



## **"THEY TARGET MY HUMAN RIGHTS WORK AS A CRIME"**

Annual Report on the Situation of Human Rights Defenders in China (2016)



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**The Network of Chinese Human Rights Defenders** (CHRD) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.

CHRD engages in capacity building and provides advocacy tools as well as technical support to grassroots Chinese human rights defenders through organizing trainings on international human rights instruments and protections for human rights defenders.

CHRD administers a program of small grants for activists to implement human rights projects, and provides legal aid and emergency assistance to victims of human rights abuses.

CHRD investigates and monitors the human rights situation in China, disseminating human rights news updates, alerts to urgent situations, statements about important developments, and research reports and analyses to inform the media, policy makers, human rights agencies, and the general public.

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This report contains information collected from interviews with sources inside China. Due to security concerns, the identities of these individuals have been kept anonymous.

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Cover: In March, miners and their families took to the streets in Heilongjiang over unpaid wages. Police forcibly broke up the demonstration and detained many protesters.

# Executive Summary

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*There are no more “grey areas.” To advocate for human rights in China today, you must be willing to accept the reality that the government views your work as “illegal.”*

- Chinese human rights activist

The authoritarian government in China, under the one-party rule of the Chinese Communist Party, and the leadership of President Xi Jinping, moved further away from political openness and rule of law reform in 2016. Violations of fundamental human rights and persecution of human rights defenders, including human rights lawyers, have persisted. During this year, the Chinese government detained, jailed, disappeared, and tortured numerous human rights defenders. Authorities rolled out a series of draconian laws and regulations which give police greater power to criminalize human rights activities.

Despite this increasingly chilling environment, United Nations (UN) Member States re-elected China to the Human Rights Council for another term in October 2016. Throughout the year, China continued to defy UN independent experts' demands to end its crackdown on civil society. China obstructed international efforts at the UN to protect human rights defenders (HRDs) worldwide, and Chinese HRDs who sought to engage UN human rights mechanisms faced intimidation, obstruction, and punishment.

In 2016, defending human rights in China remained a high-risk activity. Chinese HRDs faced reprisals for their work in promoting and protecting human rights, and their families suffered collective punishment. Detained and imprisoned HRDs were more likely to be prosecuted for “endangering state security” offenses. Police systematically deprived detained HRDs of due process rights, including the right to a fair trial and access to independent legal counsel. The judicial system continued to be controlled by the Chinese Communist Party (CCP), and new rules were promulgated to tighten control over the legal profession.

*We fight for our own rights as individuals, but I also want to ensure that my family, children, friends, community, and the rest of society can all enjoy equal rights. We want a future where everyone in China and later generations can enjoy peace and democracy.* - Chinese human rights activist

On freedom of expression, authorities continued to tighten restrictions. Mass media and Internet content remained highly censored, and personal communications and online activities were closely monitored by the state. HRDs faced criminal persecution for criticizing government policies or for reporting on rights violations. Authorities accused HRDs of serious political crimes, including “subversion of state power,” “inciting subversion of state power,” and “leaking state secrets.”

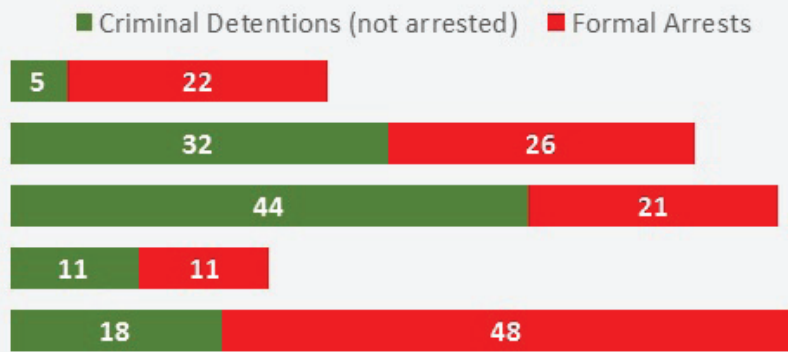
In terms of free and peaceful assembly, authorities continued to ban or investigate public—and sometimes even private—gatherings as “criminal activities,” claiming that they “disrupt public order” or “endanger national security.” In 2016, the government detained or imprisoned a number of HRDs for their roles in demonstrations, accusing them of “illegal assembly” or “inciting subversion” crimes. Police continued to categorically deny applications for permission to hold demonstrations. Unable to obtain such permission, some rights defenders resorted to meeting in restaurants or private homes, which were often blocked or raided by police and led to the detention of organizers and participants.

In the area of freedom of association, the government adopted a number of draconian measures to limit the development of civil society groups. These measures have had a chilling effect on Chinese groups, especially those advocating for human rights. The government issued the

# Chinese HRDs' Advocacy Criminalized in Xi Jinping's Crackdowns, 2013-2016

## Crackdown Target (year launched)

Human Rights Lawyers (2015)  
 Supporters of Hong Kong Pro-Democracy Movement (2014)  
 25th June Fourth Anniversary (2014)  
 Civil Society Organizations (2013)  
 Assembly, Association & Expression (2013)



**Of 238 criminally detained HRDs, over 50% have been formally arrested**

**70 HRDs have been convicted in the crackdowns, nearly 1/3 of them prosecuted for "endangering state security" crimes**

Besides those convicted, 20 additional HRDs seized in the crackdowns have been formally arrested, indicted, or tried on "subversion," "inciting subversion," or "state secrets" charges.

**Source:** Chinese Human Rights Defenders (CHRD)

## Convictions

Endangering State Security Charge	Subversion of state power	Inciting subversion of state power	State secrets	Total
2016	6	10		22
2015		2	1	
2014		3		
<b>Individual cases</b>	<b>6</b>	<b>15</b>	<b>1</b>	<b>22</b>

Law on the Management of Overseas NGO Activities in Mainland China, signaling its intent to expand already strict control over independent organizations, including their funding sources, staffing, and activities. This law allows authorities to take very intrusive steps to monitor and even play a role in the operations of overseas NGOs working in China, and to cut off overseas funding for China's already seriously threatened rights NGOs. Police interrogated or accused detained HRDs with ties to rights NGOs over their funding sources. Several NGOs that had been shut down or investigated before, including groups advocating health rights, women's rights, and LGBT rights, remained either closed or operating on a drastically reduced scale. Advocacy groups continue to face accusations that their work "endangers national security."

Throughout 2016, Chinese authorities repeatedly detained or imprisoned HRDs for crimes in the category of "endangering state security," indicating that the government considers promoting and protecting human rights a serious political threat to "national security" and social stability. In crackdowns since Xi Jinping took power in 2013, almost one-third of the HRDs affected have been

convicted of crimes in the category of "endangering state security" for their human rights activities. China's behavior runs counter to Human Rights Council resolution (HRC 27/31), which calls on countries to stop targeting civil society in the name of national security, counter-terrorism, and by restricting funding for NGOs.

For China to live up to its public pledges to protect human rights and to uphold the Chinese Constitution, the Xi Jinping government must immediately stop criminalizing the activities of human rights defenders, including lawyers. Furthermore, CHRD calls on the government to release detained or imprisoned HRDs; ensure prompt and impartial investigations of allegations of torture and prosecute suspected perpetrators, holding them legally accountable; guarantee detainees' prompt access to legal counsel; stop harassing and obstructing human rights defenders from participating in UN human rights activities, and end reprisals against them; repeal draconian stipulations in national legislation that abridge the rights to freedom of expression, peaceful assembly, and association; and allow national and international NGOs to play a full and active role in promoting and protecting human rights in China.

# 1. Human Rights Defenders Targeted as “Criminals”

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In 2016, protecting and promoting human rights in China remained a high-risk activity, leaving defenders in grave danger. Chinese human rights defenders (HRDs), including human rights lawyers, continued to face reprisals for their human rights advocacy work.<sup>1</sup> Government authorities intensified criminalization of activities related to monitoring and advocating human rights and assisting victims of abuse. Detained and imprisoned human rights defenders were often prosecuted for “endangering state security” offenses.

CHRD documented many new and ongoing cases of enforced disappearance, arbitrary detention, and acts of torture against HRDs, particularly those secretly detained in the July 2015 crackdown on lawyers, known as the “709 Crackdown.”<sup>2</sup> Police systematically deprived detained HRDs of due process rights, including the right to a fair trial and access to independent legal counsel. New rules were promulgated to tighten control over the legal profession. Collective punishment of family members of detained lawyers and activists included travel restrictions, surveillance cameras installed outside their homes, evictions from residences, denied admission to schools, and, in some cases, brief periods of detention and house arrest. Chinese HRDs who sought to engage UN human rights mechanisms faced intimidation, obstruction, and punishment. Meanwhile, China flexed its diplomatic muscle at the UN, when the government openly obstructed international efforts to protect HRDs worldwide.<sup>3</sup>

## (a) Extensive Use of Enforced Disappearance

Chinese authorities relied heavily on enforced disappearance to punish HRDs for their legitimate and peaceful activities promoting and protecting human rights. One particularly concerning justification often used by police and courts to prosecute human rights defenders in 2016 is that they

“endanger national security.” Chinese law vaguely and broadly defines “national security,” allowing police to use it at their convenience.<sup>4</sup> Furthermore, police are granted considerable power to deny detainees of basic due process rights, like the right to legal counsel, on the basis that they were detained on suspicion of “endangering state security” crimes.<sup>5</sup>

Public security officials have frequently invoked Article 73 of the Criminal Procedure Law (CPL) to secretly and arbitrarily detain HRDs, under the pretext of legality, including during the “709 Crackdown.”<sup>6</sup> This provision, called “residential surveillance at a designated location” (RSDL), grants police the authority to hold an individual suspected of an “endangering state security” crime for up to six months in a secret location before an arrest. On paper, Article 73 allows a detainee to have access to a lawyer and requires the family be notified of the detainee’s status (though not their location) within 24 hours. In practice, however, when authorities lock up HRDs under RSDL, they largely prohibit detainees access to their own lawyers and failed to notify families for weeks or months. Therefore, in reality, Article 73 does not guarantee that families or lawyers will be informed of a detainee’s location, thus giving police or procuratorates free rein to keep secret a detainee’s whereabouts. RSDL detention must take place outside of official places of detention, according to Article 73. This allows police to strip away or evade potential safeguards, such as surveillance cameras, medical staff, and alarms which may be installed in detention facilities. Consequently, authorities have “institutionalized” RSDL as a method of enforced disappearance, where detainees are at greater risk of being tortured to force a confession or reveal self-incriminating evidence. In 2015, The UN Committee Against Torture called on China to repeal Article 73 of the CPL as a “matter of urgency.”<sup>7</sup>



Human rights lawyer **Jiang Tianyong** (left) was forcibly disappeared in November, while activist **Mi Chongbiao** (right) has been disappeared since May 2012.

In cases of RSDL and other forms of enforced disappearance, lawyers' visits are often barred at a crucial time, in the early stages following a person's disappearance into police custody. Without immediate access to a lawyer, detainees may not know their legal rights and they are at greater risk of abuse. While being held incommunicado, detainees are vulnerable to mistreatment by police eager to extract a confession or admission of guilt. In the case of activist Wu Gan (吴淦), authorities repeatedly denied requests made by his lawyers to visit their client, on the grounds it might "endanger national security."<sup>8</sup> Wu Gan, who was detained in May 2015, was eventually granted a meeting with his lawyers in December 2016. During the meeting, Wu alleged people in charge of his case repeatedly tried to get him to confess, to accept a state-appointed lawyer, and appear in the media.<sup>9</sup> He also said officials had interrogated him more than 300 times, held him in solitary confinement, and tortured him.<sup>10</sup> In another case from 2016, four activists were detained in late May in Sichuan in connection to a police investigation of a wine label with the phrase "Remember June 4th, 1989." They were not allowed a meeting with their lawyers until September 30, after being held incommunicado on charges of "inciting subversion" for four months.<sup>11</sup>

With the "709 Crackdown," the Chinese Communist Party tore off its disguise and exposed the lies behind its slogan "ruling the country according to the law."

- Chinese human rights lawyer

Not only have authorities denied detainees access to counsel, they have increasingly pressured detainees to dismiss their own lawyers or those hired by their families, and use government-appointed lawyers instead. This practice took place in at least 15 cases in 2016, according to CHRD's documentation.<sup>12</sup> In many instances, officials told the detainees' families or lawyers that it had been the detainee who "fired" the lawyer. However, police refused to allow the families or lawyers of choice to communicate with the detainees in order to verify whether such changes were made voluntarily. Three HRDs—Gou Hongguo (勾洪国), Zeng Feiyang (曾飞洋), and Zhou Shifeng (周世鋒)—who had allegedly "fired" their family-appointed lawyers—were put on trial in August and September, with government-approved lawyers. These government lawyers did little to defend the detainees, and in these cases, the accused eventually "confessed" to "crimes" as charged, pleaded guilty, and promised not to appeal.<sup>13</sup> Their family members never met the appointed lawyers and were not allowed to attend the trials. The practice of forcing government-appointed lawyers on detainees clearly violates the detainees' right to independent legal counsel as well as stipulations of a 2015 provision issued jointly by China's highest court and four government ministries.<sup>14</sup>

In a case of enforced disappearance from late November 2016, public security officials detained Jiang Tianyong (江天勇) without notifying his family or lawyers. Jiang, a leader of the China Human Rights Lawyers Group (中国人权律



师团) and an outspoken supporter of lawyers detained in the “709 Crackdown,” went missing for days before police eventually confirmed that he had been placed in “residential surveillance at a designated location.”<sup>15</sup> Police have so far not notified his family of his exact location and barred his lawyers from meeting him.



Human rights lawyer **Zhou Shifeng** (left) and activist **Hu Shigen** (right), tired and sentenced in August, are the first individuals to go to prison as part of the “709 Crackdown.”

There are other ongoing cases of enforced disappearance where the detainees have not been formally put under RSDL and in these cases authorities also have denied access to lawyers and family members.<sup>16</sup> Such is the case with Guizhou-based human rights activist Mi Chongbiao (糜崇标) and his wife, Li Kezhen (李克珍).<sup>17</sup> The two have been detained by police in Guiyang since May 2012 and put in various “black jails”—extra-legal detention facilities. They have had limited contact with their sons, with police arranging brief meetings in designated locations; and police have warned the sons not to publicize their condition. Mi and Li have been repeatedly tortured, with the most recently documented incident of mistreatment occurring in July 2016.<sup>18</sup>

## **(b) Alarming Prevalence of Torture to Force Confessions**

In testimonies and allegations made by detained HRDs in 2016, many described being subjected to torture or mistreatment by police and prison authorities. These

cases of torture include lawyers Li Chunfu (李春富)<sup>19</sup> and Shu Xiangxin (舒向新), activists Yin Xu’an (尹旭安), Zhang Shuzhi (张淑芝), Pei Guodong (裴国动), Guo Hongwei (郭洪伟), Chen Xi (陈西), and Xiao Yunling (肖蕴苓).<sup>20</sup> These individuals were allegedly subjected to acts of torture that included beatings, deprivation of medical care, deprivation of food and water, inhumane conditions, and violent attacks by fellow inmates on behalf of guards. Some, like Shu and Yin, were tried after the alleged torture took place, but judges refused to order investigations into the torture allegations that came to light at trial. In these cases, torture at detention facilities was used to force confessions, extract evidence, or simply to punish the HRDs by inflicting pain and suffering.

The government’s public broadcasting of “confessions” on state media by detained lawyers and activists has raised suspicions that these HRDs may have been tortured or severely mistreated. Broadcasting videotaped “confessions” by detainees who had no access to lawyers is a blatant violation of the principle of “presumption of innocence.”<sup>21</sup> Authorities may find these televised “confessions” politically expedient and have used them to denounce human rights lawyers, journalists and other civil society figures; to vilify foreigners; and to disparage human rights defense activities. Among the HRDs shown in videotaped “confessions” in state media during the year were lawyers Wang Yu (王宇) and Zhang Kai (张凯), both of whom were later released on bail. At the time of this report’s release, Wang Yu is living under strict police monitoring with no freedom of movement and speech.<sup>22</sup> Zhang Kai reportedly retracted his confession, claiming it was made under duress, detailing mistreatment; but authorities then detained him again,<sup>23</sup> before later releasing him on bail.<sup>24</sup> State media also broadcasted the alleged “confession” of another activist, Zhai Yanmin, from his trial, in which he “warned” fellow citizens against “hostile foreign forces” and the rhetoric of “democracy,” “human rights,” and the “public good.”<sup>25</sup> This closely mirrored the language

in propaganda videos released by the Chinese government in the same week, which blamed “hostile foreign forces” for trying to foment a “color revolution” through the promotion of human rights.<sup>26</sup>

**Forced TV confessions obliterate any notion that China is a country ruled by law. It might seem that the confessor is humiliated in front of the world, but it’s really the government’s image and the nation’s dignity that suffer the most.**

- Chinese human rights lawyer

There are reasonable grounds to believe that detained HRDs who made such “confessions” were subjected to torture or ill-treatment. This belief is corroborated by testimonies provided by a detained lawyer, Xie Yang (谢阳). Xie, who has not yet been put on trial, told his lawyers during visits in January 2017 that he was forced to sign, under duress, whatever interrogation notes police prepared and put in front of him.<sup>27</sup> During his 18-month detention, first under RSDL and then in the Changsha No. 2 Detention Facility, Xie endured torture, psychological torment, and humiliating and degrading conditions. Xie said he broke down after several days of extreme sleep deprivation, beatings, stress positions, and death threats against him and his family, all while being interrogated non-stop. Xie’s account shed some light on police tactics for extracting confessions and forcing detainees to admit to authorities’ narrative of events.

Depriving medical treatment for detained or imprisoned human rights defenders who suffer serious illnesses and deteriorating health remained an alarming method of torture used by detention and prison authorities.<sup>28</sup> This cruel form of mistreatment drew international attention after defender Cao Shunli died in detention in March 2014, following authorities’ denial of necessary medical treatment

for five months at the Chaoyang Detention Center in Beijing.

In April 2016, the sister of imprisoned activist Yang Maodong (杨茂东, aka Guo Feixiong 郭飞雄), herself a medical doctor, reported that officials at the Yangchun Prison in Guangdong had denied her brother necessary medical treatment.<sup>29</sup> She feared that Yang, who is serving a six-year sentence and had grown very weak, would die without urgent intervention. In August, several UN human rights experts urged the Chinese government to stop mistreating the activist and to “urgently provide Mr. Guo with specialized medical care.” They further stated that Guo’s incarceration is political retaliation for exercising his rights.<sup>30</sup> The Chinese foreign ministry denounced what it called a “rude intervention” in “China’s internal politics and judicial sovereignty.”<sup>31</sup>



Torture allegations raised by detained human rights lawyer **Xie Yang** strengthen the likelihood that confessions made by HRDs held in the “709 Crackdown” were obtained under duress.

Authorities have also refused to grant lawyers’ requests for bail on medical grounds for seriously ill detainees, and even prohibited doctors from treating detainees after their release. Activist Huang Yan (黄燕) suffers from late-stage ovarian cancer and diabetes, but after officials detained her, they confiscated her diabetes medication and reportedly did nothing to treat her. Although a scan done in April at the detention facility’s medical clinic showed that the cancer had spread, authorities refused to grant her lawyers’ requests for medical bail, which would allow Huang

to receive chemotherapy and have surgery. The reason given was that she might “collude” with others in criminal activity outside of detention.<sup>32</sup> She was released from detention in September, but the night before she was to undergo surgery for the cancer in November, hospital authorities prohibited the team of doctors from operating on her, reportedly bowing to governmental pressure.<sup>33</sup>

Another detained activist, Su Changlan (苏昌兰), suffers from hyperthyroidism, which can be fatal if not treated. Since being taken into custody in 2014, she has developed heart arrhythmia and tremors after being denied proper medical treatment. In addition, Su was hospitalized a half dozen times in 2016, most recently in August, for eczema caused by the poor hygiene conditions at a Guangdong detention center.<sup>34</sup> Authorities reportedly force-fed Sun Feng (孙峰), another detained HRD, which caused serious physical injuries.<sup>35</sup> Sun had gone on a hunger strike at the detention center to protest guards’ abuses.

### (c) Arbitrary Detention & Imprisonment

Detention and imprisonment remain the most common forms of reprisal and punishment against HRDs. Grassroots human rights groups in China have reported hundreds of cases involving HRDs being detained or imprisoned during 2016.<sup>36</sup> Among these cases, the detention of labor activists Zeng Feiyang, citizen journalists Lu Yuyu (卢昱宇) and Li Tingyu (李婷玉), human rights lawyer Jiang Tianyong, and leading human rights NGO activists and citizen journalists Liu Feiyue (刘飞跃) and Huang Qi (黄琦), stood out. These cases indicate the government is determined to criminalize those who document human rights abuses and advocate for better human rights protections.

As of February 2017, eight individuals remain detained or imprisoned from the “709 Crackdown” on human rights lawyers and activists that began in July 2015.<sup>37</sup> In February 2016, the UN High Commissioner for Human Rights said in a

statement that he was “deeply concerned” by the crackdown, and called on the Chinese government to release the detainees “immediately and without conditions.”<sup>38</sup> However, Chinese authorities instead escalated the criminal prosecution of the detainees in heavily criticized show trials in August 2016.<sup>39</sup>

Between August 2-5, Tianjin No. 2 Intermediate People’s Court convicted four detained HRDs—human rights lawyer Zhou Shifeng and activists Gou Hongguo, Hu Shigen (胡石根) and Zhai Yanmin (翟岩民)—for “subversion of state power” in hearings that each lasted just a few hours.<sup>40</sup> Zhou Shifeng, the director of Beijing Fengrui Law Firm and a prominent lawyer, received a seven-year prison sentence.<sup>41</sup> Prosecutors accused veteran dissident and former prisoner of conscience Hu Shigen of plotting and inciting a “peaceful transition” to democracy, and the court handed him a seven-and-a-half-year sentence.<sup>42</sup> Zhai and Gou both received three-year sentences, suspended for four and three years, respectively. While released from detention, they are under police control, with restricted movement and communications.

In June, a Hangzhou court gave two HRDs, Chen Shuqing (陈树庆) and Lü Gengsong (吕耿松), who had long advocated for democracy and political rights, very harsh prison terms, 10-and-a-half years and 11 years, respectively. They were both convicted of “subversion of state power.”<sup>43</sup> In December, it was reported that Lü Gengsong had been tortured and mistreated, including being deprived of medical care.<sup>44</sup>



Veteran democracy activists Chen Shuqing (left) and Lü Gengsong (right) are serving harsh sentences for “subversion of state power” in retaliation for exercising free expression.

CHRD observed that, in 2016, counter to international standards, authorities continued to subject some HRDs to prolonged pre-trial detention and long delays before issuing verdicts following a trial. Although Chinese law allows authorities to hold detainees for a lengthy period of time before any judicial review,<sup>45</sup> such long periods of deprivation of liberty without a trial violate international law on the right to a fair trial within a reasonable time.<sup>46</sup> In some cases, even the Supreme People's Court (SPC) repeatedly approved three-month extensions of detention before trials, appeal hearings, or announcements of verdicts after a trial. In most cases that CHRD documented, HRDs were not immediately granted bail while police investigated, even though international standards state that pre-trial detention should be used only as a last resort because it undermines the principle of the presumption of innocence.<sup>47</sup>

In one case, Hubei authorities set the trial date for August 2016 for activist Wang Fang (王芳), who was detained in July 2015, but then unexpectedly postponed the hearing and have since repeatedly delayed the trial.<sup>48</sup> Officials have tried to force Wang to confess while she awaits trial.<sup>49</sup> Guangdong police detained activists Su Changlan and Chen Qitang (陈启棠) in October and November 2014, respectively, held them for over 18 months, and finally put them on trial separately for "inciting subversion," in April 2016. At the time of this report's release, no verdict has been announced in either case.<sup>50</sup> The SPC approved a third delay in announcing the verdict against Su Changlan for another three months in November 2016.<sup>51</sup> The UN Working Group on Arbitrary Detention found Su's detention to be arbitrary in 2015.<sup>52</sup> In another case, the SPC extended Xinjiang citizen journalist Zhang Haitao's (张海涛) appeal hearing for a total of eight months.<sup>53</sup> Zhang was sentenced to 19 years in prison, but while he waited for his long-delayed appeal hearing, he was forced to remain in a detention center, the same one where guards had reportedly tortured him.<sup>54</sup>

In addition, three HRDs detained in Chibi City, Hubei, over

their role in organizing or participating in peaceful protests held in 2013—Huang Wenxun (黄文勋), Yuan Bing (袁兵), and Yuan Xiaohua (袁小华)—had spent over nearly three years in detention, upon approval by the procuratorate and SPC, before facing trial. Authorities eventually tried and convicted them in 2016.<sup>55</sup> Their pre-trial detention periods have been the longest among the cases documented by CHRD during Xi Jinping's administration.<sup>56</sup> In Wuhan, Buddhist monk Xu Zhiqiang (徐志强, aka Sheng Guan, 圣观) and Huang Fangmei (黄芳梅), charged with "inciting subversion of state power," waited for approximately a year after their trial in April 2015 to hear the verdicts. They were convicted and sentenced to four and two years, respectively, over a lecture Xu gave on Buddhist texts that Huang attended in 2014.<sup>57</sup> Detained activist Yin Xu'an was put on trial in September 2016 and is still waiting for a verdict.

#### **(d) Punitive Measures Targeting Human Rights Lawyers**

In 2016, human rights lawyers continued to be victims of seemingly officially-sanctioned violence and be criminally persecuted for their efforts to promote and protect human rights. Authorities also continued to use annual performance reviews to threaten and control lawyers, and also obstructed their work providing legal counsel to their clients or defending them in court. Many of the affected lawyers had taken on politically-sensitive cases involving HRDs, dissidents, petitioners in land disputes with local officials, or members of ethnic or religious minorities.

### **The success and failure of human rights lawyers correlates with the rise and fall of rule of law in China.**

- Chinese human rights lawyer

CHRD documented six incidents of violence against human rights lawyers in 2016.<sup>58</sup> There has been no criminal prosecution of the alleged perpetrators, who include court bailiffs, police officers (both uniform and plainclothes), and thugs likely hired

by government officials. The cases illustrate the dangers Chinese lawyers face both inside and outside courtrooms and detention facilities. In the first case of the year, bailiffs in Heilongjiang attacked lawyer Wang Zichen (王子臣) in March after he tried to file a case at a court in Tieli City. Authorities in Guangxi later investigated and offered compensation to lawyer Wu Liangshu (吴良述), after bailiffs beat him and ripped his clothes in an attack in June, when he refused to hand over his phone for inspection. The investigation took place only after news of the incident went viral on social media. In another incident in Hebei, bailiffs assaulted lawyer Dong Qianrong (董前勇) in October after he objected to a judge's order to bar him from bringing his court files into court; this was the second time lawyer Dong had been violently beaten in a court in the past few years. Lawyers Liu Shihui (刘士辉), Yang Zaiming (杨在明), and Zhang Xinsheng (张心升) were attacked in Shanghai, Shandong, and Hubei, respectively, by thugs and plainclothes police.

police have recommended that Wang be indicted. In addition to lawyer Zhou Shifeng, who was tried and convicted to seven years' imprisonment, lawyer Xia Lin (夏霖) was also convicted and received a 12-year prison sentence in September 2016.<sup>60</sup> In 2014, Xia Lin had represented Guo Yushan (郭玉闪), the then-head of an independent think tank called the Transition Institute, and served on lawyer Pu Zhiqiang (浦志强)'s legal team before he was himself detained. In another case, authorities sent Shandong lawyer Shu Xiangxin to prison in January. He completed a six-month prison sentence in July. However, he can no longer obtain a license to practice law,<sup>61</sup> since China's Lawyer's Law stipulates that lawyers who are convicted of crimes lose their law licenses permanently. Other lawyers recently convicted, including Pu Zhiqiang and Gao Zhisheng, have also been barred from practicing law for life.

Other rights lawyers continued to face the annual performance review and the risk of having their law license suspended. Over the last few years, authorities have refused to renew the licenses of lawyers such as Tang Jitian, Jiang Tianyong, and Teng Biao, likely in retribution for taking human rights or other sensitive cases. In January 2016, authorities suspended the license of Ji'nan-based lawyer Liu Shuqing (刘书庆), and in May, Beijing-based lawyer Liu Xiaoyuan (刘晓原) learned that his license renewal was delayed. Both lawyers represented lawyers detained in the "709 Crackdown" and vocally criticized the persecution of lawyers.<sup>62</sup> In April, in protest of the review process for lawyers, at least 38 Chinese lawyers pledged not to take part in the annual review in 2016.<sup>63</sup> In December, human rights lawyer Li Jinxing (李金星) received notice that the Ji'nan City Justice Bureau had suspended his law license for one year for "disrupting court order." The bureau's decision reportedly was an act of reprisal against Li for representing jailed activist Guo Feixiong.<sup>64</sup> Over 110 lawyers signed a joint statement protesting the decision against Li, decrying it as an abuse of power that undermined the independence of lawyers.<sup>65</sup>

In April, in protest of the review process for lawyers, at least 38 Chinese lawyers pledged not to take part in the annual



Lawyer Xia Lin (left) received a 12-year prison sentence in 2016, while lawyers Li Heping (middle) and Wang Quanzhang (right) are still being held incommunicado.

During the year, authorities criminally prosecuted, or held in detention, a number of human rights lawyers. Of the eight individuals still in detention or prison from the "709 Crackdown," four are lawyers. At the time of the release of this report, 26 individuals from that crackdown have been released on "bail" or received a suspended sentence, including 12 lawyers, but many have since disappeared and are believed to be under police control.<sup>59</sup> Two of the eight individuals still detained in relation to the crackdown are lawyers Li Heping (李和平) and Wang Quanzhang (王全章); Li has been indicted, and

review in 2016. In December, human rights lawyer Li Jinxing (李金星) received notice that the Ji'nan City Justice Bureau had suspended his law license for one year for "disrupting court order." The bureau's decision reportedly was an act of reprisal against Li for representing jailed activist Guo Feixiong. Over 110 lawyers signed a joint statement protesting the decision against Li, decrying it as an abuse of power that undermined the independence of lawyers.

**The government targeted human rights lawyers with the "709 Crackdown," but those who display even the slightest sympathies to human rights are also being intimidated. Despite the suppression, new lawyers are still coming to the fore, defending universal human rights and refusing to submit to state harassment.**

- Chinese human rights lawyer

During the year, authorities tightened control over lawyers through regulations and other administrative rules. In November, the Ministry of Justice enacted revisions to two administrative measures on the management of law firms and the practice of law by lawyers.<sup>66</sup> According to the new provisions, lawyers could be dismissed by their law firms for expressing dissent or challenging violations of their clients' rights, for gathering to discuss defense strategy, or complaining about abusive police behavior.<sup>67</sup> In October 2016, over 400 Chinese lawyers signed an open letter calling for the measures on law firms to be repealed.<sup>68</sup>

### **(e) Reprisals for Participating in Human Rights Training or Engaging With the UN**

The Chinese government continued to systematically obstruct civil society participation in UN human rights activities, including human rights trainings. Authorities claimed, as they have in previous years, that blocking some HRDs travel to

activities at the UN was to prevent them from "endangering national security."<sup>69</sup> This implies that Chinese authorities think it is criminal to learn about international human rights standards and to engage in human rights activities. Authorities appear to be willing to go to extremes to prevent civil society from sharing independent reports on human rights developments with UN mechanisms or international organizations.

In 2016, police harassed or threatened retaliation against several activists who were invited to human rights trainings, according to information CHRD gathered.<sup>70</sup> In relation to these trainings, authorities barred a lawyer from traveling to participate, a number of activists were unable to obtain passports, and police questioned several participants after they returned to China. In addition, several lawyers could not attend because authorities had already banned them from leaving the country.

One Chinese activist faced police harassment after submitting Open Government Information (OGI) requests seeking details of the government's claims made at the UN during its second Universal Periodic Review, namely that it had developed "human rights education" programs in schools and training programs for law-enforcement and judicial officials.<sup>71</sup> The requests sought verification of the contents of such education and or training programs, and whether they met international standards. Police visited the activist multiple times and issued stern warnings not to continue to make OGI requests to certain government agencies.

In December 2016, three UN special human rights experts released a statement on reprisals through the Office of the High Commissioner on Human Rights.<sup>72</sup> They raised concern that the disappearance of lawyer Jiang Tianyong may have been, in part, a reprisal for his engagement with the UN during an August 2016 visit by the Special Rapporteur on Extreme Poverty and Human Rights. Jiang had apparently been one of a few civil society leaders who had been able to meet with the special rapporteur, Philip Alston, during his visit. In a press

conference at the end of the August visit, Alston said that Chinese authorities interfered with his work and blocked him from meeting with some individuals.<sup>73</sup> The special rapporteur said his team members were closely monitored by a security detail, and that police detained an activist seeking to meet him in Beijing.<sup>74</sup> The foreign ministry denied his claims and called them “preposterous.”<sup>75</sup> Alston praised China on poverty reduction, but criticized the lack of progress on redress and accountability mechanisms, and said the “709 Crackdown” and new laws were shrinking the space for citizens to influence policy-making and contest rights violations.<sup>76</sup>

## 2. Censorship Inhibits Human Rights Monitoring

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In 2016, authorities under President Xi Jinping continued to ramp up restrictions on freedom of expression. Mass media and Internet content in China remained highly censored, and personal communications and online activities were closely monitored by the state. Under such conditions, HRDs in China have very restricted means for sharing or disseminating information. Limits on free expression and the press directly obstruct civil society efforts to promote and protect human rights. Rights defenders, in particular, have been persecuted for speech critical of government policies or for reporting on rights abuses. They often faced criminal charges for serious political crimes, including “subversion,” “inciting subversion,” and “leaking state secrets.”

In high-profile visits to state news outlets and major speeches on media policy, Xi Jinping underscored the state’s rejection of press freedom and stressed that information channels must “serve” the Chinese Communist Party.<sup>77</sup> A popular blogger, Ren Zhiqiang (任志强), followed by over 37 million people on weibo (the Chinese equivalent to Twitter), made postings on his weibo site questioning Xi’s policy that the media should serve the Party. As a result, his weibo account was deleted.<sup>78</sup>

During the year, there were also several reported incidents of authorities closing news websites and publications, as well as dismissing reporters or editors. In July, the state agency, National Academy of Arts, ordered the sacking of Du Daozheng (杜导正), the long-time publisher of the history journal *Yanhuang Chunqiu* (炎黄春秋), precipitating the resignation of the entire editorial team and closure of the liberal publication.<sup>79</sup> In addition, three Beijing-based employees of *Wujie News* (无界新闻)—executive director Ouyang Hongliang (欧阳洪亮) and staff members Cheng Shengzhong (程圣中) and Huang Zhijie (黄志杰)—were secretly detained from mid-March to August after an anonymous letter appeared on the site calling on President Xi Jinping to resign.<sup>80</sup> Authorities had two editors at the website Tencent fired in July after a headline seen

as insulting to Xi appeared on the site, reportedly due to an error.<sup>81</sup> The Cyberspace Administration in Beijing closed seven news channels run by the web portals Ifeng, Sohu, Netsease, and Sina in July.<sup>82</sup> Authorities also shut down the website Consensus, 21ccom.net, citing its role in “spreading erroneous ideas.”<sup>83</sup>

### (a) New Laws & Regulations Broaden Censorship & Cyber Policing

In 2016, the government introduced major new legislation to place further restrictions on expression and penalize speech, especially on the Internet. Such measures pose further obstacles and risks for HRDs, who take to cyberspace as their principal platform to share information about rights abuses and mobilize advocacy campaigns.

The Counter-Terrorism Law, enacted on January 1, 2016, prohibits speech that “distorts or slanders national laws, policies, or administrative regulations,” and grants power to police to conduct large-scale monitoring and surveillance operations.<sup>84</sup> In one example of the Counter-Terrorism Law’s broad applicability to penalize expression, Shanghai authorities in July detained activist and migrant worker Hu Changgen (胡常根). Hu had posted views online about discriminatory policies towards migrant laborers, for which police accused him of “fabricating and spreading false terrorist information.”<sup>85</sup> This initial charge could well have been prosecuted under the Counter-Terrorism Law, but authorities later altered the charge to “picking quarrels and provoking trouble.”<sup>86</sup>

HRDs have faced additional challenges to free expression because of the new “Regulations on Internet Publishing Services Administration.” These rules, which went into effect in March, have placed strict constraints on the kinds of content that can be published online, targeting materials that authorities consider “politically sensitive.”<sup>87</sup>



In addition, China's main press censorship organ—the State Administration of Press, Publication, Radio, Film and Television—issued new rules in December that require users of weibo, WeChat, and other social media accounts to get a special government permit for sharing audio-visual materials. The rules forbid the public from transmitting audio-video news or information on current events.<sup>88</sup> They also limit public sharing of audio-visual materials that have not originated from or been approved by government censors, especially content that expresses views that diverge from Party and government narratives.

### The adoption of the new Cyber Security Law marks a staggering level of state regulation and control, particularly since it allows for cutting off Internet access, which makes it easier for authorities to manipulate public opinion.

- Chinese human rights lawyer

The director of the Cyberspace Administration Office (CAC), China's central Internet oversight and censorship agency, stated in July that controls over online information-sharing would become more restrictive, and he warned of punishment for those who circulate "unverified" information.<sup>89</sup> In August, CAC demanded editors of news websites to take full responsibility for errors in reporting, and put in place 24-hour monitoring of such sites.<sup>90</sup> Two other sets of CAC rules went into effect in August. One requires app providers to cut down the spread of "illegal information" by preserving user logs, and orders news websites to purge online comments that espouse views prohibited by the government.<sup>91</sup> The other set of regulations requires mobile app providers to monitor posted content and take action against users who post content that "endangers national security" or "disrupts the public order." The regulations also prohibit app users from producing, reproducing, publishing, or disseminating

content banned by laws and regulations.<sup>92</sup> In November, CAC issued rules for live-streaming platforms, requiring companies to monitor user content that may "endanger national security and undermine social stability."<sup>93</sup>

China's new Cyber Security Law was adopted in November, and will take effect in June 2017. This law will prohibit the establishment of "websites and communication groups" for "spreading...information related to unlawful and criminal activities," which may give authorities a pretext to criminalize online sharing about a wide range of human rights activities.<sup>94</sup>

### (b) Criminalizing HRDs for Exercising Free Speech

Several HRDs convicted in the past of political crimes due to their exercise of free speech continued to serve lengthy jail sentences in 2016, including activists, writers, and citizen journalists. They had been prosecuted for allegedly "inciting subversion of state power." These individuals include, Nobel laureate Liu Xiaobo (刘晓波), jailed in 2009 and serving an 11-year sentence; Sichuan activist Liu Xianbin (刘贤斌), jailed in 2011 and serving a 10-year sentence; Guizhou-based activist Chen Xi, jailed in 2011 and serving a 10-year sentence; Sichuan activist Chen Wei (陈卫), jailed in 2011 and serving a nine-year sentence; and Hangzhou activist Zhu Yufu (朱虞夫), jailed in 2012 and serving a seven-year sentence.<sup>95</sup>

The government detained or imprisoned a number of HRDs in 2016, and continued to harass and monitor them, for expressing views that authorities found politically threatening. Making comments that challenged state propaganda or government policies and circulating information on rights abuses drew police visits or landed HRDs in detention. In April, a Guangdong court sentenced activists Zhang Shengyu (张圣雨, aka Zhang Rongping, 张平) and Internet writer Liang Qinhuai (梁勤辉) to four years

and 18 months, respectively, citing social media posts as evidence of “inciting subversion.” Their trials took place in November 2015 after they been detained in late 2014 in connection to expressing support for the Hong Kong pro-democracy protests.<sup>96</sup>



Activist Sun Feng received a 5-year sentence for “inciting subversion of state power” in November, a punishment for commemorating June Fourth and expressing support for the pro-democracy demonstrations in Hong Kong in 2014.

Shandong activist Sun Feng received a five-year sentence after he was convicted of “inciting subversion,” in November. Sun had spent two years in detention before his trial. His “criminal acts,” according to authorities, included commemorating the 1989 Tiananmen Massacre and expressing support for the pro-democracy protests in Hong Kong. Authorities reportedly subjected Sun to torture, force-feeding him so violently after he had gone on hunger strike that he suffered physical injuries.<sup>97</sup>

Every year since 1989, authorities have harassed or detained activists and victims’ families on or around the anniversary of the Tiananmen Massacre, and 2016 was no exception.<sup>98</sup>

Among those taken into police custody around June Fourth were four activists in Sichuan Province. They were criminally detained in June on suspicion of “inciting subversion” while police investigated the production of bottles of wine with a label alluding to “Remembering June Fourth, 1989.” Formally arrested in July, the activists include Fu Hailu (符海陆), who reportedly created the wine label, and three others who had shared images of it online—Chen Bing

(陈兵), Luo Fuyu (罗誉富), and Zhang Junyong (张隽勇).<sup>99</sup> Police summoned and questioned a wider circle of people, including about a dozen activists, in connection to this case.

Around the time of the G20 Summit in September 2016 in Hangzhou, police in the region detained, disappeared, or sent on “forced travel” dozens of citizens, a measure taken to prevent expression of dissent online or in the streets near this major international event.<sup>100</sup> Those detained included activist Chen Zongyao (陈宗瑶, aka Chen Chen, 陈晨) and his son, Chen Zhixiao (陈志晓), who were accused of “obstructing official duties” after they put up a sign saying “Constitutional Noodle Shop” outside their restaurant in Yueqing City in August. Authorities convicted the two in January 2017 and handed down suspended prison sentences.<sup>101</sup>

As Xi Jinping pushed forward his aggressive “anti-corruption campaign,” Chinese authorities sent HRDs to prison or detention for speaking out against malfeasance by local officials or sharing information online about corrupt leaders.<sup>102</sup> Activist Cheng Kangming (程康明) was sentenced to four-and-a-half years in prison for “extortion” and “forgery of armed forces documents” in October, in a case related to exposing government corruption in Zhejiang. Cheng had founded the website China Justice and Anti-Corruption Net (中国正义反腐网), where he had posted information about corrupt officials before authorities shut it down in 2011. Cheng was detained in 2014 and spent two years in pre-trial detention.<sup>103</sup>

Activists who blogged or commented on top leaders continued to be government targets. Hubei police arrested activist Liu Yanli (刘艳丽) and, on the basis of her comments online, charged her for the crime of “slander” in November. Liu had reposted and forwarded online messages that mentioned Chinese leaders Mao Zedong, Zhou Enlai, and Xi Jinping.<sup>104</sup> Quan Ping (权平), a Jilin-based netizen who graduated from a university in the United States, went

missing on October 1 after staging a street protest by wearing a t-shirt with slogans mocking Xi Jinping. Weeks before disappearing, Quan had posted a photo of himself wearing the t-shirt on his Twitter account, where he had often shared his views about human rights issues in China.<sup>105</sup> More than two months later, it was confirmed that Quan was being held in a detention center in Jilin.<sup>106</sup>



Activist **Jiang Lijun** (left), who had posted articles online commenting on politics, received a 3-year sentence in January 2016, for “picking quarrels and provoking trouble.” Activist **Liu Yanli** (right) was arrested for “slander” in November, after posting and forwarding online messages that mentioned Chinese leaders.

Liaoning-based activist Jiang Lijun (姜力钧), who had posted articles online commenting on politics, received a three-year sentence in January 2016, for “picking quarrels and provoking trouble.”<sup>107</sup> His trial had taken place six months earlier, in July 2015. Jiang was reportedly tortured in detention.<sup>108</sup> In September, Shandong police detained netizen Wang Jiangfeng (王江峰), an outspoken commentator, apparently for his online complaints about local officials. Wang was formally arrested in October on suspicion of “picking quarrels and provoking trouble.”<sup>109</sup>

Police harassment and intimidation of outspoken HRDs, including those who have previously been jailed for exercising rights to free expression and press, did not subside during the year. Since his release from prison, human rights lawyer Gao Zhisheng (高智晟) has lived under tight police surveillance in his ancestral village in Shaanxi Province. Police have continued to harass him and restrict his movements, especially whenever he speaks up online. In January, police forcibly blocked his visit to a nearby town and threatened him with violence. The incident

followed comments he made online to show solidarity with imprisoned activist Guo Feixiong and detained human rights lawyers.<sup>110</sup> Police reportedly stepped up harassment of Gao in June, after he had released a memoir detailing acts of torture when he was previously in police custody.<sup>111</sup>

### (c) Targeting Citizen Journalists Reporting on Human Rights

In China, which in 2016 was once again ranked as one of the most repressive countries for press freedom,<sup>112</sup> the government consistently targeted citizen journalists and bloggers who reported on rights abuses in the country. The government has tightly controlled mainstream press to ensure that state media outlets are free of reports on human rights violations. Several citizen journalists or bloggers continued to serve prison sentences during the year for their rights reporting. These include the Uyghur scholar Ilham Tohti (伊力哈木·土赫提), who was sentenced to life in prison in September 2014 for “separatism.” The government penalized him harshly for his peaceful advocacy for the rights of the Uyghur ethnic minority, partly through uighurbiz.com, a website he created that authorities eventually shut down.<sup>113</sup> In addition, Yunnan-based activist and blogger Dong Rubin (董如彬) continued serving a six-and-a-half-year sentence after being convicted of “picking quarrels and provoking trouble” and “illegal business activity” in July 2014. Dong had questioned online how authorities handled suspects in the killings of Chinese citizens on the Mekong River in 2012.<sup>114</sup>

**Even without any real space for free speech, some will still try to communicate their ideas. They just have to take on all kinds of risks to do so.**

-Chinese citizen journalist

Several citizen journalists who posted human rights abuses

online were detained or imprisoned for alleged political crimes in 2016. Xinjiang-based rights defender Zhang Haitao<sup>115</sup> received a 19-year prison sentence in January, the longest prison term documented for persecuted HRDs during the year.<sup>116</sup> Zhang had reported on rights abuses for the website of a local rights group and also openly criticized government policies in interviews he gave to overseas media. A Xinjiang court convicted Zhang of “inciting subversion” and “providing intelligence overseas.” He has reportedly been tortured since the verdict came down, including by having his legs shackled.<sup>117</sup>

Wang Jing (王晶), a Jilin-based citizen journalist, who did some reporting for the 64 Tianwang Human Rights Center (六四天网), was sent to prison for four years in April. Authorities convicted her of “picking quarrels and provoking trouble” for posting pictures of protesters self-immolating on Tiananmen Square.<sup>118</sup> In November, Sichuan police detained and held incommunicado 64 Tianwang’s founder, Huang Qi, and arrested him in December on a charge of “illegally providing state secrets overseas.”<sup>119</sup> Hubei-based activist Liu Feiyue, the founder of the Civil Rights & Livelihood Watch (民生观察), was criminally detained on suspicion of “inciting subversion” in November, reportedly for, amongst other things, publishing articles on the group’s website that “opposed the socialist system.”<sup>120</sup>

In July, police in Yunnan Province arrested two citizen journalists, Lu Yuyu and Li Tingyu, on suspicion of “picking quarrels and provoking trouble,” after detaining them the previous month. In the past few years, the two had maintained a website where they posted information on protests and demonstrations in China.<sup>121</sup> The material on their website and information that they circulated on social media had become one of the few data sources for international press outlets and human rights groups that monitor large-scale public unrest in the country. Lu’s lawyer said that his client was tortured in detention.<sup>122</sup> In November, 64 Tianwang, Lu, and Li were honored with international press freedom awards “for their commitment to freely and independently-

reported information in China.”<sup>123</sup>

Dissident journalist Gao Yu (高瑜), serving a five-year sentence outside of prison after being granted medical parole in November 2015, continues to live under heavy police monitoring. She was forcibly taken “traveling” by police during the national legislative sessions in March.<sup>124</sup> In April, security guards destroyed a garden and the wall around Gao’s residence, a stressful incident that led to her hospitalization.<sup>125</sup>

# 3. Suppressing Freedom of Assembly Stifles Human Rights Advocacy

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Chinese authorities continued to restrict freedom of peaceful assembly in 2016, the year following a Criminal Law amendment that criminalizes “organizing” or “providing funding” for demonstrations or public events without police approval.<sup>126</sup> Authorities, viewing demonstrations and public gatherings drawing attention to human rights issues as politically threatening, banned or investigated such acts of assemblies as “criminal activities,” claiming that they “endangered national security.” The government persecuted a number of HRDs for their roles in demonstrations or gatherings that were held to protest rights abuses or to plan advocacy campaigns.<sup>127</sup>

The trend in recent years—of charging HRDs who take part in gatherings or demonstrations not only with “illegal assembly” offenses, but also with political crimes like “inciting subversion”—kept up in 2016. HRDs reported that authorities categorically denied applications for permission to hold demonstrations submitted to police, as required by China’s Law on Assemblies, Processions and Demonstrations.<sup>128</sup> Unable to obtain police permission, rights defenders often resorted to gathering in restaurants or private homes, but police also blocked or broke up such activities, and detained organizers and participants.<sup>129</sup>

While protection of the right to peaceful assembly is written in the Chinese Constitution,<sup>130</sup> Chinese law severely limits the right to demonstrate by authorizing police to determine whether an assembly would “directly endanger public security” or “disrupt public order,” and gives police the power to approve or disapprove of Chinese citizen’s requests for assemblies.<sup>131</sup>

## (a) Criminalizing HRDs for Exercising Freedom of Peaceful Assembly

A number of HRDs detained or convicted for organizing or participating in demonstrations in past years remained in detention or in jail in 2016. One example is Guo Feixiong,

who received a six-year sentence in November 2015 on charges of “gathering a crowd to disrupt order of a public place” and “picking quarrels and provoking trouble.” The court gave him a harsher punishment than what prosecutors had requested, declaring that he was a “ringleader” and had orchestrated demonstrations held in January 2013 in support of newspaper journalists who came under heavy criticism from a high-level government official for their independent investigative reporting.<sup>132</sup>

During the year, other activists who exercised their right to peaceful assembly, remained in detention, awaiting trial, or in prison. Detained activist Wu Gan, known for unconventional advocacy campaigns, was initially seized in Jiangxi in May 2015 while demonstrating outside a courthouse in Nanchang City. He was an assistant at the Beijing Fengrui Law Firm, a target of the “709 Crackdown” on lawyers.<sup>133</sup> In addition, activist Chen Yunfei of Sichuan has been held since March 2015 on a charge of “picking quarrels and provoking trouble,” after he had called for a public commemoration for victims of the 1989 Tiananmen Massacre.<sup>134</sup> Henan-based housing rights activist Jia Lingmin is serving a four-year sentence for “picking quarrels and provoking trouble,” having been convicted in November 2015 for her popular lectures on using the law to seek remedies for rights abuses by officials.<sup>135</sup> Jiangxi activist Liu Ping, detained in April 2013, is serving a six-year sentence in government retaliation for her public campaigning in local people’s congress elections and other advocacy activities.<sup>136</sup>

Authorities imprisoned several rights defenders in 2016 for “inciting subversion” in apparent retaliation for their roles in organizing or participating in peaceful gatherings. In April, in Guangzhou, activists Wang Mo (王默) and Xie Fengxia (谢丰夏, aka Xie Wenfei, 谢文飞) were each sentenced to four-and-a-half years. Police detained both men after photos appeared online of them displaying a banner with words calling for “true universal suffrage” for Hong Kong residents

during the pro-democracy protests in the territory in 2014. The men were put on trial in November 2015, after police held them in custody for over a year. Xie was reportedly tortured in detention; his arms and legs were shackled and fastened together for a total of over 100 hours.<sup>137</sup>

In Wuhan, also in April, Xu Zhiqiang (徐志强), a Buddhist monk who goes by the name Sheng Guan (圣观), was sentenced to four years' in prison. Xu had been detained while giving a public speech on religious texts in Wuhan nearly two years before. Huang Fangmei (黄芳梅), who was seized at Xu's lecture, received a two-year sentence at the same hearing as Xu.<sup>138</sup> Authorities likely targeted Xu because they saw his public speech as politically threatening, given his outspokenness on social justice issues and background as a student protester from 1989.



Activists Xie Fengxia (left) and Wang Mo (right) were each sentenced to prison in April. They had been detained after photos appeared online of them displaying a banner calling for “true universal suffrage” for Hong Kong residents during the 2014 pro-democracy protests in the territory.

In Hubei, several activists, who were detained in May 2013 during a “advocacy tour” called “Enlightening China” to promote civic activism and rule of law, were finally put on trial and imprisoned in 2016. Huang Wenxun, whose photos and speeches from the “tour” were circulated widely online, received a five-year term for “inciting subversion” in September, following a trial in June. Citing his speeches and photos online as “evidence” against Huang, the court ruled that he had used the Internet, street protests, and the “tour” to “endanger national security.”<sup>139</sup>

Huang's two co-defendants, Yuan Bing (aka Yuan Fengchu, 袁奉初) and Yuan Xiaohua, were put on trial in April 2016, and in May received sentences of three-and-a-half and four years respectively, on charges of “gathering a crowd to disrupt order of a public place” and “picking quarrels and provoking trouble.”<sup>140</sup> These two offenses, often used to prosecute demonstrators, have been increasingly applied to prosecute those who made online commentaries critical of government policies or shared information deemed “sensitive” by authorities.

The three activists sentenced in Hubei are among 14 individuals who were in prison at the end of 2016 who had initially been detained for peaceful assembly in the first major crackdown under Xi Jinping. Started in the spring of 2013, that crackdown targeted many involved in the New Citizens' Movement, a feature of which was to rally to raise public awareness to support calls for government transparency and rule-of-law reforms.<sup>141</sup>

In Tianjin, a court convicted Beijing-based activist Zhai Yanmin of “subversion of state power” and handed him a three-year suspended sentence in August.<sup>142</sup> Zhai was among more than dozen individuals seized in June 2015 in connection with a rally outside a Shandong courthouse in Weifang City, and authorities tied these detainees to the human rights lawyers seized in the “709 Crackdown.” Taken into custody in Beijing, Zhai was accused in state media of “manipulating petitioners” in Weifang and other places, allegedly by helping to organize and “pay” demonstrators to protest in order to “influence” court decisions.<sup>143</sup> By August, four of the protesters from the demonstration outside the Weifang court had been indicted, on charges of “gathering a crowd to disrupt order of a public place” and “picking quarrels and provoking trouble”—Li Yanjun (李燕军), Liu Xing (刘星), Ms. Yao Jianqing (姚建清) and Ms. Zhang Weihong (张卫红, aka Zhang Wanhe, 张皖荷).<sup>144</sup>

## (b) Quelling Protests: From Brute Force to Communication Blockades

For many years, the number of protests in China—over pollution, labor disputes, land grabs, forced demolitions, and other issues—have been estimated to be in the tens of thousands, though the government has never publicly released official figures.<sup>145</sup> The government's great sensitivity about protests over matters of social justice is evident in the detention in June of citizen journalists Lu Yuyu and Li Tingyu, a couple who had documented protests and maintained web sources with detailed information about protests in China (see Section 2 for more information on their case).<sup>146</sup>

Authorities used force in response to demonstrations, beating and detaining participants, and took other strident measures, such as shutting down local phone or Internet networks. For instance, over one thousand police in Xi'an crushed a rally by residents opposing a proposed waste incinerator plant in October. Police officers beat up demonstrators and reportedly detained hundreds of them. Government censors scrubbed away social media messages about the protest and its aftermath, and authorities barred news organizations from covering the story.<sup>147</sup>

In Inner Mongolia, police quelled several environmental protests against pollution from smelter and aluminum plants. Hundreds of local residents demonstrated against what they believed to be the sources of air pollution and health hazards, in one case citing the death and deformity of sheep on nearby grasslands.<sup>148</sup> In March, local authorities in one banner in Inner Mongolia issued a public notice warning that it was illegal for residents to organize demonstrations via the Internet or mobile phones, and that those who did so could be criminally prosecuted.<sup>149</sup> Police ended up administratively detaining a number of people who had allegedly organized or joined the protests.<sup>150</sup>



Wei Yonghan (left) was sentenced to 10-and-a-half years in prison in December, a punishment for his alleged “leading role” in months-long protests in Wukan Village (right). The demonstrations, violently put down in September 2016, were partly sparked by the detention and then sentencing of a popular village leader.

In Guangdong, authorities crushed protests by the residents of Wukan Village over local elections, the detention of a well-liked leader, and land disputes, which had taken place from June to September 2016. After Lin Zulian (林祖恋), a popular village leader, was sentenced in September, protests intensified and police conducted a dawn raid on September 13, to which villagers responded angrily.<sup>151</sup> During and after the raid, police beat and detained protesters and journalists, used tear gas and rubber bullets, cut off the Internet, and blocked major roads in the area.<sup>152</sup> In December, authorities imprisoned nine of the detained villagers who they accused of leading the peaceful demonstrations in Wukan.<sup>153</sup> The longest sentence, of 10-and-a-half years, was handed to Wei Yonghan (魏永汉). Others given long sentences were: Hong Yongzhong (洪永忠), sentenced to six-and-a-half years; Yang Jinzhen (杨锦贞), to six years; and Wu Fang (吴芳) to five years.<sup>154</sup>

China's National Cyber Security Law, which was passed in November and will take effect in June 2017, codifies the power of authorities to take control of local communications channels when a protest breaks out. The law allows authorities to “restrict network communications”—in other words, shut down phone or wifi networks—so as to “protect national security and social order, and respond to major social [stability] incidents.”<sup>155</sup>

# 4. Infringement on Freedom of Association Chokes Rights NGOs

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In 2016, the Chinese government adopted a number of draconian measures that infringe upon citizens' right to freedom of association and suppress the development of civil society. These measures, even some not yet officially enforced as law, have had a chilling effect on independent Chinese groups, including organizations advocating for human rights, such as labor, health and women's rights, as well as those monitoring general human rights conditions.

In April, the government issued the Law on the Management of Overseas NGO Activities in Mainland China (hereafter Overseas NGO Law), which went into effect on January 1, 2017. The law signals authorities' intent to expand control over civil society groups, targeting their funding sources and activities. Authorities can use the law to justify increasing control over overseas NGOs operating in China and to isolate and starve China's already fragile civil society sector. Particularly affected will be domestic NGOs devoted to promoting and protecting human rights, which cannot obtain legal status or government funding. This law provides a cover for the criminalization of NGOs for seeking and receiving foreign funding.

**Because of state suppression, there are fewer advocacy campaigns, human rights NGOs have shut down, many former employees and directors of such groups have been forced into exile, and power for social change has been severely weakened.**

-Chinese human rights activist

Even before the law took effect, authorities, emboldened by the law and Xi's crackdowns on civil society, persecuted human rights defenders with ties to NGOs, accusing them of serious "endangering state security" crimes, which in the past had most often been applied to prosecuting political dissidents or opposition political party organizers. In addition, in 2016, several NGOs that had been shut down or

investigated in previous years, including groups advocating health rights, women's rights, and LGBT rights, remained either closed or operating on a drastically reduced scale and under close police monitoring. In 2014-15, Chinese authorities drew international condemnation for detaining these NGOs' leaders or legal advisers, interrogating their staff, raiding their offices, and auditing their financial books.<sup>156</sup>

## (a) Rights NGOs Criminalized for Receiving Foreign Funding

In 2016, Chinese authorities aggressively went after Chinese NGOs leaders and staff members by accusing them of accepting international funding to support their work. Police also targeted foreign NGOs working on human rights protection. In January, police detained Peter Dahlin, a Swedish national and director of an NGO that organized trainings for lawyers and provided funding to Chinese rights defenders.<sup>157</sup> He was forced to confess on state TV and deported, and state media accused his NGO of "jeopardizing China's national security."<sup>158</sup>

Authorities targeted the Beijing Zhongze Women's Legal Counseling Service Center, forcing its closure in February. According to China's state media, the shutdown was due to a government investigation into the organization's suspected financial support from the overseas Ford Foundation.<sup>159</sup> For more than two decades, the center had provided legal aid to women and conducted research on a wide range of women's rights issues, from domestic violence to the conditions of rural women.

In September and November, a Guangdong court convicted four staff members from the labor rights NGO Panyu Migrant Workers Documentation Service Center, who had advocated for the protection of migrant workers' rights. Authorities convicted the individuals of "gathering a crowd to disrupt social order" for their work.<sup>160</sup> Police initially detained the four—Zeng Feiyang, the NGO's

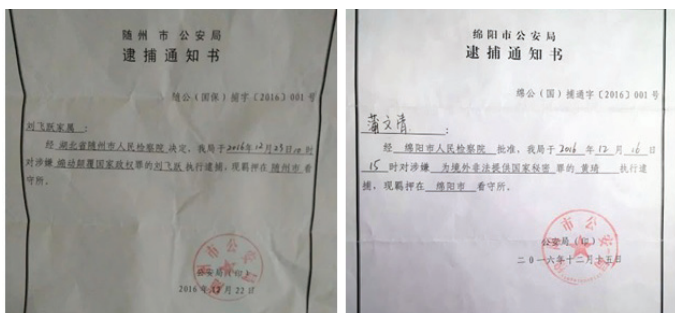


director, Meng Han (孟晗), Tang Huanxing (汤欢兴), and Zhu Xiaomei (朱小梅)—in a December 2015 raid, in which police swept up more than 20 individuals working with several labor groups in Guangdong.<sup>161</sup> Eventually, authorities homed in on the Panyu group and its director Zeng, accusing him of “accepting financial support from overseas organizations.”<sup>162</sup> During the 2016 trials, Tang, Zeng, and Zhu all confessed, pleaded guilty, and promised not to appeal their convictions, according to state media, and they received suspended sentences.<sup>163</sup> State media reported that Zeng admitted that he received funding and training from “some overseas organizations hostile to China” during his trial. Zeng’s confession may have been made under duress, as Zeng at times had been held incommunicado and his lawyers were told by authorities that Zeng had “fired” them and wanted to be represented by government-appointed lawyers.<sup>164</sup> The fourth staff member, Meng Han, received a 21-month prison sentence in a separate trial.<sup>165</sup> Police harassed his family and pressured him to confess and testify against his colleagues.

to overseas funding. From information CHRD obtained from reliable sources, police raided Liu’s home, seized financial documents and told Liu’s family that his case was serious because Liu was suspected of accepting foreign funding, for which he could face a “subversion” charge. According to one of Liu’s associates, police accused Liu of “harm[ing] national security by accepting the funding.”<sup>167</sup> Sichuan authorities told one of Huang Qi’s associates that 64 Tianwang was a “hostile foreign website,” and police interrogations of former volunteers focused on the group’s funding sources.<sup>168</sup> Police later arrested Liu on suspicion of “inciting subversion,” and Huang was arrested for “illegally providing state secrets to overseas entities.”<sup>169</sup>

Both 64 Tianwang and Civil Rights & Livelihood Watch documented and reported on human rights abuses, assisted victims of abuses, and issued statements criticizing or making recommendations for changes to government policies. Like other similar NGOs, these two groups had never been able to obtain legal registration, since no government agency would sponsor them. They mostly operated online and out of homes. For years, local authorities had closely monitored their activities and harassed and intimidated Huang, Liu, and their associates. Huang and Liu had been repeatedly detained or put under house arrest, and Huang previously served two prison sentences.<sup>170</sup>

The UN Human Rights Council’s Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that the freedom of association cannot be enjoyed unless civil society groups can be free “to seek, receive and use resources... from domestic, foreign, and international sources.”<sup>171</sup> The right to solicit, receive, and utilize resources for the express purpose of peacefully promoting human rights is protected by the Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998.<sup>172</sup>

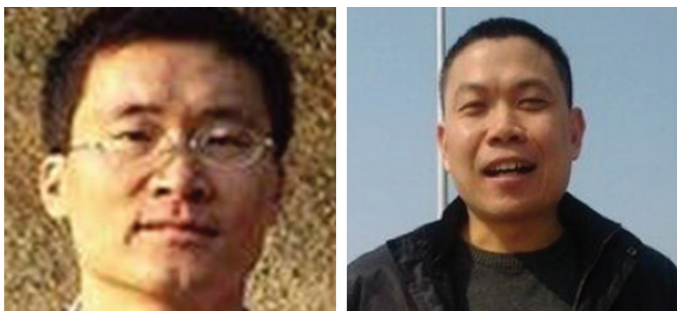


Arrest notices to the families of detained NGO directors Liu Feiyue(left) and Huang Qi(right) indicate the “endangering state security” crimes they are suspected of committing.

In quick succession in late November, authorities detained the founders of two rights advocacy NGOs, Huang Qi, who led the 64 Tianwang Human Rights Center, and Liu Feiyue, who directed Civil Rights & Livelihood Watch.<sup>166</sup> Both were formally arrested on suspicion of “endangering state security” crimes, and just days before the Overseas NGO Law went into effect. In both cases, police interrogations of associates of the detainees indicated that the criminal investigation focused on the groups’ ties

## (b) Use of “Endangering National Security” as Pretext to Criminalize Rights NGOs

The crimes that police used against several human rights defenders discussed in this report, such as Huang and Liu, and Zhang Haitao, Lü Gengsong, Chen Shuqing, and Zhou Shifeng, belong to a category of “endangering state security” offenses in China’s Criminal Law. These charges have often been used against political dissidents who expressed opposition to the CCP and the government or specific policies. The government has always harshly penalized independent groups and activities, including those intended to promote a wide range of human rights issues, from election rights to labor rights. This continued in 2016.



Lawyer **Tang Jingling** (left), the founder of the Non-Violent Citizens Disobedience Movement, is serving a prison sentence for “inciting subversion of state power,” as is activist **Yuan Xinting** (right), an associate of Tang’s who had peacefully advocated for human rights.

In January, a Guangdong court convicted three activists for organizing and participating in the “Non-Violent Civil Disobedience Movement,” a group that advocated for peaceful resistance to laws and practices that violated international human rights standards and the Chinese Constitution. It was led by the Guangzhou-based activist and disbarred lawyer Tang Jingling (唐荆陵). Tang and activists Wang Qingying (王清莹) and Yuan Xinting (袁新亭), who were taken into custody in 2014, received prison sentences of five years, two-and-a-half years, and three-and-a-half years, respectively, after being convicted of “inciting subversion.”<sup>173</sup> The court’s verdict claimed that

their actions had become “criminal” once they moved from talking about the theory of non-violent civil disobedience into organizing activities such as disseminating books and flyers, and holding meetings.<sup>174</sup> The government went ahead with convicting the three activists in defiance of a November 2014 “opinion” issued by the UN Working Group on Arbitrary Detention, which called for their immediate release.<sup>175</sup>

In Hubei, authorities continued to persecute activists associated with the group “Human Rights Watch in China” (中国人权观察), also known as the “Rose Group” (玫瑰团队). The group had repeatedly tried to register with the Ministry of Civil Affairs as an NGO in order to operate “legally,” but authorities refused to approve its registration and instead harassed its members.<sup>176</sup> Several members of the group were taken into custody in December 2015 and January 2016.<sup>177</sup> While most were eventually released, Qin Yongmin (秦永敏), the group’s founder, who had previously spent over 20 years in prison for his democracy activism, remained in custody on a charge of “subversion.” A Wuhan court held a pre-trial hearing on his case in September, and if convicted, Qin faces a possible life sentence.<sup>178</sup> Qin’s wife, Zhao Suli (赵素利), remains detained in an unknown location since being taken into custody at the same time as her husband.

## (c) New Legal Measures Endanger Development of Civil Society

In addition to existing laws that restrict independent NGOs from obtaining legal registration and funding, two new laws passed in 2016 legalize unprecedented restrictions on freedom of association and endanger the development of independent civil society. The new Charity Law, which went into effect on September 1, 2016, and the new Overseas NGO Law, which took effect on January 1, 2017, have created a more hostile environment for rights NGOs, both international and domestic, to operate in China.<sup>179</sup>

The new Overseas NGO Law and Charity Law are attempts to delegitimize my work and make me feel that I'm a "criminal suspect." Whether or not you are regarded as one depends entirely on authorities' arbitrary interpretation of what is "politically sensitive."

-Chinese NGO staff member

Under the Overseas NGO Law, China's Ministry of Public Security is authorized to manage and supervise overseas NGOs, including those from Hong Kong, giving police wide latitude to block overseas NGO activities that they deem may "endanger national security."<sup>180</sup> Police now have the power to deny the registration application of an overseas NGO in China, or to disapprove a "temporary activity" organized by an overseas NGO. Overseas NGOs conducting "temporary activities" or registering a representative office must cooperate with a Chinese "partner," which must be a government ministry, department, or quasi-government agency.<sup>181</sup> Registration management agencies (public security organs) can revoke registration or suspend activities if they believe an overseas NGO or its domestic representatives are engaged in a number of very ill-defined actions, including "creating rumors, engaging in defamation, or the publication...of other harmful information that endangers state security or damages the national interest," or "other activities that ... damage the national or public interest."<sup>182</sup> The law does not clearly define what activities "endanger national security." Other legislation, such as the National Security Law (2015) and the Criminal Law (1979, amended 2015) also fail to provide an adequate definition. The lack of a clear legal definition will contribute to arbitrary decision-making by police.

The Overseas NGO Law also requires police to put foreign NGOs on a "black list" if police allege that they engage in behavior that "endangers national security." The

blacklisted NGOs would no longer be allowed to establish representative offices or conduct temporary activities inside China.<sup>183</sup> Days after the National People's Congress passed the Overseas NGO Law, three UN special experts called on China to repeal it, citing "fear that the excessively broad and vague provisions, and administrative discretion given to the authorities in regulating the work of foreign NGOs can be wielded as tools to intimidate, and even suppress, dissenting views and opinions in the country."<sup>184</sup>

Following the adoption of these two laws, the government released specific implementing regulations.<sup>185</sup> Among them is a regulation about the Overseas NGO Law, which laid out the specific areas within which overseas NGOs can work.<sup>186</sup> Missing from the listed activity areas are any related to human rights. Notably, none of the implementing regulations tied to either law contain provisions that allow affected NGOs to appeal a denied registration, the designation of their activities as "endangering national security," or a ban on fundraising activities, thus reinforcing the arbitrary nature of police power in restricting NGOs.<sup>187</sup>

While the Overseas NGO Law bars Chinese groups from receiving funding from overseas NGOs that are not registered with the Ministry of Public Security, the new Charity Law contains provisions that make it difficult, if not impossible, for Chinese NGOs to raise money domestically if these groups are not registered with the Ministry of Civil Affairs.<sup>188</sup> Together, these laws will hamper the development of Chinese civil society by restricting their funding. The Charity Law requires NGOs to obtain approval from the Ministry of Civil Affairs to conduct public fundraising activities, including online or "crowd-sourced" funding, and provides for stiff penalties for groups that fundraise without approval. Like other legislation, the Charity law uses "national security" as a pretext for restricting the operations of rights NGOs. Over the past two years, police have targeted independent advocacy groups, which undertook public interest projects to promote rights protections, by

focusing on the groups' sources of funding. Police have detained the staff of these groups for alleged financial crimes, including "illegal business activity," and several of these groups were forced to shut down, including Yirenping, the Transition Institute, Liren Libraries, and others.<sup>189</sup>

In 2016, the Chinese government also issued draft revisions for public comment of three regulations related to the management of civil society groups, namely the Regulations on the Registration and Administration of Social Groups (1998), the Interim Regulations on the Registration and Management of Civil Non-Enterprise Units (1998), and Regulations for the Management of Foundations (2004).<sup>190</sup> While it had already been extremely difficult for human rights advocacy groups to register under these regulations, the proposed revisions would pose further obstacles for NGOs to obtain legal status in China. The proposed revisions include new rules on information disclosure about the groups' management, which would make it easier for the government to monitor their activities and funding sources.<sup>191</sup> The draft revisions also include a new article requiring that all registered Chinese social groups must house Chinese Communist Party cells, which would perform in-house party activities and other political functions. While civil society groups have been encouraged for several years to establish such cells, these laws would make it mandatory, which could significantly expand the CCP's influence in civil society, including at the grassroots level.

# Recommendations

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For China to live up to its public pledges to protect human rights and to uphold the Chinese Constitution, the Xi Jinping government must:

- End the practice of criminalizing activities of human rights defenders, including lawyers, and release all detained or imprisoned human rights defenders;
- End the prevalent practice of prolonged pre-trial detention or unreasonably extended deprivation of liberty without any judicial review, and amend relevant legislation to ensure that detainees can promptly challenge their detention before a judge;
- Repeal Article 73 of the Criminal Procedure Law, which authorizes “residential surveillance at a [police] designated location” for up to 6 months without judicial review nor notifying families of detainees’ whereabouts;
- Ensure prompt and impartial investigations of allegations of torture and inhumane treatment or punishment, including such treatment to force confessions or extract evidence; and prosecute suspected perpetrators of torture and ill-treatment, holding them legally accountable;
- Ensure detainees and prisoners are promptly given access to proper medical treatment, including seeing a doctor without police monitoring, and ensure that doctors can report signs of torture and ill-treatment without fear of reprisal;
- Guarantee implementation of the Lawyer’s Law, protect detainees’ prompt access to legal counsel of their own choice, and allow lawyers to meet with clients without police monitoring or interference; and investigate allegations of illegal obstruction of lawyers’ access to their clients and of incidents of violence against lawyers;
- Stop harassing and obstructing Chinese citizens, including human rights defenders, from participating in UN human rights activities, and end reprisals against them;
- Repeal draconian stipulations in national legislation, such as articles in the Counter-Terrorism Law and National Security Law, which abridge the rights to freedom of expression, association, and peaceful assembly.

- Amend the Law on Assemblies to bring it into compliance with international norms, so that it recognizes the inalienable right to take part in peaceful assemblies and that such assemblies should not be subject to prior authorization by authorities; and that prior notification of assemblies should facilitate protection of this right and allow for measures to protect public safety, not be a de facto request for authorization.
- Allow national and international NGOs to play a full and active role in promoting and protecting human rights in China, specifically by removing legislative obstacles to NGO funding, ensuring registration for all NGOs and civil society organizations, and protecting their rights to freedom of expression, peaceful assembly, and association.

# Notes

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1. "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights, according to a definition from the UN Office of the High Commissioner for Human Rights (OHCHR). For more information on the work of human rights defenders, see OHCHR: Fact Sheet No. 29, <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.
2. CHRD, "Individuals Affected by July 9 Crackdown on Rights Lawyers," <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.
3. In November 2015, China was one of just 14 UN Member States that voted against a historic resolution at the UN General Assembly, which recognized the important role of human rights defenders and their need for better protection. The delegation from China said human rights defenders should not be given special rights and that "in recent years, certain Western countries had used the protection of "human rights defenders" as an excuse to interfere in the domestic affairs of developing countries." United Nations Press Office, "Concluding Intense Session, Third Committee Approves Final Draft Resolution on Human Rights Defenders, Sending Package of 62 Texts to General Assembly," November 25, 2015, <http://www.un.org/press/en/2015/gashc4161.doc.htm>.
4. HCHR, "UN human rights chief says China's new security law is too broad, too vague," July 7, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16210&LangID=E>.
5. Under Article 37 of the Criminal Procedure Law, lawyers' visits with clients held on suspicion of crimes endangering national security, terrorism, or involving significant amounts of bribes must first be approved by investigating organs. The "Ministry of Public Security Provision on Procedures for Handling Criminal Cases" expands police power to deny lawyers' visits on "national security" grounds beyond the crimes in the category of "endangering national security" in the Criminal Law. Ministry of Public Security Provision on Procedures for Handling Criminal Cases (公安机关办理刑事案件程序规定), 2012, [www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html](http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html).
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7. UN Committee Against Torture (CAT), Concluding Observations on the Fifth Periodic Report of China, CAT/C/CHN/CO/5, February 2016, para. 15.
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11. CHRDR, China Human Rights Briefing June 3-8, 2016, <https://www.nchrdr.org/2016/06/chrdr-10-activists-criminally-detained-for-memorializing-june-4th-63-68-2016/>; RDN, "Chengdu 'June Fourth Bottle' Case Report: Fu Hailu, Zhang Juanyong, Luo Yufu, Chen Bing Granted Meeting with Lawyer" (成都“六四酒案”通报：符海陆、张隽勇、罗誉富、陈兵四人获律师会见), October 1, 2016, [https://wqw2010.blogspot.de/2016/10/blog-post\\_79.html](https://wqw2010.blogspot.de/2016/10/blog-post_79.html).
12. The individuals who authorities claimed had "fired" their lawyers include: In Tianjin: Gao Yue (高月), Gou Hongguo (勾洪国), Li Heping (李和平), Li Shuyun (李姝云), Liu Sixin (刘四新), Liu Yongping (刘永平), Wang Quanzhang (王全璋), Wang Yu (王宇), Xie Yanyi (谢燕益), Xing Qingxian (幸清贤), Zhao Wei (赵威) and Zhou Shifeng (周世锋); In Guangdong: Zeng Feiyang (曾飞洋); In Zhejiang: Liu Peng (刘鹏) and Zhang Kai (张凯). CHRDR, *China Human Rights Briefing March 15- 21, 2016*, <https://chrdrnet.com/2016/03/chrdr-forced-switch-to-police-appointed-lawyers-further-erodes-protections-for-detained-rights-defenders-315-321-2016/>; CHRDR, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrdr.org/2016/09/chrdr-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>; CHRDR, Individuals Affected by July 9 Crackdown on Rights Lawyers.
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17. CHRDR, Portrait of Defenders – Mi Chongbiao and Li Kezhen, <https://www.nchrd.org/2015/11/mi-chongbiao-li-kezhen/>.
18. CHRDR, Update on Case of Mi Chongbiao, August 23, 2016, <https://www.nchrd.org/2016/08/update-to-un-on-case-of-mi-chongbiao-august-22-2016/>.
19. RDN, “709 Family members Wang Qiaoling, Lin Wenzu: update on 709 case of lawyer Li Chunfu, released on bail yesterday emaciated, still extremely fearful” (709家属王峭岭、李文足：709案李春富律师情况通报——昨日被取保候审，骨瘦如柴、仍极度恐惧), January 13, 2017, <http://wqw2010.blogspot.com/2017/01/709709.html>; RDN, “709 Family member Wang Qiaoling, Li Wenzu: Update No. 2 on 709 case of lawyer Li Chunfu (709家属王峭岭、李文足：709案李春富律师情况通报之二), January 14, 2017, [http://wqw2010.blogspot.com/2017/01/709709\\_14.html](http://wqw2010.blogspot.com/2017/01/709709_14.html); RDN, “709 Family member: Wang Qiaoling, Li Wenzu, Bi Liping: Update No. 3 on 709 case of lawyer Li Chunfu (709家属:王峭岭、李文足、毕丽萍：709案李春富律师情况通报之三), January 15, 2017, [http://wqw2010.blogspot.com/2017/01/709709\\_15.html](http://wqw2010.blogspot.com/2017/01/709709_15.html); RDN, “709 Family member Wang Xiaoling, Li Wenzu, Bi Liping: Update No. 4 on 709 case of lawyer Li Chunfu (709家属王峭岭、李文足、毕丽萍：709案李春富律师情况通报之四), January 17, 2017, [http://wqw2010.blogspot.com/2017/01/709709\\_17.html](http://wqw2010.blogspot.com/2017/01/709709_17.html).
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# 2016 Year in Review

## JANUARY



On January 8, authorities formally arrested four Guangdong-based labor rights activists—**He Xiaobo**, **Meng Han** (top right), **Zeng Feiyang**, and **Zhu Xiaomei**—a sign of the shrinking space for labor rights advocacy. Meng was sentenced to 21 months in prison on November 3, while the other three received suspended sentences in September.



On January 8-9, Chinese authorities formally arrested **11 lawyers, paralegals, and activists** on charges of “subversion of state power” and “inciting subversion,” including activist **Gou Hongguo** and lawyer **Li Chunfu** (both left), in an escalation of the “709 Crackdown” against human rights lawyers that began in July 2015.



Xinjiang-based activist **Zhang Haitao** (bottom right) was sentenced on January 15 to 19 years in prison for posting online comments critical of the government and giving interviews to overseas media--the longest punishment against an HRD during the year documented by CHRD.

A Guangzhou court on January 29 sentenced three human rights defenders—lawyer **Tang Jingling** and activists **Wang Qingying** and **Yuan Xinting**—for “inciting subversion.” The men were handed terms of 5 years, 2½ years, and 3½ years, respectively.

## FEBRUARY



Two Jilin petitioners, **Guo Hongwei** and his 76-year-old mother, **Xiao Yunling** (both left), were sentenced to prison terms of 13 years and 6 years, respectively, on February 1. They were convicted of “extorting the government” and “picking quarrels and provoking trouble” after seeking state compensation for abuses.



Beijing authorities forced the closure in February of the **Beijing Zhongze Women’s Legal Counseling Service Center**, which had provided legal aid to women since 1995. China’s state media reported the center was shut down for receiving financial support from the US-based Ford Foundation.

Chinese state television broadcasted a coerced “confession” by human rights lawyer **Zhang Kai** (right) on February 25. Zhang “admitted” to damaging “national security,” and urged Chinese lawyers not to accept overseas financial support.



## MARCH

Eleven cases of “forced firings” of defense lawyers occurred between January and March. The “firings,” most involving individuals from the “709 Crackdown,” could not be confirmed by families or lawyers since the affected detainees, including lawyer **Wang Yu** (right), were held incommunicado, and any changes to legal counsel were likely coerced.



Imprisoned activist **Jia Lingmin** (left), serving a 4-year sentence, was selected as the second recipient of the Cao Shunli Memorial Award for Human Rights Defenders for promoting human rights at the grassroots level in China. The award was announced on March 14, exactly 3 years after the death in police custody of activist **Cao Shunli**, which remains uninvestigated despite widespread calls for accountability.



Chinese legislators passed the country's first **Charity Law** (right) on March 16. The law, which went into effect on September 1, puts severe limits on fundraising methods for Chinese NGOs that jeopardize their capacity to operate.

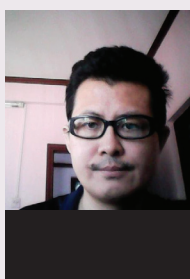


## APRIL

Courts in Guangdong and Hubei convicted a total of six rights defenders, including **Xu Zhiqiang** and **Zhang Rongping** (both right) of “inciting subversion of state power” on April 8, handing down prison terms of between 18 months and 4½ years.



Two detainees from the “709 Crackdown”—paralegal **Gao Yue** (top left) and trainee lawyer **Li Shuyun**—were released on bail pending investigation in April. Neither woman spoke publicly after being freed, likely due to police pressure.



After a visit on April 26, the family of imprisoned Guangdong activist **Guo Feixiong** (bottom left) shared details of his torture and declining health. In August, UN human rights experts urged the Chinese government to stop mistreating Guo and to provide him urgent medical care, and stated that his imprisonment was due to political retaliation.



Chinese legislators passed the **Law on the Management of Overseas NGO Activities** in Mainland China on April 28. The law places constraints on foreign organizations’ work in China and cuts off sources of overseas funding and general support for Chinese NGOs.



## MAY

Three years after China adopted its first Mental Health Law on May 1, 2013, **forced commitment in psychiatric facilities** continued to be used as retaliatory punishment against activists and government critics.

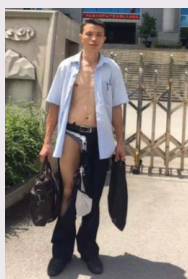
Tianjin police formally arrested activists **Tang Zhishun** and **Xing Qingxian** (both right) on May 4 and 6, respectively, seven months after police abducted them in Myanmar and forcibly disappeared them. The men were later released on bail but are still missing.



Beginning in late May, police criminally detained activists prior to the 27-year anniversary of the Tiananmen Massacre, including **Zhang Baozhang** and **Zhang Changping** (both left), who had served prison sentences following a crackdown on assembly and expression in 2014.



The controversial **annual lawyers' license review** was held in May. Twelve lawyers involved in the "709 Crackdown" could not participate due to being detained or out on bail, other lawyers refused to take part, and authorities delayed approval of at least four other human rights lawyers' licenses.



## JUNE

Bailiffs at a court in Guangxi assaulted lawyer **Wu Liangshu** (left) on June 3 after he refused to hand over his cellphone for an unlawful inspection. The attack on Wu was one of six incidents of violence against defense lawyers that CHRD documented in 2016.

Police in Yunnan detained two citizen journalists—**Lu Yuyu** and **Li Tingyu** (top right)—on June 16, in apparent reprisal for their chronicling public protests in China and posting the data online. The pair were formally arrested the next month on suspicion of "picking quarrels and provoking trouble."

Chinese authorities sentenced two long-time democracy activists to harsh prison terms on June 17, convicting them of "subversion of state power." **Lü Gongsong** was handed 11 years, and **Chen Shuqing** received 10½ years.

Police tightened their surveillance of human rights lawyer **Gao Zhisheng** (bottom right) in June, after he published revelations of his past torture. Back in January, Gao had been manhandled and threatened by police officers and thugs, possibly as retaliation for comments he made online in support of imprisoned and detained activists.





## JULY

On the one-year anniversary of the start of the “709 Crackdown,” seven lawyers and 12 activists remained in **incommunicado detention**. At the time, all 19 individuals were under arrest, including 15 on suspicion of “subversion of state power” or “inciting subversion.”

Police in Sichuan Province formally arrested four men on July 6 on charges of “inciting subversion,” in a case related to bottles of wine called, using wordplay in Chinese, “Remember June Fourth, 1989.” **Fu Hailu**, one of those arrested, had created the wine label (both right).



Tianjin police announced on July 7 that **Zhao Wei** (top left), a detainee from the “709 Crackdown,” had “admitted” to crimes and been released on bail pending investigation. The next day, police in Henan criminally detained her lawyer, **Ren Quanni** (bottom left), for demanding an investigation into the rumored sexual assault of Zhao. Zhao remained under police control after her “release.”



## AUGUST

Rights lawyer **Wang Yu** was shown on state media in a staged interview released on August 1, reading repentant statements about her past. She had been just been released on bail, and her husband **Bao Longjun** (top right) was released on August 5. At the end of the year, both were living under tight police surveillance in Inner Mongolia.

Between August 2-5, a Tianjin court tried and sentenced “709 Crackdown” detainees **Zhai Yanmin** (left), **Hu Shigen**, **Zhou Shifeng**, and **Gou Hongguo** in successive show trials, convicting all four of “subversion.” Hu was handed 7½ years, Zhou was given seven years, and the two others were issued suspended sentences.

Prior to the G20 Summit in September, CHRD documented dozens of detentions and disappearances of citizens in and around the host city of Hangzhou and other neighboring areas. Among these, **Chen Zongyao** and his son, **Chen Zhixiao**, were formally arrested the next month by Zhejiang authorities, having put up a sign saying “Constitutional Noodle Shop” on their restaurant (bottom right).





## SEPTEMBER

On September 13, Guangdong police violently put down months-long **demonstrations in Wukan Village**, injuring many villagers, and detaining residents and journalists. The villagers had been rallying for the release of a popular local leader, **Lin Zulian** (top right), who had been sentenced on September 8 to 37 months in prison.



Human rights lawyer **Xia Lin** (top left) was sentenced to 12 years in prison on September 22, among the harshest acts of retaliation against a lawyer under President Xi Jinping's rule. The sentencing followed a show trial in June, and came shortly after the UN Working Group on Arbitrary Detention declared Xia's detention "arbitrary."



Activist **Huang Wenxun** (bottom right) received a 5-year sentence for "inciting subversion" on September 28. Huang spent over 3 years in pre-trial detention in Hubei, the longest such case that CHRD has documented in recent years. The court verdict cited online expression and public gatherings as "evidence" against him.

Jiangsu women's rights activist **Shan Lihua** (bottom left) received a 27-month sentence in reprisal for her rights advocacy on September 29. After the verdict was read, bailiffs dragged away Shan even before she could express whether she intended to appeal.



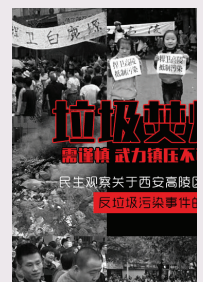
## OCTOBER

Jilin netizen **Quan Ping** (left), an active Twitter user who graduated from a US university, went missing on October 1 after staging a protest by wearing a t-shirt that mocked President Xi Jinping. Two months later, it was confirmed that Quan was being held in a Jilin detention center.



A Zhejiang court sentenced activist **Cheng Kangming** (top right) to 4½ years in prison on October 18 in retaliation for his exposing official corruption. In 2004, Cheng founded the website China Justice and Anti-Corruption Net, which authorities shut down in 2011.

Shandong police formally arrested **Wang Jiangfeng**, an outspoken online commentator, on October 16, apparently for his complaining about local officials and meeting with petitioners.



Beginning on October 16, over one thousand armed police in Xi'an put down a **large-scale protest** against a proposed waste incinerator plant (bottom right), beating and detaining protestors. Authorities blocked off roads, scrubbed social media messages on the incident, and did not allow local press coverage of the unrest.



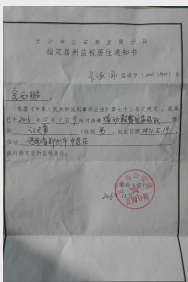
## NOVEMBER

**Independent candidates** for local people’s congress seats (left) were harassed by state agents, stretching from the summer to November. During the spate of suppression, police and thugs prevented candidates in Beijing from gathering for campaign activities and giving interviews to foreign media, among many other obstructive actions.



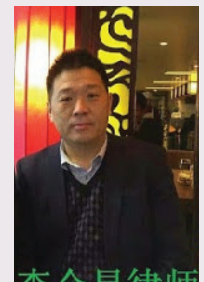
Chinese legislators in November adopted the **Cybersecurity Law**, to take effect in June 2017. The law will likely serve as a government pretext to criminalize reporting and information-sharing on human rights abuses and advocacy campaigns.

In late November, three prominent civil society figures—human rights lawyer Jiang Tianyong and citizen journalists **Liu Feiyue** (right) and **Huang Qi**—were secretly detained. It later emerged that Jiang and Liu each faced a charge of “inciting subversion,” and that Huang had been formally arrested for “illegally providing state secrets to foreign entities.”



## DECEMBER

Authorities suspended for one year the law license of lawyer **Li Jinxing** (right) on December 2, in retaliation for his defense of imprisoned activist **Guo Feixiong**. The decision prompted hundreds to sign a petition calling for Li’s right to practice to be reinstated.



On December 6, UN special human rights experts released a statement that raised concern that the disappearance of lawyer Jiang Tianyong—who had been placed under “residential surveillance” at a police-designated location (left)—may have partly been reprisal for his cooperation with the UN during an August 2016 visit to China by the Special Rapporteur on Extreme Poverty and Human Rights.

A Guangdong court sentenced to prison nine residents of Wukan Village on December 26, issuing them punishments of between two and 10½ years for their roles in the months-long protests that were put down in September.





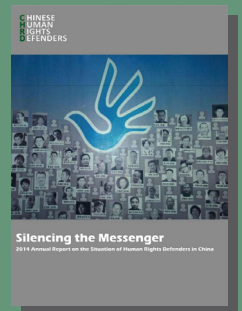


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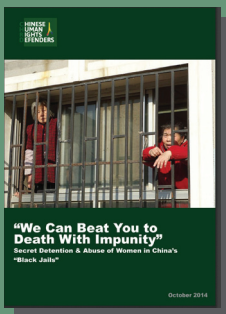
### **"Too Risky to Call Ourselves Defenders": 2015 Annual Report on the Situation of Human Rights Defenders in China**

In 2015, Chinese authorities' persecution of human rights defenders followed a trajectory of increasing severity and prevalence that has become a hallmark of President Xi Jinping's three-year leadership, according to CHRDR's annual report for 2015.



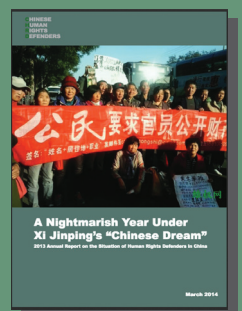
### **"Silencing the Messenger": 2014 Annual Report on the Situation of Human Rights Defenders in China**

Human rights defenders in China experienced unusually severe reprisal in 2014, said CHRDR in its annual report. CHRDR asserted that the government's persecution of human rights defenders in 2014 was as severe as it has been since the mid-1990s.



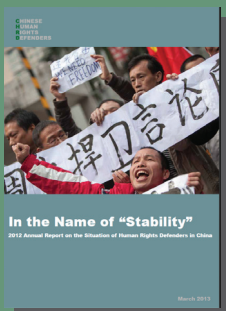
### **"We Can Beat You to Death With Impunity": Secret Detention & Abuse of Women in China's Black Jails**

This report exposed the abuses particularly against women locked up in "black jails," where roughly 80% of detainees are female, and examined why activists who expose black jails and seek justice are persecuted, while officials running the illegal facilities enjoy impunity.



### **A Nightmarish Year Under Xi Jinping's "Chinese Dream": 2013 Annual Report on the Situation of Human Rights Defenders in China**

Human rights defenders in China experienced a tumultuous year of government suppression in 2013, yet they continued to demonstrate remarkable strength and extraordinary courage, as documented in CHRDR's annual report.



### **In the Name of "Stability": 2012 Annual Report on the Situation of Human Rights Defenders in China**

With a major change of the guard at the top echelon of China's one-party power, 2012 was marked by authorities' intensified attempts to thwart human rights activism but also impressive civil society campaigns that fought for rights protections.