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**Submission by: Front Line Defenders – The International Foundation for the
Protection of Human Rights Defenders**

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared based on credible information gathered through independent monitoring of the situation of human rights defenders in China, including the Hong Kong Special Administrative Region, between November 2018 and 29 June 2023.

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I. INTRODUCTION:

1. At its last UPR, China accepted 284 out of a total of 346 recommendations. Notably, it accepted to create and maintain a safe and enabling environment for all Human Rights Defenders (HRDs),ⁱ and allow HRDs and lawyers to exercise their right to freedom of expression and opinion without threats, harassment or repercussions.ⁱⁱ

2. China rejected 62 recommendations that were critical to the protection of HRDs, including those on abolishing residential surveillance at a designated location (RSDL),ⁱⁱⁱ releasing detained HRDs,^{iv} ending the arbitrary detention,^v ceasing extraterritorial abduction of HRDs and their family members, and ceasing house arrest and travel restrictions.

3. Despite the Chinese government's supposed "support" for the above mentioned recommendations, Front Line Defenders has observed new and continued violations of the rights of HRDs, including but not limited to prosecution and imprisonment, restricted movement, prolonged detention, enforced disappearances, and transnational repression.

II. CRIMINALISATION OF HRDs

4. The Chinese authorities continue to prosecute and sentence HRDs to prison terms to silence, deter, and punish individuals for defending human rights.

5. The verdicts issued in trials of HRDs reveal that they were convicted and sentenced solely for exercising their rights, including acts such as writing or sharing articles criticising government policies or officials, seeking and receiving funding for human rights activities, calling for democratic reforms, participating in human rights workshops, holding peaceful protests, organising commemorations of victims of human rights violations, and even organising or attending private, indoor events to discuss human rights and democracy issues.

6. Between November 2018 and 29 June 2023, among the cases that Front Line Defenders has been able to monitor and document, **at least 35 HRDs were sentenced by a court to prison terms ranging from one year to 14 years, for a combined total of more than 157 years (see Annex I)**. The actual number of HRDs sentenced during this period is higher.

III. HRDS IN HONG KONG

7. In the last UPR, the Chinese government accepted a recommendation to guarantee freedom of expression, assembly and association including in Hong Kong.^{vi} However, the central Chinese government has done the opposite by adopting the National Security Law (HKNLS) for Hong Kong on 30 June 2020, and invoking it and other existing laws to prosecute and intimidate HRDs and journalists.

8. The HKNSL punishes “secession”, “subversion of State power”, “terrorist activities”, and “collusion with foreign or external forces to endanger national security”. The four crimes are vague and ill-defined under the HKNSL, which criminalises not only the use or threat of violence in committing the four offences, but also the use of undefined “other means”.^{vii}

9. The Implementation Rules of Article 43 of the HKNSL, which took effect on 7 July 2020, further undermines human rights protection by granting the Hong Kong police sweeping and largely unchecked powers to demand removal of online content, request extensive personal or organisational information, search for evidence, impose entry/exit ban, freeze or restrict access to property or assets, and conduct covert surveillance and interception of communications.

10. Other concerning articles include Article 41, which provides for the possibility of secret trials, closed entirely or partially to the media and the public; and Articles 37 and 38, which appear to extend the law’s coverage to actions that take place outside of Hong Kong. Relying on the presumption against bail contained in the HKNSL and invoking a rarely used sedition provision in the Crime Ordinance, authorities and their hand-picked national security judges have been able to detain defenders without bail for an extended period of time.^{viii}

11. The HKNSL has had a severe chilling effect. By the end of 2021, at least 58 local civil society organisations or initiatives, including trade unions and independent media outlets, are known to have suspended their work, or disbanded altogether due to the risks of being targeted by the law.^{ix} At risk of being accused of “foreign collusion” under the HKNSL, some HRDs resorted to self-censorship, deliberately reducing contact with foreign governments, UN human rights mechanisms, international human rights organisations and diplomatic missions in Hong Kong.

12. Among the targets of the HKNSL is barrister and woman human rights defender **Chow Hang-Tung (鄒幸彤)**, vice-chair of the **Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Hong Kong Alliance)**, a grassroots advocacy group established in 1989 in Hong Kong to campaign for the release of Chinese political prisoners, democratic reforms in China, and accountability for the crackdown on pro-democracy protests in June 1989. On 24 September 2021, facing State media attacks and the prospect of legal prosecution under the HKNSL, members of the Alliance voted to dissolve the organisation.

13. In March 2023, a national security judge at a local court convicted and sentenced Chow Hang-tung and two other leaders of the Hong Kong Alliance to 4.5 months in prison^x for refusing to comply with the Hong Kong police’s request in August 2021 demanding disclosure of extensive information about its funding, activities, Board members, executives, and staff.^{xi}

14. Chow Hang-tung was also convicted in January 2021 for “inciting others to participate in an unauthorised assembly” concerning the annual vigil memorialising the 1989

Tiananmen Massacre.^{xii} She and two other human rights defenders from the Hong Kong Alliance are awaiting trial in a separate case where they face the charge of "inciting subversion of State power" under the HKNSL.^{xiii}

IV. RESTRICTIONS ON MOVEMENT

15. In the last UPR, China accepted recommendations on allowing HRDs to freely operate in accordance with international standards,^{xiv} and ensuring their work to be free of harassment, intimidation or any kind of reprisals.^{xv}

16. However, the Chinese authorities continue to violate HRDs' right to freedom of movement through such tactics as travel bans, house arrests, and confiscation or refusal to issue or renew travel documents.^{xvi} In imposing these arbitrary restrictions, police and border agents often invoke such ill-defined concepts as "endangering national security", despite protection of the right to move freely under Chinese and international law.^{xvii}

16. In February 2019, after human rights lawyer **Jiang Tianyong** (江天勇) completed his prison sentence, he was forcibly escorted back to his ancestral home in Luoshan, where he was kept under house arrest with tight surveillance for over three years.^{xviii} He was not allowed to travel to seek adequate medical care or employment. HRDs who attempted to visit him were routinely blocked, harassed, or even briefly detained by police or unidentified agents.^{xix} In May 2023, Jiang Tianyong's application for a new passport was rejected, dashing his hope to visit his wife and daughter who are now living in the United States.^{xx}

17. In January 2021, border control authorities at Shanghai's Pudong Airport blocked human rights defender and writer **Yang Maodong** (杨茂东) (who is better known by his pen name **Guo Feixiong** 郭飞雄) from boarding a flight to the US to care for his wife Zhang Qing who was seriously ill. The authorities cited "suspicion of endangering national security" as the basis for imposing an exit ban on the defender. He was kept under tight surveillance in the following months and then taken into custody in December 2021. He was formally arrested on 12 January 2022, two days after his wife passed away in the US, and later sentenced to eight years in prison.^{xxi}

V. PROLONGED ARBITRARY DETENTION

18. In the last UPR, China accepted recommendations to respect the rights of detainees according to the relevant human rights instruments,^{xxii} to strengthen measures preventing torture and ill-treatment,^{xxiii} and to guarantee fair trials and rights.^{xxiv}

19. However, Front Line Defenders continues to document cases of prolonged detention, torture and ill-treatment and lack of adequate medical care while in detention, and denial of basic fair trial rights to HRDs. Detention is usually prolonged by invoking provisions within

China's Criminal Procedure Law that allow the police, prosecutors and judges to seek extensions of time limits at various stages in the criminal justice process, based on various ill-defined grounds, including "national security" or "state secrets". Trials of HRDs are often repeatedly postponed without proper justification. Verdicts often took many months, sometimes over a year, to be announced.

20. Since 2018, the UN Working Group on Arbitrary Detention has declared the detention of many Chinese HRDs to be arbitrary, including that of **Cheng Yuan, Chow Hang-tung, Ding Jiaxi, Li Yuhan, Qin Yongpei, Wang Jianbing, Yu Wensheng, and Zhang Zhan**, because their detention was based on repressive laws that violate international standards and that their fair trial rights were not respected.^{xxv} The Working Group has repeatedly warned China that "widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity."^{xxvi}

21. Woman human rights defender **Li Yuhan (李昱函)**, age 74, spent 1473 days in pre-trial detention before her trial took place on 20 October 2021 in Shenyang, after repeated trial date extensions. At time of writing, more than 20 months after the trial, a verdict has not been publicly announced. It is reported that she has been subjected to torture and ill-treatment while in detention, and her health has deteriorated greatly over her five years in detention.^{xxvii}

22. First detained by police in Guangzhou in September 2021, labour and disability rights defender **Wang Jianbing (王建兵)** and woman human rights defender **Huang Xueqin (黄雪琴)** have been in detention for more than 650 days and awaiting trial for "inciting subversion" at time of writing. Huang Xueqin was subjected to sleep deprivation in the form of frequent random interrogations in the middle of the night without prior warning, and faced worrying health concerns.^{xxviii}

23. After repeated trial date extensions, human rights lawyer **Qin Yongpei (覃永沛)** was tried on 31 December 2021 after 793 days of pre-trial detention in Nanning. He then waited another 456 days before he was convicted on 31 March 2023 of "inciting subversion to State power" and sentenced to five years in prison.

VI. ENFORCED DISAPPEARANCES

24. Enforced disappearances of HRDs in China remain prevalent since the last UPR^{xxix}, when the Chinese government rejected recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICED),^{xxx} and to put an end to the laws enabling residential surveillance at a designated location (RSDL).^{xxxi}

25. China's Criminal Procedure Law grants sweeping powers to the police to detain those suspected of committing a "national security" offence incommunicado for up to six months

under RSDL. A person can be held under RSDL in any location or building chosen by the police. While the Criminal Procedure Law requires the police to notify a RSDL detainee's family about the detention within 24 hours, it does not explicitly require the police to reveal the exact location of detention.^{xxxii}

26. In August 2018, UN human rights experts wrote to the Chinese government raising concern that the conditions of detention under RSDL "are analogous to incommunicado and secret detention and tantamount to enforced disappearance", exposing "those subjected to RSDL to the risk of torture and other inhuman and degrading treatment and other human rights violations."^{xxxiii}

27. Woman human rights defender **He Fangmei (何方美)** was disappeared while pregnant after conducting a protest in front of a local government office in Henan province on 9 October 2020. She was initially held under RSDL in a psychiatric hospital, where she gave birth to a girl, and then transferred to a detention centre before being tried in March 2022.^{xxxiv} He Fangmei still remains in detention awaiting the verdict of her trial with limited access to lawyers and multiple denied requests for family visits.

28. In October 2020, human rights lawyer **Chang Weiping (常玮平)** was detained and placed under RSDL at an undisclosed location in Shaanxi province, days after he publicised details of his torture by State agents during a previous ten-day RSDL detention nine months earlier. He was denied access to lawyers. His wife was informed on the same day that the defender had been placed under RSDL for unspecified "violations of legal regulations" with no further information on the exact charges or the location of detention, and she was not provided with an official RSDL notice.^{xxxv} The police rejected the human rights defender's lawyer to have him released on bail, citing "requirements in processing this case" without specifying what those "requirements" were. His RSDL ended in early April 2021 when he was formally arrested on the charge of "subversion of State power".

29. On 16 February 2020, woman human rights defender **Li Qiaochu (李翘楚)** was disappeared in Beijing and was later confirmed to be detained under RSDL. In late 2020, she published a detailed account of her experience during four months of RSDL detention. Local public security officers repeatedly summoned her for questioning, accounts of which she also published on Twitter, and threatened her with detention if she continued to speak out online on other cases of RSDL.^{xxxvi}

VII. TRANSNATIONAL REPRESSION

30. Since the last UPR, numerous cases of transnational repression of HRDs outside of China have been reported. These cases implicated the Chinese government and state-controlled entities, its diplomats or agents believed to be acting for the Chinese State.^{xxxvii}

41. Transnational repression takes many forms, including covert and overt actions to surveil and harass HRDs in third countries, threatening HRDs' family or partners who are in China, conducting cross-border renditions, abusing Interpol's red notice system, issuing formal extradition requests, pressuring information and technology companies outside of China to censor or block content, and mobilising its diplomats or other agents to physically and verbally attack HRDs.

42. In August 2022, Chinese human rights defender **Dong Guangping (董廣平)** was taken away by Vietnamese police officers in Hanoi and has been incommunicado. He had previously been deported from Thailand to China in 2015 despite obtaining refugee status, and later sentenced to prison terms.^{xxxviii} In May 2023, it was reported that he is being detained in a detention centre in Zhengzhou, Henan province since October 2022.^{xxxix}

43. On July 19 2021, Uyghur human rights defender **Idris Hasan** (also known as Yidiyesi Aishan) was arrested when he arrived at Casablanca airport, on the basis of an Interpol Red Notice issued at Beijing's request in 2017. On 20 July 2021, the King's Prosecutor at the Casablanca Criminal Court of First Instance ordered his extradition pending a decision by the Rabat Court of Cassation.^{xl} On December 15, 2021, the Court of Cassation in Rabat issued a favourable opinion on the extradition request, despite the cancellation by Interpol in August 2021 of the Red Notice issued against him on the grounds that it violated its statutes and Mr. Hasan's filing of an application for refugee status with the United Nations High Commissioner for Refugees (UNHCR). Idris Hasan still remains in detention in Morocco and under risk of arbitrary detention, enforced disappearance, or torture and other ill-treatment if returned to China.^{xli}

VIII. RECOMMENDATIONS

Front Line Defenders calls upon UN member states to urge the Chinese government to:

1. Immediately and unconditionally release all human rights defenders detained for their legitimate human rights work, drop all charges against them, and cease all forms of intimidation, harassment, and undue restrictions against them and their families;

Ensure that there is an impartial, independent, prompt and thorough investigation into the arbitrary detentions, unlawful restrictions of freedom of movement, enforced disappearances, transnational repression, torture and ill-treatment, and other serious violations of the rights of HRDs with a view to hold perpetrators accountable in accordance with international human rights standards;

3. Accept and set a timetable for outstanding requests for country visits by UN Special Procedures mandate holders by the next UPR cycle in 2028, including by the UN

Special Rapporteur on the situation of human rights defenders, and ensure these visits respect a set of minimum standards for independent, safe, and unfettered access as well as guarantees of confidential and unsupervised meetings with independent human rights defenders without reprisals;

4. Initiate a transparent and consultative legal reform process of reviewing and revising existing laws and regulations with a view to align them with China's obligations under international human rights law and standards, including but limited to provisions in the following laws:
 - a) the Criminal Law, especially those concerning national security, state secrets, and public order offences
 - b) the Criminal Procedure Law, especially those concerning residential surveillance at a designated location (RSDL)
 - c) the Exit and Entry Administration Law, especially powers given to authorities to impose entry or exit ban on ill-defined national security grounds
5. Repeal the Hong Kong National Security Law and, pending its repeal, suspend the enforcement of the Law and its Implementation Rules for Article 43, release and drop charges against human rights defenders and other individuals targeted by this law, and void the sentences of those sentenced under it.

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 - ii A/HRC/40/6/, 28.340, (Ireland), A/HRC/40/6/, 28.342 (Liechtenstein)
 - iii A/HRC/40/6/, 28.180, (Germany), A/HRC/40/6/, 28.176, (Switzerland)
 - iv A/HRC/40/6/, 28.333, (Australia), A/HRC/40/6/, 28.213, (Czechia), A/HRC/40/6/, 28.336 (United States of America)
 - v A/HRC/40/6/, 28.181, (Iceland)
 - vi A/HRC/40/6/, 28.205, (France)
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