



Collective punishment of  
human rights defenders' families in China



***“IF I DISOBEY,  
MY FAMILY WILL SUFFER”***



2023 Annual Report on the Situation of Human Rights Defenders



# ***“If I Disobey, My Family Will Suffer”***

## **COLLECTIVE PUNISHMENT OF HUMAN RIGHTS DEFENDERS’ FAMILIES IN CHINA THE ANNUAL REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS (2023)**

BY *CHINESE HUMAN RIGHTS DEFENDERS*

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## SUMMARY AND KEY FINDINGS

Chinese authorities are collectively punishing the families, including young children, of human rights defenders. These punishments have no legal basis, but have severe outcomes for people across the mainland and across diaspora communities outside China. Acts of collective punishment are prohibited in international human rights law.

While this report focuses on 2023, Chinese authorities have used these tactics for decades, inflicting tremendous harm with impunity. Seeking redress often triggers more police harassment, brutality, and baseless legal prosecutions.

As the Chinese government seeks greater global influence, its unlawful and perverse practice of collective punishment of human rights defenders deserves greater scrutiny. Its blatant violation of human rights and illegal practices should sound the alarm for the international community. While the Chinese legal system has failed to hold any perpetrators accountable, other governments and the United Nations human rights mechanisms should pursue justice for victims and end impunity for those Chinese officials responsible for collective punishment.

### KEY TAKEAWAYS OF THIS REPORT:

√ Chinese authorities threaten and harm human rights defenders' children, including newborns, to silence and punish their parents.

- Children of jailed rights defenders, as young as infants and toddlers, have been detained in psychiatric wards or orphanages.
- School-age children have been forced to drop out of school.
- Children have been subjected to exit bans to prevent them from going abroad to study.

√ The government resorts to criminal proceedings – detention, arrest, imprisonment - against human rights defenders' family members.

√ Authorities deny families' access to detained or jailed rights defenders in order to force them to cooperate.

√ Chinese police obstruct families' communication with overseas activists in order to silence them.

√ Government officials enforced family separations with exit bans, citing “endangering national security,” that lack legal basis, or detain activists or pressure foreign governments to apprehend and repatriate activists, who tried to reunite with families abroad.

√ The Chinese government's collective punishment of human rights defenders' families appears to be a state policy; CHRDR is unaware of any official having been investigated or prosecuted for such abuses.

## INTRODUCTION

When they opened their apartment door to the empty hallway, they saw a man lying on the floor in front of the door. His legs were positioned to prevent them from stepping out of the apartment. Hearing the sound of door opening, the man opened his eyes, stared up at them—and began filming them on his cell phone.

It was creepy. The man was from a police unit in Beijing, on duty to watch and harass human rights lawyer [Wang Quanzhang](#), his wife Li Wenzu, and their 11-year old son. They have not been charged with any crime or accused of breaking any law. This sort of extralegal harassment and intimidation has become commonplace for many human rights defenders in China.

For at least eight years now, ever since the Chinese government launched an unprecedented campaign of detentions and arrests against human rights lawyers in 2015, known as the “709 crackdown,” Mr. Wang, Ms. Li, and their child have experienced [various forms of harassment and intimidation](#) during his detention and since his release.

The actions taken by Chinese authorities against the Wang family, and many other activists’ families, not only in the Han Chinese, but also in the Uyghur, Tibetan, and Hong Kong communities, inside and outside China, are acts of *collective punishment*. Such acts are prohibited in international human rights law. There is no legal justification for collective punishment in Chinese law.

We use the term *collective punishment* in this report to refer to various types of harassment, police or administrative actions taken against persons in a group or a family in retaliation for an act committed by individuals who are considered to form part of the group or the family. Such punishment therefore targets persons who bear no responsibility for having committed the conduct in question. Moreover, “the conduct in question” detailed in this report are activities exercising or defending human rights. Such actions are almost always well within the confines of the law, yet for which the human rights defenders have been persecuted or criminally prosecuted by the Chinese state.

This report, “*If I Disobey, My Family Will Suffer*,” a part of [the series of CHRD annual reports](#) on the situation of human rights defenders, will focus on acts of collective punishment imposed on and carried out by the Chinese state against families of human rights defenders. It highlights a wide range of such acts that took place in 2023.

For decades, though, incidents of authorities’ collective punishment against families of rights defenders have occurred with impunity. For example, nearly twenty years ago, policemen [brutally beat up Geng He](#), the wife of human rights lawyer Gao Zhisheng, who at the time was detained in Beijing. Ms. Geng asked the policemen who followed her closely to leave her alone as she went shopping on November 23, 2006. A policeman struck her, bloodied her face, knocked her teeth loose, tore her clothes to pieces, while verbally abusing her in the street. No one was held accountable for that incident. Today’s tactics range from arbitrarily removing newborns from their activist parents’ care to exit banning defenders trying to leave the country to spend final days with dying spouses and children.

As the Chinese government seeks greater global influence, its unlawful and perverse practice of collective punishment of human rights defenders deserves greater scrutiny. While the

Chinese legal system has failed to hold any perpetrators accountable, the international human rights bodies and governments must pursue justice for victims and end collective punishment practiced by the Chinese government.

The report draws attention to the government’s practice of collective punishment alongside a gamut of other tools of intimidation, harassment, and persecution – such as [censorship](#), arbitrary detention, [enforced disappearances](#), [torture and ill-treatment](#), and [sexual violence and harassment](#) of women defenders, for the purpose of silencing, intimidating and punishing human rights defenders.

Most chillingly, Chinese authorities—who often hold themselves out to be benevolent guardians of families and protectors of children—never hesitate in harming activists’ children, some as young as infants, to silence or punish their parents. One Chinese rights defender told CHRDR, who has requested anonymity:

*“The Chinese Communist Party’s collective punishment of human rights defenders’ families is an informal or hidden policy carried out by government authorities,”*

Defenders’ family members are [denied passports](#) by authorities, [rejected for higher education](#) due to failed “political background checks,” and [fired from jobs](#), in a practice that indirectly discriminates against their family members’ political or religious expression. The same defender noted,

*“Compared to imprisonment, these punishments are considered minor, and fearing for further jeopardizing their own space for survival, most victims are forced to choose to keep quiet about these troubles.”*

This report is focused on collective punishment against families of human rights defenders in 2023.

In 2023, the Hong Kong government put bounties on a number of activists in the US and Europe – monetary prizes for their arrests. To seek a safe place for engaging in activism, many activists and rights lawyers have joined persecuted religious practitioners, academics, and journalists in leaving China in recent years. In 2023, the number of would-be [asylum seekers](#) trying to enter the United States from China was roughly equivalent to the previous ten years combined. Almost 500,000 residents [have left](#) Hong Kong since the imposition of the National Security Law in 2020.

Collective punishment is integral to, and overlaps with, the Chinese government’s transnational repression campaigns, as documented by [Freedom House](#), [the University of Sheffield](#), [Amnesty International](#), and the [Uyghur Human Rights Project](#). According to a [report](#) by the Tibetan Centre for Human Rights and Democracy (TCHRD), the Chinese government systematically engaged in transnational repression against diaspora Tibetan communities by proxy, which

*“...manifest as direct attacks from CCP- related actors, such as in-person and online harassment and intimidation, physical violence, asset freezing, and coercion by proxy. In many cases, to control the actions of exiled Tibetans, the Chinese authorities instrumentalize their relatives in Tibet, by harming, threatening, or otherwise manipulating them. The looming threat resulting from ubiquitous surveillance also*

*fosters a constant feeling of unease that spreads fear and disempowers exiled communities.”*

While many in the exiled Tibetan, Uyghur, Hong Kong and mainland communities, beyond those who actively defend human rights, are targeted by certain acts of collective punishment, this report will highlight cases and trends affecting family members of human rights defenders.

The report, in Chapter 1, highlights five trends or patterns of collective punishment routinely practiced by Chinese authorities against families of rights defenders in 2023:

1. Abuse of Rights of Defenders’ Children
2. Criminal Proceedings against Defenders’ Family Members
3. Denying Families’ Access to Detained/Jailed Defenders
4. Obstructing Families’ Communication with Overseas Activists
5. Enforced Family Separation with Exit Ban

This report also outlines the legal framework under international human rights law and Chinese national law, against which the legality and compatibility with international standards of collective punishment is measured and analyzed. In December 2023, the Chinese authorities vowed—again—to [end collective punishment](#). Yet the practices have continued. And we are not aware of any perpetrators acting in their official capacity being held accountable.

The report concludes with recommendations for holding the Chinese government accountable for its practices of collective punishment, in violation of Chinese law and international human rights conventions.

### **Methodology**

The research for this report was limited by the Chinese state’s strict control over information, the press, and social media. Human rights defenders and their families in China could face government reprisals for speaking out or giving interviews about their own experiences of collective punishment to CHRD. Human rights NGOs based outside China cannot gain access to the country to conduct investigations or interviews on the ground. Cyber police monitor internet communication on commonly used Chinese online platforms. Facebook, X, WhatsApp, and other platforms are banned and inaccessible without a VPN—and installing or using a VPN could result in criminal prosecution.

For this report, CHRD researchers communicated with a dozen affected individuals and obtained a limited number of written testimonies from victims. We have taken all the necessary precautions to prevent further harm. Access to victims and family members has generally been very difficult, especially to those inside the Xinjiang and Tibet regions. Some victims have given permission to CHRD to cite from their written testimonies or discuss their cases but requested that their names are kept confidential. Some victims have managed to scale the “great firewall”—the Chinese government’s architecture of online censorship—and spoken out on social media or to international media.

The report also draws on, via hyperlinks, information and individual cases extensively documented in CHRD's previously published reports and statements and database of prisoners of conscience.

The sources of information also include credible international human rights organizations and media reports. Where some social media posts by the victims or their families are cited, we have cross-checked the information with CHRD's own as well as its partner organizations documenting of the same cases. We are unaware of any scholarly study on this specific topic.

For information on international human rights law and on some individual cases, we cited what information available on the website of the UN Office of the High Commissioner for Human Rights.

For details about Chinese national law and policies, we have cited Chinese government websites and state media reports. We are unaware of any available Chinese government statistical data on the numbers or scale of collective punishment against families.

## **Chapter 1. Five Patterns of Collective Punishment of Human Rights Defenders' Families in 2023**

### **(1) Abuses of Rights of the Child to Punish/Intimidate Parents**

CHRD has gathered information on dozens of new and ongoing cases in 2023, in which the children of rights defenders, including human rights lawyers, have been punished through guilt by association, from deprivation of personal freedom – house arrest, arbitrary detention in government designated facilities, forced into foster homes– to obstruction of the children's education.

Chinese security police's use of children's access to education as leverage for pressuring their parents is not new this year. For instance, in 2013, Anhui-based activist [Zhang Lin](#)'s 10-year-old daughter, Anni Zhang, was blocked by authorities from attending school in Hefei City in retaliation for Mr. Zhang's human rights activism. On February 27, 2013, Anni was forcibly removed from Hefei Hupo Elementary School. She and her father were then put under house arrest. In April, Zhang Lin along with several activists and lawyers tried to help Anni return to her school by staging rallies and hunger strikes in front of government buildings. Authorities arrested Mr. Zhang and a supporter, [Zhou Weilin](#), for protesting violation of Anni's right to education and sent them to jail.

Prominent among other past cases involving punishing children of defenders is that of lawyer [Wang Yu](#)'s teenage son, who was blocked from leaving the country for study abroad, accompanied by his father, in 2015. Lawyer Wang and her husband, also a lawyer, were soon after arrested in a sweeping [crackdown](#) on rights lawyers. Then 16-year-old Bao Zhuoxuan was taken in by his aunt. The child continued to be summoned and harassed by police while being restricted of movement and threatened not to speak to others. In a daring escape, assisted by two activists that October, Bao Zhuoxuan made his way across the border but the three were [detained in Myanmar](#). Myanmar police handed them over to Chinese police.

These kinds of violations continued in 2023.

## He Fangmei's Children



*He Fangmei and her children (source: X 何方美 (侠女十三妹) 及丈夫被强迫失踪 @hefangmei2019)*

In February 2023, an independent group reporting on civil society development in China, NGOCN, [reported](#) that when jailed defender [He Fangmei](#) and her husband were detained one after the other by police in October 2020. She and her six-year-old son and four-year-old daughter were put in the Henan Xinxiang Gongji Psychiatric Hospital. At that time, He Fangmei was five months pregnant, and in February 2021 she [gave birth](#) to a daughter. One month later, she was arrested and [taken away to Xinxiang Detention Center](#), Henan Province.

The newborn was left at the psychiatric hospital with her other children. Sometimes later, her son was moved into foster care, without his parents or any next-kin relatives' consent, at the home of a local informant, who had been reporting to police on the family. The two girls remained in the psychiatric hospital despite the relatives' plead to have them released into their care.

A report by the Rights Defense Network [said](#) that He Fangmei had written to her sister from detention in June 2023, entrusting the sister to take care of her children. But the hospital, citing orders from government authorities, refused He's sister's request even to visit the children.

When Ms. He's lawyers finale obtained permission to visit her in detention for the 1st time in late 2022, they also tried to visit the girls at the psychiatric hospital. On one such trip in September 2023, the lawyers were turned away at the gate – the security guards said they had no information about the girls on file.

In early 2024, a group of activists issued an [urgent message](#) about a new development concerning He's children: "On January 7, 2024, officials from the Huixian City government of Xinxiang City, Henan Province, went to He Fangmei's brother's house in Zhejiang to look for He Fangmei's 75-year-old mother. They tricked her to finger print a document to relinquish her right to claim custody of her grandchildren. He Fangmei's mother, who cannot read, said that she and Fangmei's brothers and sisters were capable of caring for the children, and hoped that the Huixian City Government would be able to return the three children to the family."

As this report goes to press, we learnt that the two girls have gone missing from the Huixian City Chengguan Town mayor's office since the psychiatric hospital officials dropped them off there on April 1, 2024. The hospital, apparently having kept the girls under the order from government officials, may have found that the pressure was built up. Lawyers and other activists showed up to request visits to the girls in recent months. After being turned away, some of them have filed complaints through legal channels to seek review of hospital authorities' behavior.



### Wang Zang and Wang Li's Children



Wang Zang, Wang Li and their children (source: X 王丽 (王藏妻子) @0530wlq)

The jailed activist-artist [Wang Zang](#) has been serving a 4-year jail sentence since 2020, and his wife/activist Wang Liqin spent 2020-2022 in jail. During the two years when they were both imprisoned, their four young children were orphaned until Wang Zang's mother stepped in to take care of them. Police put Wang's mother and the children under surveillance and [restricted their movement](#). Wang's mother was also under tremendous financial stress to provide for the children. Police also tried to [prevent](#) her from receiving packages from well-wishers and friends with food items and clothes for the children.

The children were [reunited](#) with their mother when she was released two and a half years later, on December 16, 2022. However, the threats of collective punishment did not end there. In January 2023, Wang Li said on X that she was [told](#) by Chuxiong police to stop posting on social media about her jailed husband or face imprisonment again and have her children sent to an orphanage. Wang Li also posted [photos](#) showing police surveillance of her house day and night, terrorizing the children.

### Wang Quanzhang and Li Wenzu's Child



Wang Quanzhang, Li Wenzu and their child (source: X 李文足 (王全璋妻子) @709liwenzu)

Another egregious and ongoing case involves Quanquan, the son of human rights lawyer Wang Quanzhang, released from prison in June 2020, and his wife-turned-activist Li Wenzu. Authorities have gone to extraordinary lengths to [deny and obstruct Quanquan's education](#). This began in 2016, when he was in kindergarten, and has happened at least four more times since then.

In 2023, authorities ramped up their harassment to make life unbearable for the family. In a YouTube [video](#), Wang Quanzhang talked into the camera,

*"... the harassment against our family has been non-stop [since 2015]. 24-hours a day, a large number of unknown people besiege us, follow us, take our pictures, and harass us, intrude into our daily lives. My family was forcibly evicted many times. Our water, electricity, and gas has been shut off. What's worse is that, when we eventually found a school for my son, soon the school was visited by the police, who questioned the teachers and harassed them. After just one day, we were told that my son could no longer go to that school. My son has shown symptoms of psychological trauma since then...Neither Li Wenzu nor my IDs and passports could be renewed...our leaving the country would endanger so-called national security."*

Based on testimony by Li Wenzu, made available to CHRD, 2023 took a particular toll on her child:

*“Starting on March 8, we could not send or pick up him from school and had to rely on neighbors’ kindness because police were stationed outside our door, and restricted the movement of my husband and me. If we were let out, police followed us everywhere. In late April, my son witnessed forced eviction by our landlord, who cut the water and power. He lived through almost daily switches of hotels as police followed us around and pressured hotels to keep us out.”*

*“One night, we were woken up by violent kicks on the door at the place of a friend who took the us in. Quanquan was so frightened he held on to me tight, his body shaking uncontrollably, sobbing ‘I’m so scared...’ Police rushed in, demanded to search the place, saying they were looking for ‘drug users.’ When we finally found another rental, police broke in after midnight, screaming that the child must get up and everybody must leave, while they smashed things, threatening to beat us if we refuse to get out. On the next morning, Quanquan was still in a shock, he had nose bleeding, high fever, and was practically in a state of collapse. He has since suffered a splitting headache, which at times prevented him from reading, forced him to stay in bed. It’s likely due to the tremendous stress. We all suffer from PTSD.”*

In October 2023, Ms. Li’s son had passed an interview and written test at a new school. The parents had paid the tuition and enrolled Quanquan in fifth grade. But he only attended the school for one day before the school administration caved in to pressure from authorities and withdrew his admission. In March 2024, police showed up at a middle school in Guangdong province only 10 days after the boy began attending. More than 20 policemen searched the school. His mother felt helpless:

*“He was once again forced out of school!”*

### Li Heping and Wang Qiaoling’s Children



Li Heping and his daughter (source: X 王峭岭 @709wangqiaoling)

In their attempts to shelter their children from the harmful impact of collective punishment, especially the deprivation of education, some parents have resorted to sending their children to study abroad. Chinese authorities have in response stepped up their use of exit bans to deny these children passports or otherwise block their travel outside the country.

Human rights lawyer [Li Heping](#) was detained from July 2015 to April 2017 and sentenced to three years for “subversion of state power,” with a 4-year suspended jail time. After he returned home in April 2017, he and his wife, Wang Qiaoling, an outspoken lawyer and advocate, and their two children have lived under constant surveillance, harassment, and intimidation. Ms.

Wang has [written](#) extensively about the government’s repeated efforts to obstruct their children from receiving adequate education. In one [essay](#), she noted with sadness that her then 17-year-old son had no more hope for seeking opportunities for higher education abroad, which would allow him to escape harassment at universities, and likely force him to drop out in China. She once asked her son why he did not follow up with applications to overseas universities, and was startled by his reply:

*“He looked up at me and said, ‘Mom, forget it. Even if I get an offer, I can’t get a passport and go.’”*

Starting at a young age, lawyer Li Heping’s daughter, Jiamei, now 13, has lived through years of round-the-clock police surveilling, stalking, and harassment of her family, including verbal insults and physical altercations with her parents. Between March and October 2023, police pressured their landlord to throw stones to break the window and remove the door of the rental unit in order to force the family to move out. When her parents called the emergency number for help, they were ignored.

In June 2023, Mr. Li, his wife, and their daughter, all of whom had valid passports, tried to leave the country, to find shelter from the incessant police harassment and secure access to a school for the daughter’s education. Border police blocked them from boarding the flight, and took them into a police station for interrogation. There, the police told them that all members of the family, including the daughter, had been [subjected to an exit ban](#) because their travel could “endanger national security.”

Having experienced such intense intimidation of the family, Jiamei has shown signs of anxiety, hypertension, and depression, according to her mother in a written testimony obtained by CHRD. She has become restless and irritable and has refused to go to school, her mother said. After a visit to a school in early 2024, at a city where the family has been driven to find a place to live, she begged her mother, “Don’t leave me here by myself.” She has not been able to attend school for more than one year.

### *Ou Biaofeng’s Children*



*Ou Biaofeng and his children (source: X 魏欢欢 (欧彪峰妻子) @joyceweingo3)*

Wei Huanhuan, the wife of imprisoned human rights defender [Ou Biaofeng](#), has struggled to care for the couple’s two small children, who were two and almost four in December 2020 when Mr. Ou was detained. Ms. Wei has faced tremendous pressure from authorities as she continues to speak out for her husband’s rights.

Ms. Wei [disclosed](#) on X, that authorities appeared to be pressuring her through her landlord. On May 9, 2023, she got a phone call from the landlord, saying that the local police had called to ask about her situation in detail. The landlord asked if there was a problem with authorities. This worried her, given that many families of prisoners of conscience have faced forced evictions when owners of their rental

housing receive orders from, or out of fear of, the police. Mr. Ou’s imprisonment has taken a heavy toll on the family. Her children have shown visible stress. In July 2023, more than two years after Mr. Ou was arrested, she felt deeply [painful](#) when her younger child asked:

*“Where is Dad? I miss Dad! When will he come back?”*

### Yu Wensheng and Xu Yan’s Son



*Yu Wensheng, Xu Yan and their son (source: X 余文生律师妻子许艳 @xuyan709)*

Human rights lawyer, [Yu Wensheng](#) and his wife-turned activist, [Xu Yan](#), were [detained on route](#) to attend an event at the invitation of the EU Delegation in Beijing in April 2023. Their then 19-year-old son had, with his mother, already endured four years of constant police harassment and intimidation while his father was jailed between 2018 and 2022. Following his parents’ detention, the son was put under police surveillance and his movement was restricted.

While legally an adult now, his years of terrifying experiences of living under terrifying circumstances as a child, including watching his father being taken away from home at the age of 11, have likely contributed to the symptoms of depression he has reportedly shown. Over the years, he has tried to kill himself several times. Since his parents’ detention in April 2023, he has been withdrawn, refused to talk to relatives and his parents’ lawyers and friends, who tried to visit him, though often blocked by police.

While legally an adult now, his years of terrifying experiences of living under terrifying circumstances as a child,

One day in November 2023, he took a dangerous amount of sleeping pills and was found unconscious. He was hospitalized. Some supporters familiar with the situation fear that this might have been a [suicide](#) attempt. He has made such attempts twice since his parents’ detention one year ago. The risks to his physical and psychological well-being remain high, reflecting the lifelong damage done to him and many others, who started enduring such treatment at a young age. His mental health status is still unaddressed as he lives alone under police monitoring.

### *Tibetan and Uyghur Children Separated from Parents*



*School in Qamdo, Tibet (source: International Campaign for Tibet 2023)*

In the Xinjiang Uyghur Autonomous Region and Tibetan Autonomous Region, large numbers of Uyghur and Tibetan children remain separated from their parents as a result of the Chinese government’s campaigns to “Strike Hard” and to suppress their religion and culture. Some of these children’s parents may not be immediately identified as human rights defenders, but many will

have objected in varying ways to authorities over the discrimination and persecution their communities face, such that CHRD believes it is appropriate to include these families' experiences in this report.

In Tibet, reportedly, authorities have put approximately 800,000 Tibetan children aged six to eighteen – 78% of Tibetan students –in residential “[colonial boarding schools](#),” separated from their families and communities, as of December 2021. UN experts sounded the alarm in February 2023 that Chinese authorities [separated one million Tibetan children](#) from their families and forced them to assimilate into majority Han culture at such boarding schools. The experts specifically drew attention to the “forced” nature of the residential schools as part of the government’s “oppressive” operations against Tibetan culture and education.

In September 2023, UN human rights experts [expressed grave concerns](#) over allegations of “a significant expansion of Xinjiang's State-run boarding school system,” which

*“fails to provide education in the children’s mother tongue and forcibly separates Uyghur and other minority Muslim children from their families and communities, leading to their forced assimilation.”*

The information received by the experts specified that some of the children, including very young children, were separated from parents who “are in exile or ‘interned’/detained.” These children are treated as “orphans” by Chinese authorities and placed in full-time boarding schools, pre-schools, or orphanages.

## (2) Criminal Prosecution of Jailed Defenders’ Outspoken Families

Families and relatives of detained human rights defenders, especially those who have engaged in advocacy for their loved ones, have faced restriction on their freedom of movement and deprivation of liberty, often without any recourse to legal remedy.

In 2023, in an attempt to intimidate and deter the vibrant human rights activism across Hong Kong diaspora communities, Hong Kong authorities started formal proceedings to investigate family members of overseas Hong Kong activists.

In July 2023, the Hong Kong police [placed bounties](#) of HK\$1m (US\$128,000) on and warrants for the arrest of eight overseas Hong Kong activists, whose peaceful activism Hong



Kong authorities claim violated Hong Kong’s National Security Law (NSL). The Hong Kong Chief Executive John Lee said at a press conference, “The government will use all legal means, and to the best of our ability, hold these criminals endangering national security accountable...Even if these fugitives go to the ends of the Earth, the authorities will pursue these criminals for life.” In December, police [issued](#) arrest

(source: X Hong Kong Democracy Council @hkdc\_us)

warrants and bounties for another five overseas activists.

As a part of this campaign of intimidation, Hong Kong police detained for questioning at least 31 family members of the overseas activists for “national security investigations,” [according to research](#) by Hong Kong Democracy Council (HKDC). Another 23 people associated with the “wanted” overseas activists were detained and five were questioned. Such police actions targeting families and associates of activists infringes upon the international human rights law on presumption of innocence until proven guilty. Persecution based on family connections and associations is a classic example of collective punishment.

Hong Kong police’s acts of collective punishment have created enormous stress on overseas pro-democracy campaigners. Simon Cheng, one of the “wanted” activists in exile, in an [X thread](#) paying tribute to his father, who as a poor migrant from mainland China swam to Hong Kong decades ago, wrote: “My family was taken away for investigation by the HK police. Our positions have changed now, struggling to survive in this harsh world. If needed, criticise me and cut me off. My hope is that my parents can enjoy a dignified, peaceful, and serene old age - until our next life.”



Frances Hui (source: X Frances Hui 許穎婷 @frances\_hui)

Frances Hui, another “wanted” overseas democracy activist, described the harassment and the toll it has taken in an interview with CHRD:

*“Police would show up in front of family members’ residences at 6:00am to take them away for questioning for hours. Some of the family members were forced to make statements to publicly disown their loved ones, promising to persuade them to return to Hong Kong to turn themselves in. This practice has put family members under tremendous mental stress: police using family members against the targeted overseas Hongkongers to intimidate and silence their advocacy abroad.”*

In June 2022, a UN treaty body, the Human Rights Committee, reviewed Hong Kong’s compliance with the International Covenant on Civil and Political Rights (ICCPR), to which the Hong Kong government is a party. The committee issued its [concluding observations](#), which noted the “overly broad interpretation of and arbitrary application” of the National Security Law, which has been used to arrest over 200 people. It found that certain provisions of the NSL “substantially undermine the independence of judiciary and restrict the rights to access to justice and to fair trial.” The Committee recommended that the government take “concrete steps” to repeal the NSL and “in the meantime, refrain from applying it.”

In October 2023, UN human rights experts [expressed](#) serious concerns about ongoing trials and arrest warrants under the National Security Law, moves by the Hong Kong government as a means to “punish” or retaliate against activists who had made statements critical of the government or who had supported democracy.

Targeting family members of “wanted” activists who reside outside Hong Kong – whose speech and peaceful human rights activities are expressly protected under international human rights law – is a very disturbing development.

Chinese authorities have detained family members of detainees to punish them for speaking out and asking for the release of their detained family members. According to the [International Campaign for Tibet](#) (ICT), in December 2023, police detained Gonpo Kyi and her husband, Choekyong, after they staged [sit-ins](#) in front of the Higher People's Court of the Tibetan Autonomous Region to demand the release of her brother, Dorjee Tashi, who was sentenced to life in prison in 2010. The family had tried other channels to complain about the harsh sentence without getting a hearing.

ICT shared another case with CHRD, which is discussed here anonymously, with details withheld to protect the source. A Tibetan man, "Tsering," who escaped from China, told ICT in an interview conducted in 2023 that he was subjected to severe punishment a decade ago as a result of his family connection to his brother. The brother had been accused of engaging in an act of political defiance directed at the Chinese Communist Party. "Tsering" said he was put through horrendous torture during interrogations and sent to jail, but never allowed to see a lawyer nor put on trial.

Wang Li, the wife of imprisoned artist Wang Zang, spent 2023 in jail. Chinese authorities detained her for speaking out and demanding her husband's release, and [sentenced](#) her to 2.5 years in prison in December 2022. It was also [believed](#) that she was persecuted as leverage to pressure Wang Zang into confessing. She was released in January 2024.

CHRD has obtained some disturbing information about the huge pressure and tight control on family members and relatives of [Peng Lifa](#), the protestor against Zero-COVID lockdowns and Xi Jinping's rule that sparked the "white paper" protests in late 2022. Since he was taken away by police on that Beijing bridge, there has been no information about his whereabouts. Mr. Peng has been forcibly disappeared. To prevent his family from speaking out, Chinese police have also put members of his family and relatives under surveillance, and cut off all contact with each other and the outside world.

Police subjected Mr. Peng's wife and two daughters to unlawful house arrest in Beijing. His brothers and sisters, and his wife's relatives in his home village in Heilongjiang province, have been summoned by police, warned against speaking out, and put under police watch, [according to VOA](#). The entire [village was reportedly sealed](#) off. Some supporters and citizen journalists were blocked from entering the village when they tried to find out about Mr. Peng's situation and whereabouts.



Yu Wensheng and Xu Yan (source: X 余文生律师妻子许艳 @xuyan709)

As noted above, in April 2023, authorities re-arrested rights lawyer Yu Wensheng, and at the same time also arrested his wife, Xu Yan, in a blatant case of collective punishment. Police filed charges against both of them on May 21 with the vague allegation of "picking quarrels and provoking trouble." Another "national security" charge against Mr. Yu - "inciting subversion of state power" - was later added. Authorities on [multiple occasions](#) have refused to allow lawyers to visit of Yu and Xu in detention. Ms. Xu's only "crime" appears to have been her outspoken protests against her husband's persecution during his previous imprisonment. Arresting her may have been a preemptive measure taken by authorities to silence and punish her.

### (3) Tormenting Families by Denying Access to Detained Defenders

CHRD has learned of numerous instances in 2023 in which authorities strictly controlled family or lawyer's access to detainees/prisoners, in clear violation of stipulations in the UN Convention against Torture. The lack of access to detainees and prisoners by families or lawyers suggests that torture and ill-treatment are likely taking place behind the walls of China's detention facilities and prisons.

In January 2023, the wife of [Cheng Yuan](#), of the now-shuttered NGO Changsha Funeng, detained in 2019 and serving a sentence of five years, [revealed](#) on social media that, in July 2022, Cheng Yuan had told her in a letter from prison that he had been subjected to [forced labor](#) and solitary confinement. Authorities had retaliated against him and his family by depriving him of the right to communicate with his family via letters or visits for at least six months.

In November 2023, Wang Li, the wife of imprisoned dissident artist [Wang Zang](#), described how authorities were [curtailing](#) her communication with her husband in retaliation for her speaking out about his prison conditions. Wang Li, who lives with her children in Yunnan Province, posted on social media that,

*"Every month by the 10th, Wang Zang would be allowed a call and there has been no exception. But by the 17th of this month, no call from prison. Two days ago, authorities warned me not to post anything about prison conditions anymore and said that posts about prison, no matter how factual, would have an opposite effect [on his situation]. Is Wang Zang not calling related to this [threat]? How is his health? Is he sleeping well? He must be having nightmares."*



Niu Tengyu (source: X [牛腾宇母亲 @nrkxr9cWfH7hpUt](#))

After [Niu Tengyu](#), a website IT worker, who just turned 20 then, was sentenced to 14 years in prison in 2021 and allegedly [tortured](#) in detention, his mother has faced harassment and intimidation due to her outspokenness about her son's mistreatment and demands for his release. [Reportedly](#), after realizing that her son apparently could not recognize his own mother in a video call, in December 2023, his mother traveled from Henan to Guangdong to visit her son in prison, where she was denied entry by prison officials. The prison had deployed police vehicles and armed police to "greet" her.

Meanwhile, Niu Wenlin, the father of Niu Tengyu, was [taken away](#) by state security police (*guobao*) in Jincheng, Shanxi on January 17, 2024. Niu Wenlin was later released. According to Coco, authorities are concerned that allegations of police torturing Niu Tengyu are spreading.

To maintain any access to loved ones in prison, no matter how limited or unpredictable, families often have no choice but to succumb to pressure to divulge nothing about what they may have learned about their loved ones' conditions in jail. In early 2023, the brother of jailed citizen journalist [Zhang Zhan](#) [shared a letter](#) from his sister about her mental and



physical health. But police immediately pressured the brother to [delete his tweets](#). The brother has since ceased sharing updates on Zhang Zhan’s condition inside the Shanghai jail.

Since being jailed, [Zhang Zhan](#) has experienced potentially life-threatening health conditions in prison, where she has been serving a 4-year sentence, a punishment for her reporting on the COVID-19 pandemic outbreak in Wuhan. In August 2021, Ms. Zhang’s mother [revealed](#) that Zhang Zhan’s weight had dropped to 40kg (88lbs) in a hunger strike to protest her punishment. She also [suffered from](#) malnutrition, ulcers, and fluid retention in her limbs.



*Rayhan Asat and Ekpar Asat (source: X Rayhan E. Asat @RayhanAsat)*

Rayhan Asat, a prominent advocate for ending atrocities against the Uyghurs and the sister of imprisoned Uyghur entrepreneur Ekpar Asat, [revealed](#) that prison officials in China have not allowed in-person family visits for Ekpar since his detention eight years ago. Ms. Asat said that officials have claimed that her brother’s was a “high profile” case and needed “higher levels of approval” for visits. She knows that authorities are weaponizing the family visits to put pressure on her to end her activism.

On February 19, 2024, Ms. Asat noted on her X account that two-minute video calls from prison with her family were sometimes allowed, but if anyone cries on these calls, prison guards would “deduct” the time of the call. These brief, monitored video calls were designed to inhibit any communication about concerns for ill-treatment or prison conditions.

Such government tactics -- harsh persecution of her brother and deprivation of family communication – puts pressure on advocates like Ms. Asat. The UN Working Group on Arbitrary Detention (WGAD) reviewed the case of Mr. Asat in 2022 and [determined](#) that he had been arbitrarily detained and should be immediately released. He was subjected to solitary confinement for a three-year period, and his health has deteriorated. Yet, the Chinese government has used the brother’s life-threatening conditions in jail and the denial to family in-person visits to pressure Ms. Asat to stop her advocacy abroad.

Keeping detainees and prisoners’ families in the dark about the whereabouts or conditions of their loved ones has long been a favorite tool of the Chinese government in punishing families, detainees, and prisoners, especially when family members bravely speak out. For instance, since activist [Zhang Haitao](#) was detained (and later sentenced to 19 years) on the charges of “inciting subversion of state power” and “providing intelligence overseas” in 2015, authorities have only allowed him [three family visits](#) in the course of more than eight years.

Chinese authorities have caused great suffering among families of detained human rights defenders in the Tibetan region by keeping them in the dark and refusing to provide any information about their loved ones’ whereabouts or their conditions inside detention facilities or jails, where Tibetans usually serve long sentences, often 20 years or more.

In August 2023, UN experts [urged](#) Chinese authorities to clarify the situation regarding nine imprisoned Tibetan environmental human rights defenders and provide information about the

legal basis for their imprisonment, the locations of their jails, and their current health conditions. The nine defenders are Anya Sengdra, Dorjee Daktal, Kelsang Choklang, Dhongye, Rinchen Namdol, Tsultrim Gonpo, Jangchup Ngodup, Sogru Abhu, and Namesy. The UN experts made the inquiry at the request of family members based outside the country or NGOs authorized by the families or lawyers representing the detainees. The UN experts stressed that:

*“The lack of information provided by Chinese authorities could be seen as a deliberate attempt to make the world forget about these human rights defenders as they spend year after year in isolation. Their families have been kept in the dark about their fate.”*

In other long-running cases, families have had little to no access to or information about their loved ones in jail or forcibly disappeared. This is the experience of the family of the Uyghur scholar [Ilham Tohti](#), who has been serving a life sentence since 2014, and the family of [Gao Zhisheng](#), who has been in a state of enforced disappearance since 2017. In one of the most outrageous cases, the entire family of the Panchen Lama, together with him, vanished in May 1995. They have not been seen or heard from since.

#### **(4) Controlling Families’ Communication to Silence Overseas Activists**

Another form of collective punishment involves Chinese authorities tormenting overseas activists in an attempt to silence them by blocking any information about, or channels of communication with, their family members still in China.

A Uyghur human rights defender based outside China spoke to CHRD anonymously, to protect his family back home, about his own experiences. This individual went abroad in the mid-2010’s, before the Chinese government’s most severe, [society-wide crackdown](#) on Uyghur culture and religion began in 2017. In what human rights organizations and some governments have labelled crimes against humanity, the Chinese government has arbitrarily detained up to an estimated [one million](#) in re-education camps, and an untold number of Uyghurs and others have been given lengthy prison sentences.

At that time, the person learned that his father had been detained and sent to a “re-education camp.” The father remained in the camp until 2019. In 2019, the individual provided details about the father’s ordeal to a well-known organization that compiles information about human rights violations in the Uyghur region. One week after giving his testimony, the individual was blocked from communicating with his family. This blockage went on for four years.

He later learned that national security police had pressured his family to delete him from WeChat, the ubiquitous Chinese messaging app, and sign a document stating that they would no longer contact him. At that time, the individual did not know why he could no longer contact his family. He figured that perhaps any further communication with his family would give authorities a pretense to detain more family members. Thus, he decided not to find other ways to contact them.

The communication with his father only resumed after a national security officer ordered that the father be the sole contact between the activist and the family, and that communication be limited to the father’s WeChat account. This allowed the police complete access to the

content of any messages and oral chats so that they could monitor his activities and collect information.

During this time period, the person's teenage sister back home was also arrested. He spoke publicly and demanded her release. His father discouraged this activism each time they spoke. Every time the son posted messages critical of the government on his social media, police would warn the father and pressure him to demand that his son keep silent.

The son was tormented by messages from his father such as, "If you don't stop your advocacy, how can they allow you to speak to your parents?" "If we lose contact again, if I or your mother dies, you will never know!" "You have to change your mindset about activism, since no one is above Chinese law and it won't change anything." The impact of the agony and stress affected his willingness to engage in advocacy for his detained sister.

His story is not unique. For almost all overseas activists in the Uyghur diaspora, the Chinese government's collective punishment has been particularly devastating. One of the criteria authorities have used to determine whether to detain somebody in camps is the person's family connections to Uyghurs living abroad or with any history of overseas travel.

Nearly every overseas Uyghur has family members back home. And many of these family members have ended up detained in the camps or in prison on the basis of family ties to, or other affiliations with, people living abroad. They are the fathers, mothers, brothers, sisters, daughters, and sons, unjustly detained because their relatives abroad spoke out to testify against the Chinese government's crimes against humanity.

Uyghur scholar Nur Iman traveled abroad to study in 2014 on a Chinese government-sponsored scholarship. When the government began detaining Uyghurs with connections outside China, she learned that her father, mother, and brothers had all been detained in relation to her studying abroad. She wrote in [Foreign Policy](#) about the irony of her family's plight in 2019:

*"As the crackdown deepened in Xinjiang, the diaspora became a source of cultural and political survival for Uighurs. But for Beijing, our efforts to keep our people alive were a threat. In an increasingly paranoid [political environment](#), any contact with the outside world, whether that was Kazakhstan, Turkey, or the United States, became a sign of deviance or support for independence. The very scholarship that the Chinese government had sent me on put me—and everyone in my family—in danger from the same government."*

Many Uyghurs in the diaspora have the painful experience of facing a wall of secrecy, maintained by Chinese authorities, about their detained relatives. A Uyghur family told CHRD that the family learned from the Chinese Embassy in Turkey that a member of the family, Abdurashid Tohti, had been sentenced to 16 years and 11 months' imprisonment for the "crimes of disturbing social order and preparing to commit terrorist activities." This was also how the family learned of Tohti's wife, Tajigul Qadir, who had been sentenced to a 13-year prison term for the "crime of preparing to commit terrorist activities." The family was given no other details about these alleged crimes or punishments.

The UN Working Group on Arbitrary Detention reviewed the cases and asked the Chinese



Abdurashid Tohti, Tajigul Qadir, and their two sons, Ametjan Abdurashid and Mohamed Ali Abdurashid (source: X Nursiman @Nursiman11)

government to explain the legal basis for their detention. In 2022, the Working Group issued [an opinion](#) and found that the detention of Abdurashid Tohti, Tajigul Qadir, and their two sons, Ametjan Abdurashid and Mohamed Ali Abdurashid, was arbitrary--in violation of their human rights, particularly due process rights and Chinese national law, as well as discriminatory based on their religion or ethnicity. The WGAD opinion noted that

*“[T]he charges against them are unknown and the dates of their trials, as well as details of those proceedings, if they ever took place, are equally unknown. The [Chinese] Government had an opportunity to clarify all this, but it chose not to do so.”*

As of the time of this reporting, the family said that their loved ones still have not been released, and they still have no information about their whereabouts – even any confirmation that they are still alive.

The TCHRD [report](#) on transnational repression (TNR) cited the personal experience of a Tibetan outside China:

*“In 2021, I received a video call from one of my siblings in Tibet. When I picked up, I found that my sibling was calling me from inside the local police station, surrounded by half of our family. Police officers got on the call and urged me to behave well abroad, and refrain from engaging in activities that could go against Chinese policies. If I failed to obey, officers said my relatives would suffer from the consequences.”*

For its reporting, TCHRD interviewed 83 Tibetan activists living abroad, and found that 49 of them had received such threats. The report called ethnic and religious minorities and political dissidents in Tibet “canaries in the coalmine” of China’s increasingly assertive transnational repression campaigns.

### **(5) Enforced Family Separation with Exit Ban**

The Chinese government authorities also impose arbitrary exit bans, without any court order or legal grounds, on human rights defenders and their families, including children. This unlawful practice is imposed even when the defenders do not face any criminal investigations or charges. These “blacklist” exit bans block them from leaving China – to reunite with family members or study or attend conferences abroad – and there is effectively no process by which they can challenge this status. Often defenders only learn of such exit bans when border police at airport security check points deny them entry into boarding areas, sometimes on the pretext that the traveler poses “national security” threats.

This perverse practice has devastating consequences by separating families and depriving children of the care of parents, as well as spouses the care of their husband or wife.



Guo Feixiong's wife Zhang Qing and their children (source: 独立中文笔会 Independent Chinese PEN Center)

On March 11, 2023, [Guo Feixiong](#) was sentenced to eight years upon conviction of the crime “inciting subversion of state power,” his second jail term in the past two decades. The charges stem from Guo having written an open letter in January 2021, urging then-Premier Li Keqiang to allow him to travel abroad to be reunited with his teenage children and his wife, Zhang Qing, who was dying of cancer. She [died](#) in the US on January 10, 2022.

Since starting his second jail term, Mr. Guo has staged several hunger strikes in protest and is [reportedly](#) in life-threatening condition. Mr. Guo’s sister wrote to government officials to request treatment to save her brother, to allow him to see a doctor. The officials did not respond to her. Instead, security police threatened the sister, warning her not to “play any games” by writing to officials.



Tang Jitian and his daughter Tang Zhengqi (source: X 唐吉田律师关注组 @freelawyertang)

Disbarred rights lawyer [Tang Jitian](#)’s daughter, Tang Zhengqi, was studying in Japan when she fell into a coma after she was infected with meningitis. Mr. Tang was detained in December 2021 and then released into police monitoring. In November 2023, Mr. Tang [went missing](#), and later disclosed that he was held under house arrest in a police-designated location with restricted communication [until](#) as recently as January 2024.

Mr. Tang had pleaded with the government to let him travel to Japan on humanitarian grounds to be at his daughter’s hospital bedside. But the government refused to issue him a passport and continued to [subject](#) him to an exit ban on vague “national security” grounds. His detention and house arrest were clearly measures to prevent him from travelling. Mr. Tang’s daughter died in a

hospital in Japan on February 21, 2024. After her death, Mr. Tang was held incommunicado in an extralegal detention facility until March 2024.

Disbarred rights lawyer [Lu Siwei](#)’s dream of reuniting with his family in the US became a nightmare when he was detained by police in Laos in 2023. Authorities stripped lawyer Lu [of his law license](#) in 2021 after he took on a case involving a Hong Kong activist. He has since faced constant police harassment. Despite pleas from [international human rights groups](#), [foreign governments](#), and [UN human rights experts](#) not to send Mr. Lu to China, Laos authorities, likely under pressure from the Chinese government, instead violated its

obligations under international law and [refouled him—forcibly returning him to a country where he had a well-founded fear of persecution](#).

Following the refoulement, Mr. Lu was [held](#) by Chinese police at the Xindu detention center in Sichuan. His lawyer was not permitted to meet with him. The government imposed two state-appointed lawyers, who followed government guidance on handling the case and communicated nothing to his family. On October 28, 2023, after 91 days in detention, Mr. Lu was released on [bail pending trial](#) on a charge of a “national security” crime.

This episode of transnational repression reflects an entrenched practice. After the U.N. High Commissioner for Refugees granted dissident [Dong Guangping](#) and his family refugee status in 2015, Chinese authorities, in collaboration with Thai authorities, seized Dong and a fellow activist [Jiang Yefei](#), ostensibly due to visa violations.

Despite international [condemnation](#), [handed them over](#) to Chinese police. Those authorities forcibly returned Dong and Jiang to China only days ahead of Dong’s planned resettlement as refugee in Canada. After serving 3.5 years in jail, Mr. Dong fled to Vietnam in early 2020, trying to make his way to Canada to reunite with his family members who had [resettled](#) there. He was [repatriated](#) by Vietnamese police to China, where he served another jail term for “illegally crossing state borders” until October 2023.



*Jiang Tianyong's parents (source: X 江天勇妻子金变玲 @jinbianling)*

Authorities refused to provide any explanation for the rejection. When Mr. Jiang’s parents requested if they had done anything unlawful and what was the legal basis for this punishment, one government official replied,

*“Don’t you know the reason yourselves? Aren’t you aware what you have done?”*

Mr. Jiang’s parents realized that they have been treated as “enemies of the state” by family association with their son.

Since Mr. Jiang was released from prison in February 2019, he has lived under constant and intrusive police monitoring, and his privacy, freedom of movement, communication, information, expression, and association have been severely curtailed. In 2020, several UN human rights experts [issued a statement](#) on the status of Jiang Tianyong’s post-release treatment, calling it “gratuitously punitive and legally unjustified.” Authorities even [detained](#)

friends who tried to visit Mr. Jiang, who was isolated and watched by police in a remote rural village.



Wang Yu, Bao Longjun and their son Bao Zhuoxuan (source: Wang Yu)

Rights lawyer [Wang Yu](#) has been trying for years, including in 2023, without avail, to travel abroad to be reunited with her son, Bao Zhuoxuan, who was [granted asylum](#) in the US in 2022. Her son had been blocked from leaving China to study abroad – a punishment for family association with his parents, both rights lawyers. The parents were persecuted for their work defending other rights defenders. Once the authorities [cut up](#) the son's passport at the airport when he tried to leave. He was eventually permitted to travel after authorities extracted a promise from the mother that

she would not go to the international media to expose the travel ban on her son.

Ms. Wang still could not get a passport for herself. She has filed a complaint with the Exit-Entry Administration Department at the Beijing Municipal Public Security Bureau and one with the Exit-Entry Administration Department of the Inner Mongolia Autonomous Region Xing'an League and Ulanhot City. Authorities have not responded to her complaints.

## Chapter 2. The Legal Framework

### *International Law*

Collective punishment is prohibited under international human rights and humanitarian law. International law stipulates that punishment for an offence may be imposed only on the individual convicted of an offence, and prohibits the imposition of collective punishments, including during times of emergency.

As one UN human rights expert [noted](#), “[a] fundamental tenet of any legal system – domestic and international – which respects the rule of law is the principle that the innocent cannot be punished for the crimes of others.”

Collective punishment is explicitly prohibited in [international humanitarian law](#), where its use both internationally and domestically, even in times of war and state emergency, is recognized as a violation of customary international law. While human rights law does not explicitly prohibit “collective punishment” as such, acts of collective punishment would constitute a violation of specific human rights.

In particular, acts of collective punishment violate the right to liberty and security of person and the right to a fair trial. In General Comments on Article 4 of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee stated that state parties may “in no circumstances” invoke a state of emergency as justification for acting in

violation of international law by imposing collective punishment. No state of emergency was declared in China during the period of time covered in this report.

China signed the ICCPR in 1998, but for a quarter century has failed to ratify the treaty. Nevertheless, as a signatory, the Chinese government is obliged under the [Vienna Convention on the Law of Treaties](#) (Article 18) to refrain from taking actions that would defeat the objectives and purposes of the ICCPR.

Harassment and surveillance of members of rights defenders and their families stand in stark contrast to the Chinese government's obligations to respect the right to privacy, defeating the objective and purpose of Article 17(1) of the ICCPR, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence..."

Separating parents from their children, such as detaining the children in psychiatric facilities or putting them up for adoption without parental consent, or blocking parents from traveling abroad to unite with their children, is a clear violation of the UN Convention on the Rights of the Child (CRC), which China ratified in 1992.

CRC stipulates that "States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child." (Article 9) Detaining rights defenders' children also violates Article 37(b) of the CRC: "(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily."

The UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 13: The Right to Education commented that the right to education should be enjoyed without discrimination, and state parties should closely monitor any patterns of discrimination (para. 37). China ratified the International Covenant on Economic, Social and Cultural Rights in 2001.

The UN Committee against Torture's General Comment No. 2 lays out the following with respect to families and lawyers' access to detainees:

*"Certain basic guarantees apply to all persons deprived of their liberty... Such guarantees include, inter alia, maintaining an official register of detainees, the right of detainees to be informed of their rights, the right promptly to receive independent legal assistance, independent medical assistance, and to contact relatives, the need to establish impartial mechanisms for inspecting and visiting places of detention and confinement, and the availability to detainees and persons at risk of torture and ill-treatment of judicial and other remedies that will allow them to have their complaints promptly and impartially examined, to defend their rights, and to challenge the legality of their detention or treatment."*

China ratified the UN Convention against Torture in 1988.

The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) [states](#) that prisoners should be allowed to have visits from friends and family at regular intervals (Rule 58) – and this is a right that should not be denied based on the high-profile status of prisoners, such as Nelson Mandela, or Ekpar Asat or Yu Wensheng.



The Chinese government's arbitrary exit bans infringe on the right to freedom of movement for family reunification or for children's education abroad, one of the practices of collective punishment documented in this report. Article 13 of the Universal Declaration of Human Rights stipulates: "Everyone has the right to leave any country, including his own, and to return to his country." Exit bans are a particularly clear violation of the ICCPR, which prohibits states from restricting the freedom of everyone "to leave any country, including his own" (Article 12 (2)).

### *Chinese Law*

The various acts and forms of collective punishment against families and associates of human rights defenders and pro-democracy activists, as this report has documented, violated multiple principles and stipulations in the [Constitution of the Peoples Republic of China](#). Chapter II of the PRC Constitution stipulates that all citizens have "fundamental rights." Specifically, all Chinese citizens' fundamental rights and freedom "shall not be violated," including:

- Their "personal freedom" – "No citizen shall be arrested unless with the approval or by the decision of a people's procuratorate or by the decision of a people's court, and arrests must be made by a public security organ. Unlawful detention, or the unlawful deprivation or restriction of a citizen's personal freedom by other means, is prohibited; the unlawful search of a citizen's person is prohibited." (Article 37)
- Their "personal dignity" – "It is prohibited to use any means to insult, libel or falsely accuse citizens." (Article 38)
- Their "homes" – "The homes of citizens...are inviolable. The unlawful search of or unlawful intrusion into a citizen's home is prohibited." (Article 39)
- Their "freedom and confidentiality of correspondence," which "shall be protected by law." "Except in cases necessary for national security or criminal investigation, when public security organs or procuratorial organs shall examine correspondence in accordance with procedures prescribed by law, no organization or individual shall infringe on a citizen's freedom and confidentiality of correspondence for any reason." (Article 40)

More specifically, Chinese authorities' practice of collective punishment violated several constitutional rights afforded to children and families. Article 46 of the Constitution ensures that all citizens enjoy "the right and the obligation to receive education." Article 49 states that "families, mothers and children shall be protected by the state...mistreatment of senior citizens, women and children is prohibited."

The PRC Constitution even goes so far as to explicitly claim to protect overseas Chinese citizens and their families back home. Article 50 says that the government "shall protect the legitimate rights and interests of Chinese nationals overseas as well as the lawful rights and interests...of the family members in China of Chinese nationals overseas."

At the end of 2023, the Legal Work Committee of the Standing Committee of the National People's Congress, the legislative body that issues policies and regulations or interprets the law and the Constitution, was [reportedly to have clarified](#) that collective punishment (lian zuo 连坐 or 株连) of convicted or suspected criminals' spouses, children, parents and other relatives is "unconstitutional."

The “clarification” was made by the chief of the Legal Work Committee in his report to the 14<sup>th</sup> People’s Congress in 2023. The report specifically acknowledged citizens’ proposals for review of some local governments’ regulations to “restrict the rights to receive education, employment, social security, etc. of families and close relatives of people involved in crimes.” The report made it clear that such restrictions are “unconstitutional” and “shall be stopped in their implementation.”

The media report cited “studies by the Legal Work Committee,” which has determined that “the legal responsibility of any law-breaking criminal actions should be placed on the law-breaking criminals themselves, and should not implicate or involve anyone else... Certain regulations restricting multiple rights of criminals’ families and relatives violate the principle of self-responsibility for one’s own illegal actions, do not abide by the Constitution, ... and basic principles and essence of the country’s law on education, employment, social security, etc.” The Legal Work Committee went on ask those government agencies to “abolish” their regulations, conduct reviews internally, and avoid such practices.

Missing in this rare clarification is any information about due process for victims to seek redress and accountability, and any legal penalties for perpetrators. Also missing is a commitment to end this practice against any citizen in China.

One is cautioned against reading too much into such a report by the country’s national legislative body, nor taking too seriously what has been written in the laws and the Constitution itself in the context of Chinese political system. Their implementation and accountability have always been seriously problematic.

In the pretext of the Chinese Communist Party’s current predominant imperative of “maintaining stability” against “national security threats” by political and religious dissidents, prodemocracy and human rights activists, and outspoken critics, among others, government authorities have acted with little regard to the law or the PRC Constitution, with broad powers to abuse citizens’ rights, while themselves enjoying almost complete impunity.

## CONCLUDING RECOMMENDATIONS

The cases of collective punishment documented in this report illustrate gross human rights violations, specifically, violations of the right to presumed innocence (hence freedom from punitive legal sanctions) until proven guilty by an independent and fair court, the rights of families and children, and freedom of expression, detainees’ right to communication and family visits, freedom of movement, etc. The substantial use of collective punishment against human rights defenders demonstrates the distance that the Chinese government is willing to go to silence peaceful critics and maintain its grip on power.

### **CHRD urges the Chinese government to:**

- Immediately cease all harassment and extralegal detention of the family members of human rights defenders, taking urgent measures to end sanctions and protect their children’s safety and education.

- Lift all arbitrary exit bans and urgently allow for family reunifications, especially in cases in which children have been removed from their families;
- Implement the recommendations made by UN treaty bodies and calls from Special Procedures mandate holders, and issue standing invitations for unfettered visits by UN experts to the country;
- Refrain from defeating the objective and purpose of the ICCPR, as required of states that have signed the ICCPR, and ratify the ICCPR immediately.
- Repeal or revise domestic legislation to come into line with international human rights obligations, amend relevant legal stipulations to provide legal remedies to victims;
- Investigate and prosecute police and officials for abuse of power in engaging in unlawful conduct of collective punishment.

**CHRD asks governments to:**

- Enact legislation and create policies to identify and counteract the Chinese government's use of transnational repression against human rights defenders and diaspora communities.
- Prioritize family reunifications as a diplomatic matter in interactions with the Chinese government, including expediting refugee and asylum status, and ensuring that human rights defenders or their family members are not forcibly returned to China.
- Support the June 2022 call of UN Special Procedures for the establishment of a Special Rapporteur on China.
- Strengthen the UN human rights system. Play an active role in international human rights bodies and processes, and be on guard against China's aggressive moves aimed at weakening key international human rights norms and institutions;
- Ask the UN High Commissioner for Human Rights to cease delaying on his Office's report on human rights violations in Xinjiang, and to follow up on the report's recommendations, especially those related to ending collective punishment;
- Announce a prohibition on interactions with Chinese government officials, particularly from the Ministries of Public and State Security, credibly alleged to be involved in the collective punishment of human rights defenders.
- Provide strong and steadfast support to human rights defenders and their families across China.

**CHRD urges the UN High Commissioner for Human Rights Volker Türk to:**

- Call on the Chinese government to end its collective punishment of the families of human rights defenders, and to end its reprisals against those defenders for their interactions with the UN human rights system.

- Issue detailed follow up reports that build on and, where needed, go beyond the findings of the Xinjiang assessment.
- Consistently demand the immediate release of all people arbitrarily deprived of their liberty, in the Uyghur region, Tibet, Hong Kong, and mainland China.
- Issue robust statements and communications on other human rights violations by the Chinese government, such as torture, enforced disappearance, and transnational repression.
- Provide regular and detailed updates to affected communities and the UN Human Rights Council on the progress of dialogues with the Chinese government.
- Express support for the June 2022 call by UN Special Procedures for a China-specific mandate.

- **The End** -