶
- e. In December 2016, Hubei-based Peng Feng attempted to participate in local people's congress elections and obtain information about elections in Qian Jiang city but was detained by authorities and then arrested on suspicion of "picking quarrels and provoking trouble." While in detention, he alleged he was beaten. The local procuratorate reportedly recommended a prison sentence of one to two years in his case, which went to court on December 22, 2017.⁴⁷
 - f. In 2017, Chengdu resident Zi Su, a CCP member and retired CCP School professor, was detained in April and arrested in June after he released an open letter calling for direct intraparty elections at the 19th Party Congress in October 2017 and the dismissal of Xi Jinping as General Secretary. In December he was indicted on charges of "subversion of state power" and faces a potential life sentence.⁴⁸ People who supported him and shared the open letter in postings online were also detained.⁴⁹
13. Other recent instances of detention or harassment of independent candidates and their supporters in 2016 include the criminal detention of Guan Guilin (管桂林), a Hunan man, on suspicion of "disrupting elections" after he tried to register as a candidate,⁵⁰ and the detention of individuals in Shanghai who were handing out flyers in support of one independent candidate.⁵¹
 14. In 2014, also in Wukan Village, independent candidates Yang Semaο (楊色茂) and Hong Ruichao (洪銳潮) were detained on trumped-up bribery charges. Authorities had warned Hong not to participate in the election, but he did anyway and won a seat on the village committee, even though he was detained at the time. In late 2014, courts sentenced Yang to two years' imprisonment and Hong to four years.⁵² Both candidates had been leaders in 2011 demonstrations against land seizures and the death of a villager in custody, and were subsequently voted into the village committee in 2012 elections.⁵³

Discrimination against minorities & interference in decision-making

15. Discrimination against ethnic and religious minorities in village and people's congress elections and in decision-making bodies continues to be a problem, and China has not implemented recommendations related to this issue made by Austria (222), Viet Nam (228), and Germany (232). CEDAW expressed concern in 2014 over the underrepresentation in political decision-making of ethnic and religious minority women as well as rural and migrant women.⁵⁴ Between 2013 and 2017, some government job postings indicated that only Han Chinese citizens would be eligible to apply, reducing opportunities for non-Han to participate in decision-making.⁵⁵ In 2014, CCP authorities in a prefecture in the Tibet Autonomous Region (TAR) restricted certain individuals from becoming village committee candidates because they were not Party members, or because they had attended religious gatherings abroad that had been organized by the Dalai Lama.⁵⁶
16. Authorities in the TAR not only interfere in elections, they also interfere in decision-making at the organizational level, and even intrude at the household level in attempts to monitor political thought and behavior. Party and government officials removed some members of management committees in monasteries and nunneries in the TAR and reportedly replaced them with "government and Party appointees," and have demand that monks and nuns "demonstrate their support" for the Party.⁵⁷ The intrusion of government and Party officials at the household-level in the TAR, and other areas, is particularly worrisome, because such behavior is likely to stifle freedom of thought and speech. According to a Human Rights Watch report, teams of officials were "categorizing Tibetans according to their religious and political thinking, and establishing institutions to monitor their behavior and

opinions.”⁵⁸

¹ In response to why it did not accept recommendation 232 (Germany), the government said, “China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics.” 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 Recommendation 222 (Austria) is considered “poor” since it assumes conditions that do not exist, including “measures to allow ethnic minorities to preserve their cultural identity.” The full recommendation reads: “Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution.”

³ National People’s Congress of the People’s Republic of China, “About Congress: Local People’s Congress and Their Standing Committees,” (accessed July 20, 2016), http://www.npc.gov.cn/englishnpc/about/2007-11/20/content_1373254.htm.

⁴ Congressional-Executive Commission on China (CECC), 2011 Annual Report, October 10, 2011, pp. 163-164, <https://www.cecc.gov/sites/chinacommission.house.gov/files/2011%20CECC%20Annual%20Report.pdf>.

⁵ See: Article 3, Organic Law of the Villagers Committees of People’s Congress of China (2010 Amendment), (中华人民共和国村民委员会组织法), (1998 amended 2010), http://www.gov.cn/flfg/2010-10/28/content_1732986.htm.

⁶ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, CEDAW/C/CHN/CO/7-8, November 14, 2014, paras. 30-31. See also: CECC, 2015 Annual Report, October 8, 2015, p. 172, <http://www.cecc.gov/sites/chinacommission.house.gov/files/2015%20Annual%20Report.pdf>.

⁷ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html.

⁸ The Washington Post, “Xi Jinping and six other men will rule China, but women are left behind,” October 25, 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/10/25/chinese-women-sidelined-as-xi-takes-center-stage/?utm_term=.3394ba432717.

⁹ Cheng Li, “Status of China’s women leaders on the eve of 19th Party Congress,” Brookings, March 30, 2017, <https://www.brookings.edu/opinions/status-of-chinas-women-leaders-on-the-eve-of-19th-party-congress/>.

¹⁰ For example, authorities made no changes to the language in the 2015 revisions to the PRC Law on Elections of the NPC and Local People’s Congresses at All Levels (Election Law) to try to encourage higher female representation. The language has been the same since 2004, when authorities added an amendment that stipulates “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually.” Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布：中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.

¹¹ National Bureau of Statistics, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, 2014, Table 24-1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

¹² Name List of the 175 Members of the National People’s Congress Standing Committee (175位全国人大常委会委员全名单), Sohu, March 19, 2018, http://www.sohu.com/a/225833327_203783. The leadership positions include the Secretary of the Standing Committee.

¹³ Women of China, “Quota of Female Members Increased at 13th CPPCC National Committee, January 29, 2018, <http://www.womenofchina.cn/womenofchina/html/features/politics/1801/4150-1.htm>.

¹⁴ Chinese People’s Political Consultative Conference Net, “Chinese People’s Political Consultative 13th National Committee Standing Committee Name List” (中国人民政治协商会议第十三届全国委员会常务委员名), March 14, 2018, <http://www.cppcc.gov.cn/zxww/2018/03/14/ART11521024517368985.shtml>; Chinese People’s Political Consultative Conference Net, CPPCC 13th National Committee (政协十三届全国委员会), <http://www.cppcc.gov.cn/zxww/newcppcc/zxld/index.shtml>.

¹⁵ The 2010 revisions stipulated that village committees “should” have women members and that women should make up at least one-third of the total number of representatives on the Villagers’ Representatives’ Conference; China has not even met this meager goal. Article 9, Organic Law of the Villagers Committees of People’s Congress of China (中华人民共和国村民委员会组织法).

- ¹⁶ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; Dui Hua Foundation, “Measures on the Custody and Education of Prostitutes and their Clients: State Council Decree of the People’s Republic of China No. 127,” September 4, 1993, <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>; People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women,” (村委会换届选举应提高女性比例), March 03, 2014, <http://www.rmzxb.com.cn/2014qqlh/hsy/zz/300930.shtml>.
- ¹⁷ Rights Defense Network (RDN), “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)), April 6, 2015, http://wqw2010.blogspot.ca/2015/04/2015_6.html; RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Led Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, http://wqw2010.blogspot.ca/2015/02/2014_15.html.
- ¹⁸ State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017, http://www.nwccw.gov.cn/2017-09/30/content_178282.htm; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.
- ¹⁹ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)); RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Led Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女); RDN, “China Election Monitor (2014) No. 60, Henan Ye County Government-Led Village Election Discriminated Against Women” (中国选举观察 (2014) 之六十——河南省叶县县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.
- ²⁰ People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women” (村委会换届选举应提高女性比例).
- ²¹ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.
- ²² Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, p. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.
- ²³ Specifically, China’s political institutions do not conform with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the “will of the people” should be “expressed in periodic and genuine elections which shall be by universal and equal suffrage.” Article 21, Universal Declaration on Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.
- ²⁴ Article 46, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布：中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).
- ²⁵ The criteria made public in the Election Law stipulate that a potential candidate must not have had their political rights taken away and they are at least 18 years of age. Article 3, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布：中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).
- ²⁶ Other “criteria,” not included in the Election Law are often found in documents discussing the “Five Elect, Seven Don’t Elect” or “Five Elect, Eight Don’t Elect,” and are raised by local “election work leading small groups” or other Party or government agencies in several provinces that “disqualify” individuals to run in elections. Officials who have not strongly implemented higher-level Party Committee directives” or have “outdated thinking” are also disqualified. RDN, “China Election Monitor Bulletin, (2015), No. 29, A Citizen-Elected Village Chief Sues Ministry of Civil Affairs Agency for Denying His Eligibility To Run Because He Was Not a Party Member (选举观察简报之二十九——前民选村长控告民政机构以非党员名义剥夺其选举资格), May 8, 2015, http://wqw2010.blogspot.ca/2015/05/blog-post_17.html; RDN, “China Election Monitor (2015), No. 11, Hebei Province Chengde County Government Led Village Elections Illegal,” May 17, 2015,

http://wqw2010.blogspot.ca/2015/05/2015_17.html; RDN, “China Election Monitor (2015), No. 30, ‘Five Elects, Eight Don’t Elects,’ Violate the Constitution and the Election Law” (中国选举观察 (2015) 之十一——河北省承德县政府指导的村官选举是非法的), May 17, 2016, http://wqw2010.blogspot.ca/2015/05/blog-post_560.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; CECC, 2014 Annual Report, October 9, 2014, p 142, http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF.

²⁷ CECC, 2014 Annual Report, p 142.

²⁸ These criteria include having “out of plan” children, participating in “illegal religious activities,” “interfering in elections” (a charge often used against independent candidates). In addition, local Party committees have issued rules that do not conform to the Organic Law or had undue influence over, or “led” village committee elections. RDN, “China Election Monitor (2015), No. 12 (2015), Chinese Communist Party Members From Village Committee Organization in Yong Nian County Zhenxi Village Illegally Led Elections for Village Officials” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), May 20, 2015, http://wqw2010.blogspot.ca/2015/05/2015_20.html; RDN, “China Election Monitor (2014), No. 56, Jinan City, Central District Government-Led Elections Illegal, Lead to Mass Complaints to Higher-Level Officials” (中国选举观察 (2014) 之五十六——济南市市中区政府指导非法选举引发村民集体上访 (之三)), December 28, 2014, http://wqw2010.blogspot.ca/2014/12/2014_28.html; CECC, 2015 Annual Report, pp. 240-241.

²⁹ CHRD interview 2016.

³⁰ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

³¹ Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*, November 15, 2016, <http://www.nytimes.com/2016/11/16/world/asia/beijing-china-local-elections.html>.

³² In June 2016, government/Party officials in Wukan, Guangdong province detained and later arrested Lin Zulian. A district court in Foshan City tried Lin on September 9, 2016, and found him guilty of the two bribery counts but acquitted him of a charge of rigging tenders. Thousands of citizens in Wukan joined mass demonstrations that began on June 19, 2016, demanding Lin’s release, which peaked at 8,000 in mid-August. Lin Zulian was among the villager candidates who had been leaders in the 2011 prolonged demonstrations against land seizures and the death of a villager in custody and were subsequently voted into the village committee in 2012 elections. Yang Fan (扬帆), “Former Village Chief Sentenced to Three Years and One Months’ Imprisonment for Crimes, Villagers Initiate a Merchants Strike and Demonstration Activities In Support of Lin Zulian” (乌坎前村支书罪成获刑3年1个月 村民发起罢市游行活动声援林祖恋), *Radio Free Asia*, September 8, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-09082016095246.html>; Qiao Long, “Jailed Former Head of China’s Rebel Village Retracts ‘Confession.’” *Radio Free Asia*, October 12, 2016, <http://www.rfa.org/english/news/china/wukan-trial-10122016134225.html>.

³³ CHRD, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrb-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

³⁴ *Radio Free Asia*, “Former Village Secretary Lin Zulian Loses Appeal, Affirms Original Verdict” (乌坎前村书记林祖恋败诉维持原判), October 20, 2016, <http://www.rfa.org/cantonese/news/wukan-10202016103457.html?encoding=simplified>.

³⁵ *Al Jazeera*, “China Wukan Leader Arrested Ahead of Planned Protests,” June 18, 2016, <http://www.aljazeera.com/news/2016/06/china-wukan-leader-arrested-160619034526131.html>; RDN, “China Elections Monitor, Wukan’s Lin Zulian To Be Tried in Foshan Courtroom on September 8” (乌坎林祖恋案9月8日将在佛山开庭), September 6, 2016, <http://wqw2010.blogspot.com.br/2016/09/98.html>; *Radio Free Asia*, “Wukan Villager Protests Uncontainable, Lin Zulian To Be Tried This Thursday” (乌坎村民游行不遏 林祖恋料周四开庭), September 6, 2016, <http://www.rfa.org/cantonese/news/wukan-09062016094007.html>; RDN, “China Election Monitor, Wukan Bulletin, Villagers in Wukan Have Taken to the Streets in Spontaneous Protest Continuously for 74 Days (No. 4)” (中国乌坎维权快讯——村民自发连续游行示威已七十四天 (之四)), September 1, 2016, http://wqw2010.blogspot.com.br/2016/09/blog-post_63.html.

³⁶ CECC, 2014 Annual Report, pp. 142-143.

³⁷ He had tried to submit his application at the township level first but was blocked by township officials, so he tried to submit it at the county-level. In early September, Yang said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house. Qiao Long, “Independent People’s Congress Election Hopeful Jailed in China’s Jiangxi,” *Radio Free Asia*, August 25, 2016, <http://www.rfa.org/english/news/china/independent-peoples-congress-election-hopeful-jailed-in-chinas-jiangxi-08252016105705.html>; RDN, “People’s Congress Delegate Independent Candidate

Yang Wei (Yang Tingjian) Administratively Detained for 10 Days by Jiangxi Province, Zixi County Public Security Bureau” (江西人大代表独立候选人杨微 (杨霆剑) 遭江西省资溪县公安局行政拘留十天), August 24, 2016, http://wqw2010.blogspot.com/2016/08/blog-post_68.html.

³⁸ Qiao Long, “Independent Candidate Vows to Fight Local Election in China’s Jiangxi,” *Radio Free Asia*, September 6, 2016, <http://www.rfa.org/english/news/china/election-09062016122823.html>.

³⁹ RDN, “Hubei Qianjiang City People’s Congress Independent Candidate, Former People’s Congress Delegate, Well Known Elections Expert, Yao Lifa Kidnapped Forced to Leave Qianjiang” (湖北潜江市人大代表独立候选人、前人大代表、著名选举专家姚立法先生遭绑架强制离开潜江) November 2, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_2.html.

⁴⁰ RDN, “Declaration of Yao Lifa and 58 Others To Run In the Hubei Qianjiang City People’s Congress Elections” (湖北潜江市姚立法等 58 位竞选市人大代表的宣言), November 1, 2016, <http://wqw2010.blogspot.com/2016/11/58.html>; RDN, “China Election Monitor (2016) No. 21: Japanese Television Station (NTV) Blocked From Interviewing Beijing Independent Candidate Ye Qinghuan” (中国选举观察(2016)之二十一:日本电视 (NTV) 采访北京独立候选人野靖环受阻), October 18, 2016, <http://wqw2010.blogspot.com/2016/10/2016ntv.html>; RDN, “Zhu Xiuling: Beijing People’s Congress Independent Candidate Fan Sujun’s Elder Sister Blocked From Conducting Election Campaigning” (朱秀玲: 北京人大代表独立候选人范素君大姐进行选举宣传遭阻拦破坏), November 1, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_67.html.

⁴¹ RDN, “China Elections Expert, Previous People’s Congress Delegate in Qianjiang City, Yao Lifa’s Wangyi Blog ‘China Elections Monitor’ Shut Down” (中国选举专家、前潜江市人大代表姚立法先生的网易博客“中国选举观察”被封杀), October 16, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_89.html.

⁴² RDN, “China Elections Monitor (2016), No. 21: Japanese TV (NTV) Blocked From Meeting Beijing Independent Candidate Ye Jinghuan” (中国选举观察(2016)之二十一:日本电视 (NTV) 采访北京独立候选人野靖环受阻); RDN, “China Elections Monitor (2016) No. 21: 18 Independent Candidates in Beijing Issue Joint Declaration of Their Intent to Participate in Elections” (中国选举观察 (2016) 之二十一:北京 18 位独立候选人联名发出参选宣言), October 14, 2016, <http://wqw2010.blogspot.ca/2016/10/201618.html>.

⁴³ RDN, “Beijing Fangshan District Independent Candidate Liu Huizhen November 8, 2016, Record of Movements: Personal Freedom Restricted” (北京房山区独立候选人刘惠珍 2016 年 11 月八日出行记: 人身自由遭侵害), November 9, 2016, <http://wqw2010.blogspot.com/2016/11/2016118.html>; Tom Mitchell, Lone Beijing Independent Intimidated Ahead of China Elections,” *Financial Times*, November 4, 2016, <https://www.ft.com/content/ccac1148-a248-11e6-82c3-4351ce86813f>. Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*; Helene Franchineau and Christopher Bodeen, “China Harasses Independent Candidates for Low-Level Offices,” *Associated Press*, November 15, 2016, <http://bigstory.ap.org/article/e6ac147b9f4e4489a1e682348478d18b/china-harasses-independent-candidates-low-level-offices>.

⁴⁴ *BBC*, “BBC stopped from visiting China independent candidate,” November 17, 2016, <http://www.bbc.com/news/world-asia-38005603?SThisFB%E3%80%82%E7%8E%B0%E5%9C%A8%E6%AD%A3%E5%9C%A8%E6%8E%A8%E7%89%B9%E4%B8%8A%E7%83%AD%E6%8E%A8%E3%80%82>.

⁴⁵ RDN, “Beijing People’s Congress (58 People) Independent Candidates: Strongly Protest The Beating of Beijing Independent Candidate Li Meiqing by Thugs” (北京人大代表 (58 人) 独立候选人: 强烈抗议黑社会成员殴打北京独立候选人李美青), November 10, 2016, http://wqw2010.blogspot.com/2016/11/58_10.html; RDN, “Beijing Police Wantonly Interfere in Grassroots People’s Congress Delegate Elections, Completely Restrict Freedom of 18 Independent Candidates” (北京警方肆意破坏干扰基层人大代表选举 18 名独立候选人全部被限制自由), October 24, 2016, <http://wqw2010.blogspot.com/2016/10/18.html>.

⁴⁶ Authorities detained human rights lawyer Cheng Hai for several days because of his canvassing efforts in his bid to run for office. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*, November 14, 2016, <http://www.rfa.org/english/news/china/election-detentions-11142016160141.html>.

⁴⁷ Trial Opens in Case of Hubei Independent Candidate Peng Feng Charged with “Picking Quarrels and Provoking Trouble” (湖北独立参选人彭峰被控 “寻衅滋事” 案开庭), Civil Rights and Livelihood, December 23, 2017, <http://msguancha.com/a/lanmu1/2017/1223/16847.html>.

⁴⁸ RDN, “Zi Su, Who Requested CCP 19th Party Congress Directly Elect Generally-Secretary, Indicted on Charges of “Subversion of State Power (Indictment Attached)” (要求中共 19 大直选总书记的中共党员子肃被以“颠覆国家政权罪”起诉 (附: 起诉书图)), March 9, 2018, <http://wqw2010.blogspot.com.au/2018/03/19.html>.

⁴⁹ CHR, China Human Rights Briefing, September 28-October 17, 2017, October 17, 2017, <https://www.nchr.org/2017/10/chr-china-stop-detaining-activists-silencing-political-expression-around-19th-ccp-congress-928-10172017/>. (based on Chinese sources: RDN, “CCP Member Zi Su Arrested on the charge of “Inciting Subversion of State Power,” for Calling for Direct Elections at the 19th Party Congress (要求中共 19 大直选的中共党员子肃被以 “煽动颠覆国家政权罪” 正式逮捕), June 15, 2017, https://wqw2010.blogspot.com.au/2017/06/19_15.html; RDN, “Because of ‘Zi Su Calling

for Replacement of General Secretary at 19th Party Congress Case' Three People Detained, Huang Jiaping of Nanchang, Jiangxi; Zhang Ai of Kunming, Yunnan; and Shao Zhongguo of Yuncheng, Shanxi" ("子肃建言十九大更换总书记案" 江西南昌黄剑平、云南昆明张艾、山西运城邵重国三人被拘留), May 6, 2017, https://wqw2010.blogspot.com/2017/05/blog-post_69.html.

⁵⁰ Authorities later changed the charges to "using a cult organization to undermine implementation of the law," a charge often leveled against Falun Gong practitioners. RDN, "Hunan, Hengyang City, Qidong County People's Congress Independent Election Candidate Guan Guilin Criminally Detained After Being Administratively Detained" (湖南衡阳祁东县人大代表独立参选人管桂林被行政拘留后又遭刑事拘留), October 14, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_67.html.

⁵¹ Authorities detained Zheng Peipei, Xu Peiling, and Cui Fofang when they were handing out leaflets to canvass on November 13th for Feng Zhenghu's candidacy. As of November 14, the three were still under detention. Yang Fan, "Police in Shanghai, Beijing Detain More Independent Election Candidates," *Radio Free Asia*.

⁵² Yang Fan, "China Jails Two Former Wukan Village Protest Leaders for 'Graft,'" *Radio Free Asia*, October 10, 2014, <http://www.rfa.org/english/news/china/wukan-10102014124824.html>.

⁵³ CECC, 2014 Annual Report, pp. 141-142.

⁵⁴ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

⁵⁵ CECC, 2017 Annual Report, p. 290; CECC, 2015 Annual Report, p. 289.

⁵⁶ *Ibid*, 240-241.

⁵⁷ CECC, 2014 Annual Report, p. 179.

⁵⁸ Human Rights Watch, "China: 'Benefit the Masses' Campaign Surveilling Tibetans," June 19, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.

2.2. Death Penalty

By CHRD (last updated 2016)

1. China did not accept and did not implement most of the 11 recommendations made on the death penalty. However, we assess that the government has partially implemented two recommendations.¹ China pledged in 2013, as a candidate in the elections for the Human Rights Council, that judicial organs would “continue to strengthen the prudent application of the death penalty.”² Since then, however, it appears that China has not kept its pledge, nor has it taken seriously most recommendations about the death penalty made during its 2nd UPR. The trend of small reductions in the number of annual executions seems to have stalled, non-transparency remains the rule, various reform measures have been extraneous or inadequate, and China’s application of the death penalty does not conform to international standards.

Stalled decline in estimated number of executions

2. Chinese authorities continue to classify information about executions as a state secret.³ In 2015, the Committee Against Torture (CAT) expressed concern over the “lack of specific data on the application of the death penalty,” which prevented the Committee from verifying whether legislative reforms are being implemented in practice.⁴ According to NGO estimates, China executes more people per year than all other countries combined.⁵ While Chinese authorities have gradually provided more data on individual executions over the past five years, reporting is selective and limited information is still only available about a very small percentage of executions.⁶ In addition, since the Supreme People’s Court (SPC) took back the authority to review death penalty cases, it has rejected the penalty in a small percentage of cases.⁷ According to one NGO’s analysis of 525 cases reviewed by the SPC of individuals facing the death penalty between April 2011 and November 2015, the SPC rejected the penalty in only 11 cases, a rate of 2 percent. This rate, though based on what is understood as incomplete data, is significantly lower than the 10 percent figure reportedly provided by SPC officials.⁸

Extraneous measures to reduce crimes punishable by death

3. Although China did not take action to implement the majority of UPR recommendations on the death penalty, Chinese authorities have reduced the number of crimes punishable by death, thereby partially implementing recommendation 186.109 (Italy, Bulgaria, Germany, Belgium). During the November 2013 Third Plenum of the 18th Chinese Communist Party Central Committee, the Party issued a decision that included language on reducing the crimes punishable by death.⁹ Following this, in 2015, the National People’s Congress passed the Ninth Amendment to the Criminal Law, which reduced the number of crimes punishable by death by nine (55 reduced to 46).¹⁰ However, these reductions do not appear to be meaningful and impactful; Chinese press reports, cited in an Amnesty International report, acknowledged that there are few death sentences issued for the crimes that are no longer capital offenses, so the reductions would likely have little impact on the total number of executions.¹¹ In 2015, the two UN special rapporteurs on Summary Executions and on Torture welcomed China’s measures (to reduce the number of crimes punishable by death), but the latter also urged the Chinese government to take “further steps towards abolishing the death penalty...”¹²

Death penalty implementation & review do not conform to international standards

4. In 2012, China issued new provisions in the amended Criminal Procedure Law that restricted application of the death penalty.¹³ One Chinese scholar and expert on the death penalty concluded, however, that these provisions and other measures have not been fully implemented, and that there has been little or no improvement in China’s application of the death penalty.¹⁴ After 2013 and

China's 2nd UPR, the government made fewer efforts to reform the use of the death penalty than it reportedly had in previous years. In the 2012-2015 National Human Rights Action Plan (NHRAP), China made a vague pledge that "more strict standards will be adopted" with regard to evidence used in capital cases, without detailing what these standards would be or how they would be measured.¹⁵ The official assessment of the implementation of this plan simply reiterates mostly pre-2013 judicial interpretations passed, regulatory measures put in place, and institutional changes, but does not discuss how all of these measures have been implemented in practice.¹⁶ In January 2015, the SPC issued so-called "new" measures, which simply clarified existing procedures for how defense lawyers may present their opinion to judges during the SPC review of death sentences.¹⁷

5. In June 2016, the SPC instructed second-instance courts to, in principle, review capital crime cases remanded by the SPC instead of just returning the case to the court of first-instance, except under special circumstances.¹⁸ Some believe this process may help to reduce local government protectionism leading to interference in court cases.¹⁹ Nevertheless, in 2015-2016, some Chinese scholars reportedly expressed concerns about the lack of clear legal standards in the death penalty review process. They called on officials to issue guidelines for sentencing, expressed concerns about the sufficiency of procedures relating to meaningful representation by lawyers, and called on the government to be more transparent about statistical data on the review of capital cases.²⁰
6. Application of the death penalty in China still does not conform to international standards. China has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR), the major covenant with provisions pertaining to application of the death penalty.²¹ Having signed the ICCPR, the Chinese government is obliged to not take measures that defeat the treaty's purpose, but China's application of the death penalty fails to conform to the ICCPR in multiple ways.²² For example, the ICCPR stipulates death sentences "may be imposed only for the most serious crimes..." but China continues to condemn to death individuals for non-violent and economic crimes.²³ Furthermore, the ICCPR stipulates that "no one shall be arbitrarily deprived of his life," which has been interpreted to mean States should guarantee the right to a fair defense.²⁴ In China, the judiciary is subservient to the CCP, the legal system lacks political independence,²⁵ and state-run media may influence outcomes in death penalty cases,²⁶ so there is no guarantee of a fair trial for those facing a possible death sentence. Chinese authorities also continue to use torture to extract confessions and use them in court convictions, including those leading to executions.²⁷ There are other issues inherent in the judicial system that prevent defendants from receiving a fair trial, including the lack of the assumption of innocence and standards of evidence to eliminate reasonable doubt, inhumane treatment of detainees on death row, and denial of their rights to see and communicate with family members.²⁸
7. Inadequacies of other measures from the Chinese government also undermine the right to a fair defense in death penalty cases:
 - The 2012 revisions to the CPL stipulate that legal aid agencies assign an attorney to a defendant facing capital punishment in a lower court trial, but this does not apply when the case comes under the mandatory SPC review.²⁹
 - Measures issued in early 2015 by the SPC, further clarifying the role of lawyers in final death penalty reviews, are too weak and exclusory to help ensure a fair legal defense for detainees facing execution.³⁰
 - The government has proposed instituting a ranking system for lawyers; however, if enacted, there is fear it could be used to prohibit certain lawyers from representing their defendants in death penalty cases.³¹

8. Additionally, China lacks a system whereby death row inmates may apply for a pardon, and executions typically take place a short period after the SPC conducts its review. The NGO Dui Hua reviewed about 500 SPC review verdicts and found that, on average, executions take place within two months of the SPC verdict, indicating sometimes there is a time lag between a SPC verdict and the signing of the warrant of execution.³² By law, executions should take place within 7 days after the SPC president issues a warrant of execution after the SPC finishes its review of a case.³³
9. In 2016, public outcry erupted over the case of Jia Jinglong (贾敬龙), who was executed in November 2016 after he killed a village chief who had arranged for Jia's house to be demolished just before Jia's wedding.³⁴ Many Chinese and international law experts found it problematic that authorities executed Jia Jinglong so soon after the lawyer received the verdict, and argued that the court did not sufficiently weigh mitigating circumstances in his case or adhere to the state policy stipulating caution in death penalty cases.³⁵ Initially, calls for a delay included an opinion piece in government-affiliated media, but following the execution, state media published articles justifying the SPC's decision, perhaps to counter the public uproar.³⁶
10. In 2015, CAT encouraged China to "establish a moratorium on executions and commute all existing death sentences," as well as accede to the Second Optional Protocol of ICCPR on abolishing the death penalty.³⁷ However, the government has not implemented these recommendations.

¹ We consider four recommendations to be "poor" because authorities have not indicated abolishing the death penalty is a goal, so they cannot "continue" efforts that don't exist (186.107), and it is impossible to know whether authorities have "considered" abolition of or a moratorium on the death penalty (186.107 and 114). In addition, there is a problematic presumption that current stipulations on evidence are sufficient and have been implemented (186.110), and the problematic presumption of the existence and implementation of "legal safeguards" in the absence of an examination of the adequacy of such "safeguards" (186.111)

² UN General Assembly, "Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly," A/68/90.

³ Congressional-Executive Commission on China (CECC), "Criminal Justice," 2015 CECC Annual Report, p. 8, <http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2015%20AR%20Criminal%20Justice.pdf>.

⁴ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 49.

⁵ Estimates by one NGO suggest that since 2013, the downward trend in executions that began in the early 2000s appears to have stalled. Dui Hua estimates that there have been approximately 2,400 executions per year in 2013, 2014, and 2015. Dui Hua Foundation, "China Executed 2,400 People in 2013," http://duihua.org/wp/?page_id=9270; Dui Hua Foundation, "Can Recognizing Poverty Reduce Executions in China?," June 9, 2016, <http://www.duihuahrjournal.org/2016/06/can-recognizing-poverty-reduce.html>; A Chinese organization puts the estimate higher, at 4,000 or more cases each year. China Against the Death Penalty, "Overview of China's Death Penalty 2015" (中国死刑概述 2015), March 23, 2016, <http://www.chcadp.org/index.php?a=shows&catid=48&id=2667>; James Griffiths, "China is the World's Top Executioner, But It Doesn't Want You To Know That," *CNN*, April 7, 2016, <http://www.cnn.com/2016/04/06/asia/china-death-penalty/>.

⁶ Dui Hua Foundation, "China's Average 'Death Row' Prisoner Waits 2 Months for Execution," April 27, 2016, <http://www.duihuaresearch.org/2016/04/chinas-average-death-row-prisoner-waits.html>.

⁷ This figure is also down from the 15 percent reported in the first few years the SPC began to review cases. *Ibid.*

⁸ *Ibid.*

⁹ Chinese Communist Party Central Committee, "Decision on Major Issues Concerning Comprehensively Deepening Reforms," adopted November 12, 2013, Sec. 9(34), http://www.china.org.cn/china/third_plenary_session/2013-11/16/content_30620736.htm.

¹⁰ Offenses whose maximum punishment was reduced from death to life imprisonment in 2015 are: smuggling of weapons, ammunition, nuclear materials and counterfeit currency; the counterfeiting of currency; fraudulently raising funds; arranging for a person or forcing a person to carry out prostitution; the obstruction of duty of a police officer; and creating rumors during

wartime to mislead people. Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.

¹¹ Amnesty International, "China 2015-2016," The State of the World's Human Rights Report 2015/16, <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/>.

¹² UN Office of the High Commissioner for Human Rights (OHCHR), "UN Human Rights Experts Welcome Encouraging Steps Away From Death Penalty in China and India," September 11, 2015, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16412&LangID=E>.

¹³ Dui Hua Foundation, "China's New Criminal Procedure Law: Death Penalty Procedures," April 3, 2012, http://www.duihuahrjournal.org/2012/04/chinas-new-criminal-procedure-law-death_03.html; Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016 Chap. III Sec. 3, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹⁴ CHRDR interview with Chinese legal scholar, 2016.

¹⁵ Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan (2012-2015), Chap. II Sec. 3, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

¹⁶ Apart from the reduction of crimes in the 9th Amendment to the Criminal Law, the government mostly reiterated pre-2013 steps, such as: "In 2012, the Supreme People's Procuratorate established the Oversight Office on the Review of the Death Penalty, in an effort to strengthen legal supervision procedures on the review of the death penalty. Since 2012, the Supreme People's Court has issued 56 exemplary cases of guiding importance, with three of them involving criminal acts where the death penalty was applicable. Second trials of death penalty cases have all been conducted in open courts. More importance is given to listening to the opinions of defense lawyers in the course of reviewing death penalty cases. When a higher people's court reviews a death penalty, for which the defendant didn't ask for a defense lawyer, it is required to ask legal aid agencies to designate a lawyer for defense service." Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), Chap. III Sec. 3.

¹⁷ Supreme People's Court, "SPC Measures on Hearing Defense Opinions In Final Review of Death Penalty Cases" (最高人民法院关于办理死刑复核案件听取辩护律师意见的办法), January 29, 2015, http://www.legaldaily.com.cn/index_article/content/2015-01/29/content_5950322.htm; CECC, 2015 Annual Report, pg. 9.

¹⁸ Supreme People's Court, "Reply Concerning issues related to the Application of Article 225 (para 2) of the Criminal Procedure Law" (最高人民法院关于适用刑事诉讼法第二百二十五条第二款有关问题的批复), June 23, 2016, <http://www.court.gov.cn/zixun-xiangqing-22501.html>.

¹⁹ One scholar believes the interpretation could be a positive development because it may help to reduce government interference in court cases, especially those that relate to the interests of officials. The court's interpretation was issued as an "official response" to answer a "request for instructions" from a lower court. Susan Finder, "Supreme People's Court Tweaks Capital Punishment Review Procedure," Supreme People's Court Monitor, June 27, 2016, <https://supremepeoplescourtmonitor.com/2016/06/27/supreme-peoples-court-tweaks-capital-punishment-review-procedure/>.

²⁰ CECC China, 2016 Annual Report, October 8, 2016, pg. 107 (original sources include, Shan Yuxiao, "Tsinghua Scholar Calls on the Supreme People's Court To Make Public Annual Data on Death Penalty Review Cases," Caixin, October 19, 2015; Zhao Bingzhi and Xu Wenwen, "Observations and Reflections on Death Penalty Reform in the 'Ninth Amendment to the Criminal Law,'" Legal Forum, No. 1 (2016), 34; Li Wenchao, "The Flaws and Ways of Improving the Death Penalty Review Process," Journal of Hubei Correspondence University, Vol. 29, No. 9 (2016), 92. 167; Tang Tong, "Research on the Supervision of the Death Penalty Review Process by the Procuratorate," Culture and History Vision (March 2016), 45; Feng Yun, "Discussion of the Right of Defense in the Death Penalty Review Process," People's Tribune, April 2016, 124; Wang Yanling, "Thoughts on the Current Status and Ways To Improve Our Nation's Death Penalty Review Procedure" Shanxi Youth, No. 5 (2016), 102.)

²¹ In response to Recommendation 186.1, Chinese authorities have only stated that China is still making judicial and administrative reforms to prepare for the ratification of the ICCPR but that they have not set a specific timetable for ratification; See also, Article 6, International Covenant on Civil and Political Rights, 1976, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²² As laid out in Article 18, Vienna Convention on the Law of Treaties, 1969, <http://www.oas.org/legal/english/docs/Vienna%20Convention%20Treaties.htm>.

²³ Amnesty International, "Death Penalty 2016: Alarming Surge in Recorded Executions Sees Highest Toll in More Than 25 Years," April 6, 2016, <http://www.amnestyusa.org/news/press-releases/death-penalty-2016-alarming-surge-in-recorded-executions-sees-highest-toll-in-more-than-25-years>.

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2.3. Enforced Disappearances

By CHRD and Rights Defense Network

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

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

By CHRD and Rights Defense Network

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 & 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 & 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

2.5. Freedom of Expression & Internet Use

By CHRD and Rights Defense Network

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 & 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

2.6. Freedom of Peaceful Assembly & Association

By CHRD and Rights Defense Network

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 & 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

2.7. Human Rights Defenders: Persecution & Reprisals

By CHRD and Rights Defense Network

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 & systemic abuses of the rights of human rights defenders

40. The government has persecuted many HRDs while systematically depriving them of due process rights. CHRD 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 In 2018, a foreign NGO holding a training on UN human rights mechanisms received numerous anonymous threatening emails. The messages included threats to abduct and physically attack the staff of the organization if they didn't cancel the human rights training.
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

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- ⁸⁰ CHRD, “Cao Shunli (曹顺利) & Her Legacy,” <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.
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- ⁸⁵ CHRD interviews, 2015.
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- ⁸⁸ “Repression & Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” pgs. 12-13.
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2.8. Freedom of Religion

By CHRD (last updated 2016)

Further limiting religious freedom & practice

1. Since 2013, religious freedom in China has deteriorated dramatically, even though China “accepted” over half of the recommendations related to protecting the rights to hold religious beliefs and engage in religious activities.¹
2. While China’s Constitution protects “normal” religious belief “in principle,” it also restricts religious practices that “disturb public order” or “interfere with the state’s system of education,” but without defining these exceptions (Article 36).² In practice, authorities ban some religious groups completely, deny registration of other groups, and rarely recognize groups outside of the five main approved religions.
3. Since the 2013 UPR, central and local authorities have implemented repressive policies that have systematically curtailed religious freedom; they have disrupted and demolished churches, imposed ongoing restrictions on Tibetan Buddhists and Uyghur Muslims, and imprisoned Falun Gong practitioners. The actions taken by the government are contrary to pledges concerning the protection and promotion of religious freedom, which China made in its National Human Rights Action Plan (2012-15).³ The government restricts religious activities, including by continuing to prohibit nearly 90 million Chinese Communist Party (CCP) members from believing in or practicing religion, further banning religious activities for Christians, reducing the size of Tibetan Buddhist schools, and restricting Muslims from completing their pilgrimages. In addition, Chinese authorities have continued to target and criminally prosecute religious leaders on religious and political charges.⁴
4. Since the 2013 UPR, China has adopted the National Security Law, Counter-Terrorism Law, Cyber Security Law, and amended its Criminal Law, which all contain provisions Chinese authorities use to legitimize ongoing systematic suppression of religious, cultural, and ethnic minorities.⁵ In particular, the National Security Law includes a broad and ill-defined definition of “national security,” and provisions that would allow criminal prosecution of dissenting views, religious beliefs, and information online.⁶ Through such laws and prevailing practices, China has suppressed religious freedoms in the name of “national security,” making the recommendation by Comoros (141) “inappropriate,” as it asks China to “guarantee freedom of religion in respect of national unity and the territorial integrity of the country.”
5. In a move to further criminalize religious expression and free speech, China drafted revisions to its “Regulations on Religious Affairs” in September 2016, that could, if passed and implemented, expand monitoring of religious schools, strengthen Internet censorship over religious writing and news sites, and expand restrictions on contacting religious groups overseas.⁷ The Regulations appear to have been revised not to protect, but to curtail the interests and rights of religious practitioners, which runs counter to the Chinese government’s pledge in its newest National Human Rights Action Plan (2016-2020).⁸
6. When China accepted the UPR recommendation to “take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China” (138), the State remarked that both citizens and civil servants enjoy freedom of religion.⁹ In reality, however, China has not implemented this recommendation, which it also claims has been implemented, as there has been a long-standing ban on CCP members practicing religion.¹⁰ Public servants must “uphold Marxism-Leninism and Mao Zedong thought,” and government officials are under the administration of the CCP, and a criteria for many government positions is CCP membership.¹¹ Therefore, the required atheism for Party members also directly spills into the administration of government.¹²

7. Top Chinese officials have reemphasized the policy of banning CCP members from practicing religion. In September 2014, at a national meeting on religious affairs, President Xi Jinping reportedly reaffirmed atheism as a ground rule of the Party. In an opinion piece published that November, Zhu Weiqun (朱维群), the director of the Subcommittee for Ethnic and Religious Affairs, condemned Party members who harbor religious beliefs and practice religion.¹³ In 2016, the offices of the Central Party Committee and State Council jointly issued an [opinion](#) stipulating that even retired civil servants must not engage in religious activities or adopt religious faith, because they remain Party members.¹⁴

Tibetan Buddhists

8. Punishment against religious leaders in the Tibet Autonomous Region (TAR) has been a part of the government's systematic repression of ethnic Tibetans. According to the NGO Tibetan Center for Human Rights and Democracy, more than 140 Tibetan monks and nuns have been detained since 2013, and 80 percent of them are still in custody and have not been brought before a judge.¹⁵ Many Tibetan monks, including [Karma Tsewang](#), who was sentenced to 2.5 years in prison in late 2014, have been denied medical treatment, access to legal counsel, family visitation, and been subjected to inhumane punishment. In the past two years, three Tibetan political prisoners have died in custody after years of torture and mistreatment: Goshul Lobsang and Tenzin Choedak, in 2014, and monk Tenzin Delek Rinpoche, in July 2015.¹⁶ The government refused to allow the family of Tenzin Delek Rinpoche to bury his body according to Tibetan religious customs.¹⁷
9. Government control of Tibetan monasteries has continued to expand, and authorities have issued new directives that impose stricter surveillance on monks and followers, tightening restrictions on religious activities and monastic staff and forcing monks and nuns to attend mandatory programs that promote CCP and pro-government ideology. Since 2011, Buddhist temples in Tibet have been required to replace their traditional self-governing bodies with a government-appointed "Monastery Management Committee."¹⁸ This committee consists of Party members stationed at each temple to oversee and report daily activities to higher government organs as well as review and approve any religious activity. The government has publicly commended some committees and officials for their performance and compliance.¹⁹
10. In September 2015, authorities in one Tibetan county issued a comprehensive notice (called Document No. 224) that further restricted the autonomy of monasteries and religious leaders, including strictly limiting mobility, interaction with practitioners, financial management, and topics addressed in religious services.²⁰ The directive details harsh punitive measures against anyone, including Party officials, who does not fully implement or follow the provisions in the notice.²¹
11. In July 2016, authorities demolished monastic dwellings at the largest Tibetan Buddhist Academy in Larung Gar, Sichuan Province, an action that reduced the academy's monastic staff by half.²² Authorities also have instituted measures to restrict, control, and monitor the travel of Tibetans to Lhasa, the center of Tibetan Buddhism in the TAR; they have prevented some Tibetans from taking a pilgrimage to temples in the city, and required those who are granted permission to go to Lhasa to register with police.²³

Uyghur Muslims

12. Since the 2013 UPR, central and provincial authorities in the Xinjiang Uyghur Autonomous Region have passed measures and increased efforts to restrict freedom of religion, affecting followers of Islam. In November 2014, authorities revised the region's regulations to further limit religious practices by making previous measures and directives more legally binding.²⁴ Authorities also continued to try to restrict children from participating in religious practices, and detained individuals who brought religious materials home for their children.²⁵ State media reported in January 2016 that the regional people's congress will begin drafting regulations about "religious

extremism.”²⁶ In March 2016, during China’s annual session of the National People’s Congress, the Party Secretary of Xinjiang announced that authorities will continue a “strike hard” anti-terror campaign, which was first launched in 2014, in order to impose more stringent restrictions on Uyghur Muslims.²⁷

13. This “strike hard” campaign in Xinjiang has been marked by a growing presence of military troops, increased reports of arrests of alleged “terrorists,” restrictions on travel, and intensified limits on religious expression, practices, and mosque activities. According to an overseas Uyghur rights organization, the number of soldiers dispatched has increased during “sensitive” periods, and Uyghurs are then subjected to heightened surveillance and more arbitrary detentions.²⁸ In late 2015, troops were seen assaulting four young Uyghurs on a public street and arresting seven Uyghurs afterward, accusing them of “illegal assembly and obstructing official business.”²⁹ In January 2016, authorities in Kashgar City detained at least 16 Uyghurs for having religious publications for children.³⁰
14. In addition, new government rules in Xinjiang punish acts that “encourage” youth to practice religion. Two new sets of rules adopted by the Standing Committee of Xinjiang People’s Congress in September 2016 expose deep-seated government concerns that contact with religion works to foster unrest in and beyond the region. Under these new regulations, Xinjiang police can jail people for “encouraging” or “forcing” youth to take part in religious activities. The rules are likely to further restrict religious expression while increasing ethnic tensions.³¹
15. Authorities have continued efforts to ban various forms of religious expression among Uyghur Muslims, such as the growing of beards for men and wearing of veils and burqas for women.³² In Urumqi, Xinjiang’s capital, officials implemented a directive in 2015 to ban full-face and full-body coverings in all public places, including schools, hospitals, public transportation, government buildings, and businesses. A fine of up to approximately 800 USD or criminal charges could be imposed on individuals who refuse to comply.³³ In the same year, authorities sentenced a husband and wife in Kashgar City to six and two years, respectively, for keeping a beard and wearing a face-covering veil. The Kashgar City government also implemented a directive requiring every household in the city to sign an agreement to “de-radicalize.”³⁴
16. Mosques are also under constant surveillance, and the content of prayers led by imams, religious leaders, must be approved by Chinese authorities. Traditionally, mosques do not close, but in recent years, the government has mandated they shorten their operating hours.³⁵ One mosque in Chengdu, Sichuan Province, has been listed for demolition to make way for real estate development. This has spurred an online petition by many people seeking to save this important historical landmark, which is sacred to Uyghur Muslims.³⁶ Authorities also have continued to shut down unauthorized “preaching sites.”³⁷
17. In addition, contrary to a white paper on religious freedom released by the Chinese government in June 2016, officials continue to prohibit Muslims from observing Ramadan in Xinjiang, as the local government forbids CCP members, civil servants, teachers, and students from fasting.³⁸ Civil servants, in particular, are also not allowed to enter mosques, since the Party requires its members to abandon religious faith and practice. Moreover, mobility for Uyghurs inside and out of China has been greatly restricted, as they are barred from travelling freely to other places of worship, including to make a pilgrimage to Mecca. Instead, State officials have organized and monitored such trips.³⁹

Christians

18. Chinese authorities continue to exert undue influence over Christian religious practices, including by trying to control the process through which Catholic bishops are chosen.⁴⁰ Both the State-sanctioned churches (known as “patriotic churches”) and non-sanctioned ones (known as underground or “house churches”) have faced more scrutiny and constraints in recent years.

Government officials in Zhejiang and Sichuan have launched a provincial-wide campaign called “Five Entries and Five Transformations” to expand government control over State-sanctioned churches.⁴¹ Zhejiang authorities openly interfere with and prohibit church activities, control church finances, change architectural designs of religious buildings, impose mandatory lectures by government officials, and force church members to meetings with officials to discuss their beliefs.⁴²

19. Although house churches are not allowed to register in China, at least half of the country’s nearly 70 million Christian adherents attend such churches.⁴³ New amendments to the “Regulations on Religious Affairs” will effectively make house churches illegal, as all churches will be pressed to register.⁴⁴ The government has also pressured house churches to become State-sanctioned, so authorities can monitor and control them more tightly. Church leaders and members have been punished for refusing to register with the government. Three houses churches in Zhejiang and Guizhou, for instance, were banned from holding services for congregations while pastors and members were criminally detained after they refused to follow orders from local authorities pressing them to become government-approved entities.⁴⁵
20. In Zhejiang, the provincial government issued an urban planning directive in 2013 that has since targeted both patriotic and underground churches, where officials have ordered the forced removal of crosses and demolition of buildings under the pretext of urbanization and redevelopment.⁴⁶ According to the Christian Council of Zhejiang, authorities removed more than 1,200 crosses between 2014 and 2015.⁴⁷ Pastors and church members who tried to defend their churches were criminally detained on charges of “disturbing public order” or “financial mismanagement,” and their lawyers also have been prosecuted.⁴⁸
21. The scope of the crackdown has extended beyond Zhejiang to other regions, where leaders of Christian communities have been given long prison sentences that are tied to their religious activities. Christian and activist Hu Shigen (胡石根), an elder in house churches in Beijing, was detained for more than one year and then sentenced to seven-and-a-half years in 2016 after a court convicted him of “subversion of state power.”⁴⁹ In Henan Province, pastor Zhang Shaojie (张少杰) was sentenced in 2014 to 12 years for “fraud” and “gathering a crowd to disrupt social order.”⁵⁰

Falun Gong

22. The Chinese government continues to persecute Falun Gong practitioners, as well as the activists and lawyers who try to defend their rights. The government banned Falun Gong in 1999, and fifteen years later in 2014, a government body called China Anti-Cult Association officially listed Falun Gong as one of 20 “cults” and began a sweeping crackdown against them.⁵¹ Thousands of practitioners reportedly were arrested that year, and more than 600 of them sentenced to prison and several received 12-year prison terms.⁵² The same year, Jiangxi-based activists Liu Ping (刘萍) and Wei Zhongping (魏忠平) were convicted of “using a cult to undermine implementation of the law”; Liu had posted a story online about a Falun Gong practitioner being abused by authorities, and Wei had mentioned Falun Gong during a media interview. Lawyers who have represented Falun Gong practitioners have also been subjected to government retaliation.⁵³

¹ In our assessment, the recommendation by Malaysia (139) is “poor” because it urges the “continued promotion” of conditions that do not currently exist. Additionally, the recommendation by Uganda (147) to “Adopt further measures to firmly crack down on cult organizations to safeguard freedom of worship and the normal religious order” is also “poor,” because it supports China’s persecution of Falun Gong, which the government has labelled a “cult,” in the name of “safeguarding” “normal” “religious order.”

² Constitution of the People’s Republic of China, (1982, amended 2004), http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm.

³ China’s National Human Rights Action Plan includes pledges on: protecting citizens from being forced into believing or not believing in religion; protecting normal religious activities; and providing assistance and guaranteeing Muslims can complete

their pilgrimages. Information Office of the State Council of the People's Republic of China, Human Rights Action Plan (2012-2015), Chap. IV, <http://www.china-un.ch/eng/rqrd/jbcl/t953936.htm>.

⁴ Buddhist leader Wu Zeheng (吴泽恒) was sentenced to life in prison in a closed-door hearing for his beliefs and peaceful activities, including protecting human rights, which date back to his time as a student leader in the 1989 pro-democracy movement. One of the crimes Wu was convicted of was “organizing or using an illegal cult to undermine implementation of the law.” Another Buddhist leader, Xu Zhiqiang (徐志强), was convicted of a political crime in April 2016 and sentenced to four years in prison. CHRDR, Portrait of a Defender – Wu Zeheng, <https://www.nchrd.org/2016/07/wu-zeheng/>; CHRDR, Portrait of a Defender – Xu Zhiqiang, <https://www.nchrd.org/2016/08/xu-zhiqiang/>.

⁵ Effective January 2016, the Counter-terrorism Law could be used to criminalize peaceful activities of ethnic Uyghurs and Tibetans as well as any other political or religious dissidents as “terrorists” while systematically depriving their due process rights. Amendments to China's Criminal Law, went into effect in November 2015, targets individuals allegedly involved in “cults,” with the maximum punishment being extended to life imprisonment. In addition, the Cyber Security Law legalizes invasive and strict cyber-policing and authorizes shutting off the Internet to entire regions for “security” purposes. This would legalize actions authorities have already taken, such as shutting off the Internet for the entire Xinjiang Uyghur Autonomous Region (comprising one-sixth of Chinese territory) following unrest that occurred in 2009. Counter-terrorism Law of the People's Republic of China (反恐主义法), 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm; Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>; Cyber Security Law of the People's Republic of China (网络安全法), 2016, http://news.xinhuanet.com/politics/2016-11/07/c_1119867015.htm.

⁶ In particular, Article 27 of the National Security Law includes provisions on restricting religious or other spiritual practice, such as by “punishing the exploitation of religion to conduct illegal and criminal activities,” “maintaining the normal order of religious activities,” and banning “illegal cult organizations.” National Security Law, 2016. http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm.

⁷ Legislative Affairs Office of the State Council, “Explanation Concerning ‘Draft Revision to Regulations on Religious Affairs (Submission for Review Draft),’” September 2016, <http://zqyj.chinalaw.gov.cn/draftExplain?DraftID=1269>.

⁸ Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan (2016-2020), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm.

⁹ Specifically, authorities responded by saying: “China's Constitution provides for citizens' freedom of religious belief. All civil servants in administrative entities are citizens of the People's Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religious belief into consideration when recruiting, selecting, and appointing civil servants.” Report of the Working Group on the Universal Periodic Review, China, Addendum, Human Rights Council, A/HRC/25/5/Add.1, February 27, 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>.

¹⁰ *Radio Free Asia*, “Warning Over Religious Believers in Chinese Communist Party Ranks,” May 25, 2015, <http://www.rfa.org/english/news/china/china-religion-05252015112309.html>; Matt Sheehan, “China's Communist Party Bans Believers, Doubles Down on Atheism,” *Huffington Post*, February 2, 2015, http://www.huffingtonpost.com/2015/02/02/china-communist-party-atheism-zhejiang-ban-religious-members-christianity_n_6599722.html.

¹¹ Article 4, Civil Servant Law of the People's Republic of China, 2005, http://www.gov.cn/flfg/2005-06/21/content_8249.htm; “2016 National Civil Service Examination Job Forms Posted” (2016 年国家公务员考试职位表已发布), October 13, 2015, <http://www.gjgwy.org/201510/223385.html>.

¹² Eleanor Albert, “Religion in China,” CRF Backgrounders (updated June 10, 2015), <http://www.cfr.org/china/religion-china/p16272>.

¹³ Zhu Weiqun, “Principle of ‘Party Members Cannot Have Religious Faith’ Is Unshakeable,” *Global Times*, November 14, 2014, http://opinion.huanqiu.com/opinion_china/2014-11/5201895.html.

¹⁴ Xinhua, “Do a Comprehensive Job on Retirement for Cadres” (中组部: 全面做好离退休干部工作), February 4, 2016, http://news.xinhuanet.com/politics/2016-02/04/c_1117996328.htm.

¹⁵ At the time of this report, 115 out of 144 are still being detained without trial. Tibetan Centre for Human Rights and Democracy (TCHRD), “Political Prisoner Database,” (Accessed November 8, 2016), http://www.tchrd.org/tchrd_pdb/.

¹⁶ CHRDR and Coalition of NGOs, Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015, para. 17 (c), <http://www.chrdnet.com/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>.

¹⁷ Andrew Jacobs, “China: 2 Relatives of a Tibetan Monk Who Died in Prison Have Been Arrested,” *The New York Times*, July 18, 2015, <http://www.nytimes.com/2015/07/19/world/asia/china-2-relatives-of-a-tibetan-monk-who-died-in-prison-have-been-arrested.html>.

¹⁸ “2015 Tibet Autonomous Region List of Outstanding Temple Management Committees and Cadres Stationed at Temples for Excellent Work Performance” (2015 年度西藏自治区先进寺庙管理委员会和优秀驻寺干部宗教工作优秀干部名单), November 20, 2015, http://www.tibetculture.net/2012whzx/zx/201511/t20151120_3978948.html.

¹⁹ In 2015, as many as 1,300 officials and 138 monastery committees have been listed in such commendation. Ibid.

²⁰ Other measures included weekly political and legal education class for monastic staff, banning donation and loan, and a prohibition on religious leaders from providing schools or classes. TCHRD, “Document Exposes Intensification of State-sanctioned Religious Repression in Troubled Tibetan County,” November 9, 2015, <http://tchrd.org/document-exposes-intensification-of-state-sanctioned-religious-repression-in-troubled-tibetan-county/>.

²¹ Monks and nuns are monitored and kept at a fixed number at each monastery; under the new directive, authorities have forcibly evicted some, including nuns over 50 years old. Punitive measures include: financial punishments such as up to six-months pay for a committee member and withholding benefits for monastic staff or banning them from engaging in certain business activities; job termination for officials; closing-down of monastery; and detention of monks who refuse to comply with the directive. “Trampling Religious Freedom and Other Basic Human Rights in Diru County in Tibet” (西藏比如县践踏宗教信仰等基本人权), December 7, 2015, <https://box1.global.ssl.fastly.net/news/gb/pubvp/2015/12/201512070003.shtml>.

²² Lhuboom, “Larung Gar Leaders Urge Calm as Demolition Appears Set to Proceed,” *Radio Free Asia*, July 12, 2016, <http://www.rfa.org/english/news/tibet/calm-07122016125946.html>.

²³ Tibetans coming into Lhasa have to first report to a police station, where their identification cards will be taken away, only to be retrieved when they leave the city. In addition, Tibetans from other provinces have to stay at a hotel designated by police. CHRD interview with an ethnic Tibetan living in China, 2016.

²⁴ Julia Famularo, “Chinese Religious Regulation in the Xinjiang Uyghur Autonomous Region: A Veiled Threat to Turkic Muslims?,” Project 2049 Institute, April 8, 2015, pp. 1-2, http://www.project2049.net/documents/Famularo_PRC_Religious_Regulations_Xinjiang.pdf.

²⁵ Qiao Long, “China Clamps Down on ‘Underage Religion’ Among Muslim Uyghurs,” *Radio Free Asia*, October 30, 2014, <http://www.rfa.org/english/news/uyghur/underage-10302014120731.html>.

²⁶ Cui Jia, “Xinjiang Drafting 1st Statute Against Religious Extremism,” *China Daily*, January 14, 2016, http://www.chinadaily.com.cn/china/2016-01/14/content_23077898.htm.

²⁷ *Oriental Daily News*, “Terrorism Cases Fall Sharply, Strike Hard in Xinjiang Continues,” March 9, 2016, <http://www.orientaldaily.com.my/international/gn20162020153108>.

²⁸ Qiao Long (乔龙), “Police Conduct Counterterrorism Exercises in Various Locations on New Year’s Day, 16 Uyghurs Arrested on Suspicion of Religious Activities in Kashgar, Xinjiang” (元旦日各地警方反恐演习 新疆喀什 16 维族人涉宗教被捕), *Radio Free Asia*, January 1, 2016, <http://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/q11-01012016105504.html>.

²⁹ Ibid.

³⁰ Ibid.

³¹ CHRD, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchrd.org/2016/10/chrh-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.

³² For more information on the long-standing efforts to stop men from wearing beards and women from wearing veils, see Congressional Executive Committee on China (CECC), “Local Officials In Xinjiang Continue Curbs Over Religious Practice,” December 16, 2011, <http://www.cecc.gov/publications/commission-analysis/local-officials-in-xinjiang-continue-curbs-over-religious-practice>.

³³ *People’s Daily*, “Public Places in Urumqi Ban Full Body and Face-Covering Veils” (乌鲁木齐市公共场所将禁止穿戴蒙面罩袍), January 17, 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html>.

³⁴ China Youth Network, “Xinjiang Man Gets 6 Years for Beard, Wife Receives 2 Years for Wearing Face Veil” (新疆男子留大胡子获刑 6 年 妻子蒙面获刑 2 年), March 29, 2015, <http://domestic.firefox.163.com/15/0329/09/1GEQFO2BPKT3ZYJ4.html>.

³⁵ CHRD interview with a Uyghur Muslim living in China, 2016.

³⁶ “Please Save Chengdu Mosque From Imminent Demolition,” April 23, 2016, <https://www.facebook.com/photo.php?fbid=705210832952053&set=pcb.705211749618628&type=3&theater>.

³⁷ Jiang Jie, “Xinjiang Underground Preaching Sites Shut Down: Islamic Leader,” *Global Times*, March 8, 2016, <http://www.globaltimes.cn/content/972451.shtml>.

³⁸ The white paper claimed that there was no interference from authorities during Ramadan, however, restaurants have been told to not serve during this period. Bai Tiantian, “China releases Xinjiang’s religion freedom white paper, dispels misreading of Ramadan rules,” *Global Times*, June 2, 2016, <http://www.globaltimes.cn/content/986639.shtml>; *BBC Chinese*,

“Chinese Authorities Tighten Control Over Fasting During Ramadan” (穆斯林斋月前中国当局加紧控制封斋), June 16, 2015, http://www.bbc.com/zhongwen/simp/china/2015/06/150616_china_xinjiang_ramadan.

³⁹ While the government has expanded the number of Muslims permitted to make the hajj pilgrimage, up from 2,000 in 1995, the number is still relatively small at 14,500 and the trips are still monitored. *China Daily*, “14,500 Chinese make Hajj pilgrimage,” August 20, 2016, http://news.xinhuanet.com/english/2016-08/20/c_135617890.htm; State Administration for Religious Affairs, “Notice Concerning Regulations on Pilgrimage at Own Expense” (关于自费朝觐若干规定的通知), January 28, 1995, <http://www.sara.gov.cn/zcfg/bmgz/6601.htm>.

⁴⁰ Neil Connor, “China’s Catholics: ‘Rome May Betray Us, But I Won’t Join a Church Which Is Controlled by the Communist Party,’” *Daily Telegraph*, April 4, 2016, <http://www.telegraph.co.uk/news/2016/04/03/chinas-catholics-rome-may-betray-us-but-i-wont-join-a-church-why/>.

⁴¹ “Five entries” refer to churches that have to accept and follow: government policies and regulations, health care activities, popular science and culture, assist and help the poor, and harmonious design and construction. Five transformations refer to indigenizing religion, standardizing management, localizing theology, making finances transparent, and instructing Christian teachings within Chinese context. “What Are the ‘Five Entries and Five Transformations’?” (什么是“五进五化”?), August 4, 2016, http://www.360doc.com/content/16/0804/11/20959170_580696077.shtml.

⁴² Ethnic and Religious Affairs Committee of Zhejiang Province, “Longwan District Haibin Launch ‘Five Entries Into Churches’ Activities” (龙湾区海滨街道开展“五进教堂”活动), October 28, 2014, <http://www.zjsmzw.gov.cn/Public/NewsInfo.aspx?id=0ce0b131-6e0d-43e0-b85d-0e23d48d0ac6>.

⁴³ Pew Research Center, “Global Christianity, Appendix C: Methodology for China,” 2011, <http://www.pewforum.org/files/2011/12/ChristianityAppendixC.pdf>.

⁴⁴ Ian Johnson, “China Seeks Tighter Grip in Wake of a Religious Revival,” *The New York Times*, October 7, 2016, <http://www.nytimes.com/2016/10/08/world/asia/china-religion-regulations.html>.

⁴⁵ CHR, Submission to UN on Three House Churches, December 17, 2015, <https://www.nchrd.org/2016/01/submission-to-un-on-three-house-churches-kwok-yu-him-december-17-2015/>.

⁴⁶ Zhejiang Provincial Government. “Notice Regarding Implementation of a Three-Year Plan of ‘Three Rectifications, One Demolition’ Throughout Zhejiang,” http://www.zj.gov.cn/art/2013/3/13/art_13012_77021.html.

⁴⁷ *Gospel Times*, “Zhejiang Christian Association and Catholic Church for the First Time Publicly Demand an End to Demolition of Crosses,” July 11, 2015, <http://www.gospeltimes.cn/news/36652/%E6%B5%99%E6%B1%9F%E5%9F%BA%E7%9D%A3%E6%95%99%E5%8D%8F%E4%BC%9A%E3%80%81%E5%A4%A9%E4%B8%BB%E6%95%99%E4%B8%A4%E4%BC%9A%E9%A6%96%E6%AC%A1%E5%85%AC%E5%BC%80%E5%A3%B0%E6%98%8E%E8%A6%81%E6%B1%82%E5%81%9C%E6%8B%86%E5%8D%81%E5%AD%97%E6%9E%B6>.

⁴⁸ One pastor, Bao Guohua (包国华), and his wife were convicted of financial crimes and imprisoned for 14 and 12 years, respectively, as they led efforts in defending their church. *BBC Chinese*, “Zhejiang Church Case: Bao Guohua and Xing Wenxiang Given Harsh Sentences” (浙江教案：包国华、刑文香牧师夫妻遭重判), February 26, 2016, http://www.bbc.com/zhongwen/simp/china/2016/02/160226_china_church_trial; In 2015, Beijing-based human rights lawyer Zhang Kai (张凯) was held incommunicado for seven months as he was providing legal aid to detained Christians. CHR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed October 25, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

⁴⁹ CHR, Portrait of a Defender – Hu Shigen (胡石根), <https://www.nchrd.org/2016/01/hu-shigen-%E8%83%A1%E7%9F%B3%E6%A0%B9/>.

⁵⁰ CHR, Portrait of a Defender – Zhang Shaojie (张少杰), <https://www.nchrd.org/2014/09/prisoner-of-conscience-zhang-shaojie/>.

⁵¹ *Global Times*, “China Publishes Official List of Cults In the Country, Extreme Cases Are Not Uncommon,” June 7, 2014, <http://world.huanqiu.com/exclusive/2014-06/5013985.html>.

⁵² Minghui, “2014 Persecution Statistics: 983 Falun Gong Practitioners Tried, 635 Sentenced,” January 15, 2015, <http://en.minghui.org/html/articles/2015/1/15/147980.html>.

⁵³ Four human rights lawyers—Jiang Tianyong (江天勇), Tang Jitian (唐吉田), Wang Cheng (王成), and Zhang Junjie (张俊杰)—were seized, tortured, and administratively detained in Heilongjiang Province after trying to expose a “legal education center,” a black jail in Jiansanjiang City that was mostly holding Falun Gong practitioners. Other lawyers also faced harassment and other forms of mistreatment for taking on Falun Gong cases. See: CHR, “End Violence Against Human Rights Lawyers,” (Accessed November 10, 2016), <https://www.nchrd.org/2015/10/end-violence-against-human-rights-lawyers/>; CHR, “China Has Obligation to End Violence Against Lawyers,” April 3, 2014, <https://www.nchrd.org/2014/04/china-has-obligation-to-end-violence-against-lawyers/>.

2.9. Administrative Detention: Involuntary Commitment to Psychiatric Institutions

By Social-Economic Rights Watch

1. Since China's 2nd UPR, the Chinese government took a positive step in abolishing the administrative detention system, Re-education Through Labor (RTL), in December 2013.¹ However, the government failed to provide redress for past victims of the system who had been tortured and arbitrarily detained.² Another form of administrative and extra-judicial detention that continues to be used is involuntary commitment in psychiatric institutions. It is possible Chinese authorities are continuing to use this type of detention despite legal restrictions in order to fill the void left after the abolishment of RTL.
2. The government accepted recommendation 186.118 (Sweden) that China should "[e]nsure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour." In responding to this recommendation, the government claimed that this recommendation was "being implemented" and pointed out that "[t]he amended Criminal Procedure Law of China clearly stipulates that compulsory mental health treatment for mentally ill people should be decided by courts."³ The government also responded to recommendation 186.118 (Canada) that China must "[r]elease all people in administrative detention for political reasons" by repeating its response given to the United States (186.115): "There is no one in China who is kept in administrative detention for political reasons."⁴
3. The government's statements do not reflect the fact that other forms of administrative detention remain in operation, and also that the amended CPL has not been fully implemented in regard to involuntary psychiatric commitment, which remains a common form of extra-judicial detention for activists and government critics in China.
4. Despite enacting its first Mental Health Law (MHL) in May 2013, the government has failed to halt involuntary psychiatric commitment as a form of political persecution. The MHL stipulates that forced psychiatric commitment be based on a qualified physician diagnosing someone with a "serious mental disorder" and assessing that they have caused harm to, or are at risk of harming, themselves or others.⁵ MHL calls for a "voluntary" principle and, at the very least, approval from the individuals' guardians. In criminal cases, the Criminal Procedure Law (CPL) only permits a court to approve an involuntary commitment on the recommendation of a procuratorate, and it does not allow government officials or public security police to act unilaterally to institutionalize anyone.⁶
5. Because the MHL does not require a court order, police or other government officials who send someone to a psychiatric institution usually do not have one. Since the MHL took effect, government officials or police have continued to commit petitioners, human rights activists, and critics of the government to psychiatric hospitals against their will, without obtaining a diagnosis of mental illness from qualified physicians or where no perceived threat of violence exists.
6. China's Supreme People's Procuratorate released regulations in February 2018 to further standardize supervision of compulsory psychiatric treatment by police.⁷ One aim of the regulations is to prevent police from falsely classifying healthy individuals as having a mental illness. If properly enforced, such oversight could strengthen the implementation of the MHL. However, new regulations and procuratorial supervision is unlikely to prevent such abuses continuing in politically-sensitive cases involving human rights defenders as police already ignore existing legislation in some cases. Furthermore, such regulations only apply in criminal cases.
7. China does not release comprehensive statistics on involuntary psychiatric commitment. One Chinese NGO, Civil Rights and Livelihood Watch (CRLW), has documented hundreds of cases in China of forced psychiatric detention on political grounds between 2009 to 2016.⁸ The director of

the NGO has been indicted, at the time of writing, on charges of “inciting subversion of state power” for the NGO’s activities. Prosecutors cited the NGO’s release of reports on involuntary psychiatric commitment of HRDs as evidence of “subversion.”⁹

8. Cases show that authorities have ordered hospital personnel to detain such individuals and medicate them as they see fit in order to “discipline” them or make them obey rules in the institutions.¹⁰ Besides illegal detention, individuals involuntarily committed for political reasons are usually deprived of visitors, including attorneys, and are blocked from seeking judicial review of their institutionalization.¹¹ These practices clearly violate the MHL, which requires the treatment facilities and their staff to inform the patient or their guardian of their rights during diagnosis and treatment (Article 37) and allow the patient to have communications and meetings with visitors (Article 46). Detainees can also face myriad physical abuses, often used as punishment, that constitute torture or other forms of cruel, inhumane, and degrading treatment. These include beatings, forced injections of unidentifiable drugs, electric shocks, and having their hands, legs, and torsos tied to hospital beds.¹²
9. One emblematic example is Xing Shiku (邢世库), a labor activist who had been detained and abused in a psychiatric hospital in Heilongjiang Province from 2009 to 2015 on orders of the local government.¹³ The UN Working Group on Arbitrary Detention in May 2014 had issued an opinion that Xing had been arbitrarily detained in the psychiatric facility because of the peaceful expression of his views.¹⁴ In a recent case from May 2017, dissident writer Ren Naijun (任迺俊) was sent to Shanghai Minhang District Mental Health Center after being released from detention. Police lacked evidence to pursue a criminal case but were determined to continue to deprive Ren of his liberty.¹⁵ Chinese NGO CRLW stated in its 2017 annual research report on mental health and human rights that it is still very easy to involuntarily commit a healthy individual to a psychiatric hospital, and that the mechanisms for filing complaints, appeals, and lawsuits are inadequate.¹⁶
10. UN human rights treaty bodies have repeatedly raised serious concerns over these above practices and made specific recommendations for their abolition. The Committee against Torture (CAT) raised its concern in its November 2015 review of China that involuntary psychiatric commitment breaches the Convention against Torture (Articles 2, 11, and 16). CAT noted that “compulsory psychiatric institutionalization” has been “allegedly used to detain [criminal] suspects without accountability,” and that “local police impose such measures without any judicial process.”¹⁷ CAT further stated that the Chinese government has not responded with clarity to inquiries about forced psychiatric commitment.¹⁸
11. In 2012, the UN Committee on the Rights of Persons with Disabilities (CRPD) raised concern that involuntary confinement is used as a tool to maintain public security, and was “disturbed” that individuals with “actual or perceived impairments” had been subjected to such detentions, which violates the Convention in regard to liberty and security of persons, and freedom from torture (Articles 14 and 15). CRPD recommended the government abolish all forms of involuntary civil commitment based on actual or perceived impairments and cease subjecting such individuals to therapies,¹⁹ but Chinese authorities have ignored these recommendations.

¹ *Xinhua News Agency*, “China abolishes reeducation through labor,” December 28, 2013, http://www.chinadaily.com.cn/china/2013-12/28/content_17202294.htm.

² *Ibid.*

³ China’s full reply to Sweden (118): “The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117.” 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.

⁴ China's full reply to 186.115: "There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law." 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."

⁵ Articles 30- 36 deal with in-patient therapy. Mental Health Law of the People's Republic of China (中华人民共和国精神卫生法), 2012, http://www.npc.gov.cn/huiyi/cwh/1129/2012-10/27/content_1741177.htm.

⁶ Article 285, Criminal Procedure Law of the People's Republic of China (中华人民共和国刑事诉讼法), (1996, amended 2012), http://www.gov.cn/flfg/2012-03/17/content_2094354.htm.

⁷ "Supreme People's Procuratorate issues regulation to further standardize supervision of medical decisions to prevent healthy individuals from being "falsely" diagnosed or "subjected" to compulsory mental health treatment" (最高检出台《规定》进一步规范强制医疗决定监督工作 坚决防止和纠正“假精神病”“被精神病”), February 26, 2018, http://www.spp.gov.cn/xwfbh/wsfbt/201802/t20180226_367788.shtml.

⁸ Civil Rights & Livelihood Watch (CRLW), "Database of Forcible Psychiatric Commitment" (被精神病数据库), 2009-2016, <http://www.msguancha.com/plus/list.php?tid=14>.

⁹ CRLW, "Procuratorate Indictment Sheet Accuses Civil Rights & Livelihood Watch's Liu Feiyue of "6 Major Criminal Charges" (检方起诉书指控民生观察刘飞跃“六大罪状”), January 17, 2018, <http://msguancha.com/a/lanmu4/2018/0117/16941.html>.

¹⁰ CHR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrb-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>.

¹¹ Human Rights Watch, "China: End Arbitrary Detention in Mental Health Institutions," May 3, 2013, <https://www.hrw.org/news/2013/05/03/china-end-arbitrary-detention-mental-health-institutions>; CHR, *China Human Rights Briefing November 8-13, 2013*, <https://www.nchrd.org/2013/11/chrb-six-months-after-mental-health-law-implemented-involuntary-psychiatric-commitment-continues-118-13-2013/>; CHR, *China Human Rights Briefing September 12-18, 2014*, <https://www.nchrd.org/2014/09/chrb-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/>; CHR, *China Human Rights Briefing May 8-14, 2015*, <https://www.nchrd.org/2015/05/chrb-forced-psychiatric-detention-persists-2-years-after-china-enacted-mental-health-law-58-142015/>; CHR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrb-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>; Stanley Lubman, "Political Psychiatry: How China Uses 'Ankang' Hospitals to Silence Dissent," *Wall Street Journal*, April 19, 2016, <https://blogs.wsj.com/chinarealtime/2016/04/19/political-psychiatry-how-china-uses-ankang-hospitals-to-silence-dissent/>; For analysis of the system from before the MHL, see: CHR, "The Darkest Corners": Abuses of Involuntary Psychiatric Commitment in China, August 2012, <https://www.nchrd.org/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/>.

¹² Ibid.

¹³ CHR, Portrait of a Defender - Xing Shiku (邢世库), <https://www.nchrd.org/2016/03/xing-shiku/>.

¹⁴ UN Human Rights Council, Opinion No. 8/2014 (China) on Mr Xing Shiku, in Opinions adopted by the Working Group on Arbitrary Detention at its sixty-ninth session, 22 April – 1 May 2014, <https://www.nchrd.org/wp-content/uploads/2013/12/Opinion-No.-8-2014-China.pdf>.

¹⁵ CRLW, "Shanghai's Ren Naijun Sent to Psychiatric Hospital Due to Speech Crime" (上海任迺俊“因言获罪”被关精神病院), January 16, 2018, <http://msguancha.com/a/lanmu51/diliushiwuqi/2018/0105/16886.html>.

¹⁶ CRLW, "2017 Annual Report on Mental Health and Human Rights (Involuntary Psychiatric Commitment)" (2017 年中国精神健康与人权(被精神病)年终总结), February 14, 2018, <http://msguancha.com/a/lanmu2/2018/0214/17050.html>.

¹⁷ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, December 2015, CAT/C/CHN/CO/5, para 42. https://www.nchrd.org/wp-content/uploads/2016/01/CAT_COB-2015.pdf.

¹⁸ CAT, Concluding observations on the fifth periodic report of China, paras. 42, 55.

¹⁹ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, October 2012, CRPD/C/CHN/CO/1, paras. 25-8.

2.10 Independence of Lawyers & Access to Justice

By Independent Association of Human Rights Lawyers in China

1. Since China's 2013 UPR, human rights lawyers have faced a severe government crackdown, rule of law reform has gone backwards, and the environment for practicing law has rapidly worsened. The reality on the ground contrasts sharply with the government's acceptance of 12 recommendations during China's 2nd UPR that urged the government to respect due process rights and protect lawyers in order for them to practice their profession freely and independently (186.50 (Niger), 186.55 (Slovakia), 186.117 (Germany), 186.123 (Timor Leste), 186.124 (Singapore), 186.125 (Kyrgyzstan), 186.126 (Nigeria), 186.129 (Hungary), 186.130 (Cape Verde), 186.131 (Finland, Canada), 186.132 (Timor Leste), 186.134 (Djibouti)). China claimed recommendations 117 and 123 were "already implemented" and did not accept 186.115 (USA).
2. The deteriorating situation also diverges greatly from the promise China made in its "voluntary pledge" to the Human Rights Council when it bid for an HRC seat in 2016—that "The rights of Chinese lawyers in their professional capacity will be protected in accordance with the law"¹—as well as China's 2012-15 National Human Rights Action Plan.
3. In recent years, the Chinese government has released new regulations ostensibly aimed at safeguarding the rights of lawyers. However, in reality, these regulations and legislative changes have created new restrictions on lawyers' speech in court, in some cases leading to the detention and conviction of lawyers. They have also weakened the already fragile regulatory framework for protecting lawyers.
4. In July 2015, the government launched a sweeping crackdown on lawyers who challenged police or judicial authorities' abuses of their clients' legal rights. The crackdown affected more than 300 lawyers and activists. It exemplified the deteriorating situation for the independence of the legal profession in China. The period from the beginning of the 2015 crackdown to the present has been a low point for independence of lawyers since the legal profession was reinstated in the late 1970s, following the Cultural Revolution. Meanwhile, the number of cases involving human rights lawyers facing criminal prosecution and administrative penalties continues to grow. Civil society groups have documented dozens of cases of violent assaults on lawyers trying to carry out their professional duties, but perpetrators of these acts have rarely been held accountable.

New laws & regulations targeting human rights lawyers

5. Several existing national laws and government regulations purportedly stipulate the rights and responsibilities of lawyers; however, they also contain provisions that undermine the independence of lawyers and deny lawyers their rights to freedom of expression, assembly, and association. Such legislation includes the Lawyers Law (amended 2012), the Criminal Procedure Law (amended 2012), and several regulations issued by the Ministry of Justice.² Despite a specific provision in the Lawyer's Law on protecting the lawyers' right to practice law and prohibiting interference in their work,³ many provisions directly contradict that clause with overbroad and vague restrictions. Lawyers can be held legally liable for speech in court if it is deemed to "endanger national security" (Article 37); are prohibited from "inciting" others to settle cases by "disrupting public order" or "endangering public security" (Article 40); and can face suspension of their licenses or disbarment, fines, or criminal prosecution for the above provisions as well as if they allegedly "leak state secrets" (Article 49). Authorities have used these provisions as a pretext to retaliate against human rights lawyers, as with the law license suspension of lawyer Li Jinxing (李金星) in 2016 and disbarment of lawyer Zhu Shengwu (祝圣武) in 2017.⁴ Other legislative changes and government regulations have, on paper and in practice, overridden any safeguards for lawyers laid out in law.
6. Amendments to the Criminal Law that went into effect in 2015 have codified the criminalization of lawyers' speech in court trials. Specifically, changes to the crime of "disrupting courtroom

order” grants authorities broad powers to interpret lawyers’ speech as “insulting,” “threatening,” or “disruptive”—an offense punishable by up to three years in prison (Article 309). Alleged violators of this provision will also face disbarment. The article now provides a legal pretext for judges to punish lawyers for challenging the legality of court proceedings when defending their clients. For example, a Changsha court convicted lawyer Xie Yang (谢阳) of “disrupting court order” in 2017 for his representation of villagers in a land dispute.⁵ The Committee Against Torture expressed concerns about the article’s overbroad language in its December 2015 Concluding Observations, stating that it is “open to abusive interpretation and application” and could deter lawyers from raising criminality in their clients’ defense “for fear of reprisals.”⁶

7. Administrative measures issued by the Ministry of Justice have been used to restrict lawyers’ professional rights. The “Measures for the Annual Inspection and Evaluation of Law Firms” (2010) have been openly criticized by lawyers and legal scholars. The measures establish an administrative system of license renewal for individual lawyers and law firms that the government and state-controlled “lawyers’ associations” have used to intimidate or penalize lawyers for exercising independence in defending clients.⁷ In November 2016, revisions to two other Ministry of Justice measures, on the management of law firms and the practice of law by lawyers, went into effect. These measures seriously undermine the independence of lawyers with new restrictions on lawyers’ freedom of expression, assembly, and association.⁸ In October 2016, hundreds of Chinese lawyers signed an open letter calling for measures on law firms to be repealed, as the new provisions could lead to lawyers being dismissed by their law firms for expressing dissent or challenging abuses of their clients’ rights, for gathering to discuss defense strategies, or for complaining about abusive police behavior.⁹ In 2017, authorities conducted searches and “inspections” of three law offices known to take on politically sensitive cases, citing the revised measures on law firms as justification.¹⁰ Lawyer Wu Youshui (吴有水) was placed under investigation for writing negative comments about the Chinese Communist Party, which was banned under the revised measures.¹¹ (Judicial authorities later suspended his law license for nine months in punishment.)
8. New ministry-level provisions on lawyers released in September 2015 have not been effective in protecting lawyers’ rights.¹² These provisions include many stipulations that were already included in existing laws and regulations, but which had been largely disregarded by authorities. One welcome step is that they include new language on ending violence against lawyers. However, the provisions fail to specify an independent body to investigate such allegations of violence against lawyers,¹³ and authorities turned away four lawyers who tried to utilize the new complaints system in June 2016.¹⁴
9. The 2015 provisions were put into effect just months after police, judicial authorities, and state-run media began a coordinated crackdown on human rights lawyers through mass detentions, raids, interrogation, and other forms of intimidation and persecution. Many lawyers were portrayed as “criminals” in official media, including through “confessions” on state television. The new provisions have been flagrantly violated since their inception, and complaints over abuses ignored. For example, Article 8 of the provisions requires the detention center to provide a signed document from a detainee if they terminate their legal representation, or an in-person meeting. However, from January to March 2016, lawyers representing 11 detainees in Tianjin were told by the detention center that they had been “fired,” but these lawyers were neither allowed to meet their clients nor provided with documentation signed by a detainee verifying such claims.¹⁵ Authorities have additionally claimed that these detainees “hired” government-approved lawyers, who have not challenged law-enforcement’s abuse of due process rights or defended their client at trial on the principle of innocent until proven guilty.¹⁶

2015 crackdown on lawyers

10. China’s record on protecting lawyers and the independence of the legal profession can be assessed through the government’s 2015 crackdown against human rights lawyers. From the outset of the

crackdown, police ignored or perverted Chinese laws and the country's Constitution. Authorities are suspected of gross abuse of power. Police summoned for questioning more than 300 lawyers and activists, raided three law firms, put dozens under secret detention for at least six months, and convicted nine individuals, including three lawyers. Tianjin authorities conducted widely criticized show trials in August 2016 that lasted just a few hours before convicting four individuals of "subversion of state power."¹⁷ Currently, five individuals are serving prison sentences ranging from three to eight years, and one lawyer is still awaiting trial.¹⁸

11. The crackdown involved violations of rights enshrined in the Constitution and serious breaches of China's Criminal Procedure Law, Criminal Law, and Lawyers Law.¹⁹ Police twisted legal loopholes to deny basic due process rights in adopting compulsory measures on those detained. For the first six months of detention, families received no notification of their loved ones' whereabouts or status, as authorities exploited a heavily criticized provision in the Criminal Procedure Law (CPL) to put detainees under "residential surveillance in a designated location" (RSDL).²⁰ Police used both loopholes and illegal means to deprive the vast majority of detainees of the right to legal counsel of their choice, raising concerns that the individuals may have been subjected to torture or other inhumane and degrading treatment.²¹ Several lawyers later revealed after being released that they had been tortured and mistreated in RSDL, including being beaten, deprived of sleep for extended periods of time, and forced to take an unknown medication, supposedly for "high blood pressure," despite not suffering from the condition.²²
12. Authorities undermined detainees' presumption of innocence by smearing their names in state media prior to formal arrest or trial.²³ Further raising suspicion of torture or mistreatment, authorities aired "confessions" of some of the detainees who had not been granted access to their lawyers or families, including lawyer Wang Yu (王宇) in August 2016 after she had been granted "bail," and lawyers Zhou Shifeng (周世锋), Xie Yang, and Jiang Tianyong (江天勇) during their respective trials in August 2016, and May and August 2017.²⁴ At least 17 individuals, including Wang Yu and Xie Yang, were not allowed to contact their supporters or family for months after being released on bail and "confessing," in some instance being held in police custody in a guesthouse or another location.²⁵
13. Lawyers of the detained lawyers and activists themselves faced pressure from police, judicial authorities and lawyers' associations, including with threats to withdraw their representation of still-detained lawyers.²⁶ Four lawyers of crackdown detainees—Wang Qiushi (王秋实), Ren Quanniu (任全牛), Li Yuhan (李昱函), and Yu Wensheng (余文生)—were themselves taken into custody in January and July 2016, October 2017, and January 2018, respectively.²⁷ At the time of this submission, Li Yuhan and Yu Wensheng remain in police custody. Authorities also banned 24 human rights lawyers from traveling abroad on "national security" grounds.²⁸
14. Additionally, family members of the detained lawyers have faced "collective punishment" by virtue of association, including travel restrictions, CCTV cameras installed outside their homes, evictions from residences, denied admission to schools, and, in some cases, brief periods of detention and house arrest.²⁹

Deteriorating conditions for the legal profession

15. As described above, rapidly worsening conditions have made practicing criminal law in China, especially for "sensitive" cases involving human rights, a politically high-risk profession. Lawyers who represent detained dissidents, activists, or other human rights lawyers tend to have little access to their clients within the initial 48 hours of detention, even though these standards are stipulated in the CPL and Lawyers' Law. In a number of well-documented cases, lawyer access has been denied for weeks or even months. The most egregious case is that of the ongoing deprivation of legal counsel for lawyer Wang Quanzhang. At the time of submission, Wang has been held incommunicado since he was first taken into custody, in August 2015.³⁰

16. Exploiting loopholes in the law, police often cite concerns of “national security” in rejecting lawyers’ requests to meet detainees, and there is no provision for a lawyer to challenge this decision before a judge.³¹ Furthermore, police have vastly expanded the scope of the law by denying lawyers’ visits to detainees held on suspicion of many other offenses that do not involve “national security,” including “disturbing public order” and “picking quarrels and provoking trouble.” Police have utilized a loophole in Ministry of Public Security regulations which allow police to categorize nearly any crime as an offense which “endangers national security.”³²
17. When lawyers challenge police or judicial officials’ breaches of the law, by speaking up publicly, filing complaints to authorities, or raising objections in court hearings, they put themselves at great risk of physical assault by state agents. From March 2013 to December 2017, the NGO CHRD documented 31 such incidents—involving 42 lawyers—with none of the alleged perpetrators facing criminal charges. In only one case did authorities investigate and offer compensation to an assaulted lawyer, but they claimed that the officer involved merely “misused force” and did not press to criminally prosecute him.³³
18. For years, the annual license review by judicial authorities has been used by the government to intimidate lawyers who are outspoken or provide legal counsel to detained dissidents or human rights activists. For instance, the licenses of lawyers Wang Quanping (王全平) and Liu Shuqing (刘书庆) were cancelled in 2014 and 2016, respectively, in reprisal for challenging abuses of their clients’ rights at detention facilities or in trial proceedings.³⁴ In 2017, at least four rights lawyers did not “pass” the annual inspection: Liang Xiaojun (梁小军), Lin Qilei (蔺其磊), Qin Chenshou (覃臣寿), and Yu Wensheng.³⁵ In February 2015, more than 100 lawyers sent an open letter to the National People’s Congress, calling on the legislative body to repeal the 2010 Ministry of Justice measures that put in place this annual review, arguing they are outside the scope of the Lawyers Law.³⁶ At least 38 Chinese lawyers pledged not to take part in the review in 2016.³⁷ One lawyer who refused to participate in the review had his law firm’s license cancelled in February 2018 as a result.³⁸
19. A wave of administrative punishments of lawyers began in late 2017 and early 2018, targeting lawyers who continued to take on human rights cases. In the space of six months, judicial authorities disbarred two lawyers, cancelled the law license of another, and suspended a fourth lawyer for nine months. As justification, judicial authorities cited the lawyers’ speech on social media, or their behavior in court.³⁹
20. Even before the July 2015 crackdown, Chinese authorities had resorted to criminal prosecution to rein in lawyers who challenged obstruction of justice. In one example, prominent lawyer Pu Zhiqiang (浦志强) was convicted and given a suspended sentence in 2015 over social media comments. Authorities used Pu’s online speech to justify silencing the outspoken lawyer.⁴⁰ Other examples include four lawyers criminally detained in 2014 after they agreed to represent clients held in politically-sensitive cases.⁴¹ One of these lawyers, Xia Lin (夏霖), received a 12-year prison sentence in September 2016, which was later reduced to 10 years on appeal.⁴² In China, the criminal conviction of a lawyer results in the permanent cancellation of their license, which essentially costs a lawyer their professional law career, as happened with, among others, Shandong lawyer Shu Xiangxin (舒向新) and lawyer Pu Zhiqiang.⁴³

¹ UN General Assembly, “Letter dated 1 August 2016 from the Permanent Representative of China to the United Nations addressed to the President of the General Assembly,” A /71/294.

² Law of the People’s Republic of China on Lawyers, 2007, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471604.htm; Criminal Procedure Law of the People’s Republic of China (中华人民共和国刑事诉讼法), 1979, amended 2012, http://www.gov.cn/flfg/2012-03/17/content_2094354.htm; Administrative Measures for the Practice of Law by Lawyers (律师执业管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5113014.htm; Administrative Measures for Law Firms (律师事务所管理

办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5109321.htm; Measures for the Annual Inspection and Evaluation of Law Firms (律师事务所年度检查考核办法), 2010, http://www.moj.gov.cn/lsgzgzds/content/2010-04/09/content_3000046.htm?node=278.

³ Article 3 of the Lawyers' Law states "The legal practice of lawyers according to law shall be protected by law. No unit or individual shall infringe the lawful rights and interests of lawyers."

⁴ Chen, Te-Ping, "Chinese Human-Rights Lawyer's Legal License Is Suspended," *Wall Street Journal*, December 2, 2016, <https://www.wsj.com/articles/chinese-human-rights-lawyers-legal-license-is-suspended-1480681832>; Yang, Fan, "China Strikes Off Defense Lawyer in 'Steamed Buns' Presidential Nickname Case," *Radio Free Asia*, September 21, 2017, <http://www.rfa.org/english/news/china/china-strikes-off-defense-lawyer-in-steamed-buns-presidential-nickname-case-09212017123315.html>.

⁵ Xinhua, "Former lawyer convicted of inciting subversion: court," December 26, 2017, http://www.xinhuanet.com/english/2017-12/26/c_136852619.htm; China Change (translation), "Bill of Indictment Against Human Rights Lawyer Xie Yang," December 16, 2016, <https://chinachange.org/2017/01/11/bill-of-indictment-against-human-rights-lawyer-xie-yang/>.

⁶ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 18.

⁷ See, Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance*, 2014, Routledge Press.

⁸ The amended Measures on the Practice of Law by Lawyers include a new provision (Article 2) that demands: "As a basic requirement to practise, lawyers should endorse Communist Party leadership and socialist rule of law". Under Chapter 4 of the amended Measures, officials have inserted new clauses that would restrict lawyers' speech, association, assembly (Articles 37, 38, 39, 40). CHRDR, China Human Rights Briefing September 21-October 3, 2016, <https://www.nchrd.org/2016/10/chrb-revised-measures-on-law-firms-further-curb-independence-of-chinese-lawyers-921-103-2016/>.

⁹ Lucy Hornby and Christian Shepherd, "Chinese lawyers make open protest over online advocacy curbs," *Financial Times*, October 11, 2016, <https://www.ft.com/content/92c9e24e-8f96-11e6-a72e-b428cb934b78>; Zhao Yusha, "Fresh petition urges withdrawal of new regulation on law firms," *Global Times*, October 12, 2016, <http://www.globaltimes.cn/content/1010814.shtml>;

¹⁰ See, for example: Lawyer Rights and Interests Net, "Survey Team Formed by Beijing Municipal Bureau of Justice and Other Departments Entered Beijing Daoheng Law Firm to Conduct Inspection" (北京市司法局等多部门组成的调查组入驻北京道衡律师事务所检查), September 15, 2017, http://lvshiquanyiguanzhu.blogspot.com/2017/09/blog-post_15.html; RFA, "Chinese Officials Search Law Firm of Top Human Rights Lawyer," September 18, 2017, <http://www.rfa.org/english/news/china/search-09182017193815.html>.

¹¹ *Global Times*, "Lawyer under investigation for negative comments about Party, govt," July 18, 2017, <http://www.globaltimes.cn/content/1056912.shtml>.

¹² Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, "Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law" (关于依法保障律师执业权利的规定), September 21, 2015, http://www.spp.gov.cn/flfg/gfwj/201509/t20150921_104855.shtml.

¹³ There are new measures to stop violence, humiliation, threats and reprisals against lawyers (Article 3), but lawyers are not optimistic that they will be enforced. This is because the new system does not set up an independent or impartial body to investigate complaints. Instead, they are handled by the "organ that is handling the case or to its superior organ" or the people's procuratorate (Article 41 and 43).

¹⁴ Rights Defense Network (RDN), "Four Lawyers Files Request with All China Lawyers Association to Protect Their Rights Over Infringement on Professional Rights of Lawyers" (四律师就多起侵害律师执业权事件赴全国律协要求维权), June 13, 2016, https://wqw2010.blogspot.de/2016/06/blog-post_74.html.

¹⁵ CHRDR, *China Human Rights Briefings March 15-21, 2016*, <https://chrdnet.com/2016/03/chrb-forced-switch-to-police-appointed-lawyers-further-erodes-protections-for-detained-rights-defenders-315-321-2016/>.

¹⁶ CHRDR, *Repression & Resilience: Annual Report on the Situation of Human Rights Defenders (2017)*, p. 8, <https://www.nchrd.org/2018/02/2017hrd-report/>.

¹⁷ CHRDR, "China: End Show Trials, Free Human Rights Lawyers & Other Defenders," August 8, 2016, <https://www.nchrd.org/2016/08/china-end-show-trials-free-human-rights-lawyers-other-defenders/>; European Union External Action Service, "Statement by the Spokesperson on the conviction of Chinese lawyers and other human rights defenders on charges of state subversion," August 5, 2016, http://eeas.europa.eu/statements-eeas/2016/160805_03_en.htm; US State Department, "Sentencing of Lawyers and Rights Activists in China," August 6, 2016, <https://www.state.gov/r/pa/prs/ps/2016/08/260913.htm>.

¹⁸ CHRDR, *Individuals Affected by July 9 Crackdown on Rights Lawyers*, (Accessed January 10, 2018), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

¹⁹ CHRd, *China Human Rights Briefing August 12-20, 2015*, <https://chrnet.com/2015/08/chr-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>.

²⁰ A de facto form of incommunicado detention, the UN called on the Chinese government to repeal this provision “as a matter of urgency” in December 2015. CAT, Concluding observations on the fifth periodic report of China, para. 15.

²¹ Police initially cited provisions on national security to deny lawyers’ visits with their clients before claiming that at least 11 individuals had “fired” their family-appointed lawyers in 2016 and instead engaged government-approved lawyers. CHRd, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees,” <https://chrnet.com/2015/12/gallery-chinese-police-deny-requests-for-lawyer-visits-with-detainees/>; CHRd, *China Human Rights Briefing March 15-21, 2016*; CHRd, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 11, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>. At the time of this report’s release, only two individuals in the crackdown have been granted access to a lawyer of their choice, Wang Fang (王芳) and Yin Xu’an (尹旭安), but neither are held in Tianjin Municipality where the majority of the cases are being tried. CHRd, Portrait of a Defender – Wang Fang, <https://www.nchrd.org/2016/08/wang-fang/>; CHRd, Portrait of a Defender – Yin Xu’an, <https://www.nchrd.org/2016/08/yin-xuan/>.

²² China Human Rights Lawyers Concern Group, “Torture and Other Cruel, Inhumane or Degrading Treatments in the 709 Crackdown – a Summary of Cases (9 July 2015 – 9 July 2017),” [http://www.chrlawyers.hk/sites/default/files/20170709-Torture in the 709 Crackdown %28ENG%29.pdf](http://www.chrlawyers.hk/sites/default/files/20170709-Torture%20in%20the%20709%20Crackdown%20ENG%29.pdf); CHRd, Portrait of a Defender – Xie Yang, <https://www.nchrd.org/2016/09/xie-yang/>; Wang, Yu, “The Nightmare – An Excerpt of Lawyer Wang Yu’s Account of 709 Detention and Torture,” from *The People’s Republic of the Disappeared: Stories From Inside China’s System for Enforced Disappearances*, <https://chinachange.org/2017/11/13/the-nightmare-an-excerpt-of-lawyer-wang-yus-account-of-709-detention-and-torture/>.

²³ *Xinhua News Agency*, “Ministry of Public Security Exposes Dark Secrets of ‘Rights Defense’ (公安部揭开“维权”事件黑幕), July 11, 2015, <http://politics.people.com.cn/n/2015/0712/c1001-27290030.html>; *Legal Daily*, “Explaining the ‘Rights Defense’ Ring in One Graphic” (一图读懂“维权”圈), July 13, 2015, http://www.legaldaily.com.cn/zt/content/2015-07/13/content_6168094.htm?node=73108; CHRd, “China: Halt Police Operations Targeting Human Rights Lawyers as ‘National Security’ Threat,” July 13, 2015, <https://www.nchrd.org/2015/07/china-halt-police-operations-targeting-human-rights-lawyers-as-national-security-threat/>.

²⁴ Philip Wen, “A confession few believe: Chinese rights lawyer Wang Yu is ‘freed,’” *Southern Morning Herald*, August 2, 2016, <http://www.smh.com.au/world/a-confession-few-believe-chinese-rights-lawyer-wang-yu-is-freed-20160801-gqipos.html>; *Xinhua News Agency*, “Following Beijing Fengrui Law Firm Case: Law Firm Director Zhou Shifeng Confesses” (北京锋锐律所案追踪: 律所主任周世锋认罪忏悔), July 18, 2015, <http://politics.people.com.cn/n/2015/0719/c1001-27325554.html>; Josh Chin, “China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce,” *Wall Street Journal*, May 8, 2017, <https://www.wsj.com/articles/china-court-says-lawyer-retracts-torture-charge-wife-calls-trial-a-farce-1494259101>; Chris Buckley, “Activist Confesses to Subversion in Chinese Show Trial,” *The New York Times*, August 22, 2017, <https://www.nytimes.com/2017/08/22/world/asia/jian-tianyong-trial-china-activist-human-rights.html>.

²⁵ As of November 20, 2016, they are: Gou Hongguo (沟洪国), Zhai Yanmin (翟岩民), Bao Longjun (包龙军), Gao Yue (高月), Li Shuyun (李殊云), Liu Yongping (刘永平), Lin Bin (林斌), Wang Yu (王宇), Zhao Wei (赵威), Huang Liqun (黄力群), Zhang Kai (张凯). CHRd, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” (Accessed November 20, 2016); Ng Yik-tung and Lee Lai, “‘Bailed’ Chinese Rights Lawyers Under Round-The-Clock Surveillance,” *Radio Free Asia*, September 21, 2016, <http://www.rfa.org/english/china-lawyers-09212016102201.html>.

²⁶ Two lawyers for Wang Quanzhang withdrew their representation following threats from police. Another lawyer was compelled by police to not take on Wang Yu as a client.

²⁷ CHRd, Portrait of a Defender – Li Yuhan, <https://www.nchrd.org/2017/12/li-yuhan/>; CHRd, “Politically Charged Arrests in China Escalate Persecution of Rights Lawyers,” January 14, 2016, <https://www.nchrd.org/2016/01/politically-charged-arrests-in-china-escalate-persecution-of-rights-lawyers/>; CHRd, *China Human Rights Briefing July 1-13, 2016*, <https://www.nchrd.org/2016/07/chr-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>; CHRd, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chr-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

²⁸ RDN, “Feng Zhenghu: Citizens’ Right to Leave the Country - 33 Lawyers And Others Restricted From Leaving the Country For Engaging in Rights Defence” (冯正虎: 公民出境权——33名律师等人被限制出境及维权表现), February 5, 2016, <http://wqw2010.blogspot.hk/2016/02/33.html>.

²⁹ Michael Forsythe, “Bao Zhuoxuan, Son of Rights Lawyer Held in China, Is Said to Be Under House Arrest,” *The New York Times*, October 12, 2015, <http://www.nytimes.com/2015/10/13/world/asia/china-bao-zhuoxuan-son-wang-yu-rights-lawyer-house-arrest.html>; RDN, “Wang Quanxiu (Wang Quanzhang’s Older Sister): Record of Events of These Past Two Days” (王全秀(王全璋姐姐): 发生在这两天的事), April 29, 2016, http://wqw2010.blogspot.se/2016/04/blog-post_434.html; Mimi Lau, “Chinese police hold four wives of rights activists seized in ‘709 crackdown,’” *South China Morning Post*, July 30, 2016, <http://www.scmp.com/news/china/policies-politics/article/1996637/chinese-police-hold-four-wives-rights-activists-seized>; Human Rights Campaign in China, “709 Crackdown: ‘Subversion’ Trial of Zhai Yanmin: Home Searched, Wife’s Cellphone Seized and She is Put Under House Arrest” (“709大抓捕事件” 翟岩民涉嫌颠覆国家政

权案庭审 住处被查抄 妻子手机被抢并遭软禁), August 2, 2016, http://www.hrcchina.org/2016/08/709_2.html; Civil Rights & Livelihood Watch, “Family of Lawyer Li Heping Forced to Move and One Day Later Again Chased Away” (李和平律师家属被迫搬家一天后再遭驱赶), August 19, 2016, <http://msguancha.com/a/lanmu4/2016/0819/14811.html>; RDN, “Chen Guiqiu (Lawyer Xie Yang’s wife) 709 Detainees Family Are Guilty by Association, Go on Holiday Yet No Freedom?” (陈桂秋 (谢阳律师妻子) : 709 案当事人家属被株连, 休假也没有自由?), August 25, 2016, https://wqw2010.blogspot.hk/2016/08/709_52.html; RDN, “709 Crackdown Notice: Guilt by Association Targets Preschooler – Wang Quanzhang’s son already enrolled in school but national security prevent him from attending” (709 大抓捕通报: 株连肆虐以至幼儿, 王全璋律师儿子入学报名已办妥手续被国保阻挠致无法入学), August 31, 2016, https://wqw2010.blogspot.hk/2016/08/709_31.html; RDN, “Yuan Shanshan: Situation of Lawyer Xie Yanyi’s Family” (原珊珊: 谢燕益律师家庭近况), September 14, 2016, <https://wqw2010.blogspot.hk/2016/09/2016914.html>.

³⁰ At the time of this report’s release, the following eight individuals have not been granted access to a lawyer since being taken into custody between May-October 2015. Li Chunfu (李春富), Li Heping (李和平), Liu Sixin (刘四新), Tang Zhishun (唐志顺), Wang Quanzhang (王全璋), Wu Gan (吴淦), Xie Yanyi (谢燕益), and Xing Qingxian (幸清贤). CHR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 20, 2016); CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³¹ Under Article 37 of the CPL, lawyers’ visits with clients held on suspicion of crimes endangering national security, terrorism, or involving significant amounts of bribes must first be approved by investigating organs. See also, CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³² The “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” detail the procedures for investigating organs to approve or reject lawyers’ requests to visit clients held on suspicion of national security or terrorism. However, it goes on to give an expanded definition of crimes that “endanger national security” in 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>; For example, police at Daye City Detention Center in Hubei Province denied lawyer Lin Qilei (蔺其磊)’s request to visit his client Yin Xu’an on April 6, 2016. Yin is held on suspicion “picking quarrels and provoking troubles.” RDN, “Hubei Human Rights Defender Yin Xu’an Case Notice –Lawyer Not Allowed Visit” (湖北人权捍卫者尹旭安案情通报——律师仍无法获见), April 7, 2016, http://wqw2010.blogspot.no/2016/04/blog-post_7.html; Officials from Zhengzhou No. 3 Detention Center in Henan Province denied lawyers visits for 10 weeks to eight activists and two lawyers held on suspicion of crimes of “illegal business activity” and “picking quarrels and provoking troubles.” CHR, *China Human Rights Briefing July 4-10, 2014*, <https://www.nchr.org/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

³³ CHR, End Violence Against Human Rights Lawyers, (Accessed October 13, 2016), <https://chrnet.com/2015/10/end-violence-against-human-rights-lawyers/>.

³⁴ CHR and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues,” February 9, 2015, para 6 (c), <https://chrnet.com/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>; CHR, *China Human Rights Briefing January 28-February 3, 2016*, <https://chrnet.com/2016/02/chrb-government-reprisals-assault-imprisonment-torture-cancellation-of-a-lawyers-license-128-242016/>.

³⁵ CHR, “End 2-Year Crackdown on Lawyers, Hold Chinese Government Accountable,” July 6, 2017, <https://www.nchr.org/2017/07/end-2-year-crackdown-on-lawyers-hold-chinese-government-accountable/>.

³⁶ RDN, “121 Mainland Lawyers: Repeal Ministry of Justice ‘Method of Law Firms Annual Review Examination’ Application” (121 名大陆律师: 撤销司法部《律师事务所年度检查考核办法》的申请书), February 28, 2015, <http://wqw2010.blogspot.se/2015/02/121.html>.

³⁷ RDN, “38 Chinese Lawyers Issue Joint Statement About Not Participating in Illegal Annual Assessment and Examination, Jointly Boycott Illegal Annual Assessment and Examination (中国 38 名律师联署不参加违法年度检查考核声明, 共同抵制违法的年度检查考核), April 18, 2016, <http://wqw2010.blogspot.com/2016/04/38.html>.

³⁸ RDN, “Lawyer Chang Hai: Beijing Wutian Law Firm’s Illegal Compulsory Cancellation Situation” (程海律师: 北京悟天律师所被非法强制注销经过和初步维权情况), February 13, 2018, http://wqw2010.blogspot.co.uk/2018/02/blog-post_29.html.

³⁹ CHR, “China Strips Rights Lawyers’ Licenses in Reprisal Against Their Push for Rule of Law,” January 24, 2018, <https://www.nchr.org/2018/01/china-strips-rights-lawyers-licenses-in-reprisal-against-their-push-for-rule-of-law/>.

⁴⁰ CHR, Portrait of a Defender – Pu Zhiqiang (浦志强), <https://chrnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>.

⁴¹ Lawyers Chang Boyang (常伯阳), Ji Laisong (姬来松), Xia Lin (夏霖) and Yu Wensheng (余文生). CHRD, *China Human Rights Briefing June 28-July 3, 2014*, <http://chrdnet.com/2013/06/chr-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/>; CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, (Accessed October 27, 2016), <http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.

⁴² CHRD, “China: Overturn Unjust Verdict & Release Lawyer Xia Lin,” September 22, 2016, <https://www.nchrd.org/2016/09/china-overtun-unjust-verdict-release-lawyer-xia-lin/>.

⁴³ CHRD, *China Human Rights Briefing January 1-7, 2016*, <https://chrdnet.com/2016/01/chr-torture-of-chinese-human-rights-lawyer-emblematic-of-persistent-pattern-of-official-reprisal-abuse-11-7-2016/>; CHRD, Portrait of a Defender – Shu Xiangxin (舒向新), <https://chrdnet.com/2016/01/shu-xiangxin-%E8%88%92%E5%90%91%E6%96%B0/>; CHRD, Portrait of a Defender – Pu Zhiqiang, <https://www.nchrd.org/2014/06/prisoner-of-conscience-pu-zhiqiang/>.