

Silence, Isolate and Blind **Human Rights under Xi's China**

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Introduction

1. In the three years since Xi Jinping came to power we have witnessed a China who is bolder, faster and stronger – in taking action against human rights defenders and strengthening its stranglehold over civil society. The government is no longer content with staying on the defensive when faced with the myriad demands from activists and ‘trouble-makers’. Instead it proactively targets selected groups and sectors in a systematic spring-cleaning of the society. It seeks to *blind* the general public by strict control of information and increased use of propaganda; it *isolates* the restless and the influential, preventing the formation of network and organisation that might threaten the Party’s dominance; it *silences* the most outspoken, either by imprisonment or intimidation.
2. The impact of these tactics does not stay only within the Chinese border. More and more foreign nationals are living and working in China, subject daily to the violation of their rights to information and to privacy. Some are arrested and forced to confess on TV. People outside China are being abducted and unlawfully deported. Exiles found out that their families in China are arbitrarily detained and charged.
3. As China became more influentially internationally, such practise could have a disastrous effect on the global human rights order. International standards would be eroded if routine violations are ignored or even upheld as a new model of development. It is high time for the international community to stand firm and resist China’s attempt to distort and turn around the discourse on human rights.
4. This report provides a brief overview of some of the key human rights trends and events to note in the years since Xi Jinping came to power. It is divided into three parts, and discussing tactics deployed against individuals, organisations and general public respectively. It does not cover situation in Hong Kong, which has a very different legal and political structure.

Silence the outspoken

I. Mass Arrest

5. Since Xi Jinping came to power in 2013, there has been at least one major wave of mass arrest per year, each affecting over 100 people. The first hint of massive crackdown began as soon as Xi Jinping came to power in March 2013. In half a year, over 130 citizens were arrested, many of them

¹ Website: <https://umchinasupporter.wordpress.com>

prominent activists.² In October 2014, following the outbreak of the umbrella movement in Hong Kong, over 100 activists and NGO workers were arrested on the pretext of them supporting Hong Kong. In July 2015, the massive crackdown against human rights lawyers had shocked the world, affecting nearly 300 lawyers, legal personnel and supporters. Table 1 shows a summary of the more notable wave of arrest in the past three years.

Table 1. Notable mass arrests between 2013-2016

Date	No. of people arrested	Trigger	Organisations/ movement affected	Selected names of persons still detained/ sentenced
Mar – Aug 2013	>130 ³	-	New Citizen Movement (新公民運動), Transition Institute (傳知行), Southern Weekly Protest	Xu Zhiyong (Founder of Gongmeng, 4 yrs), Guo Feixiong (Prominent rights lawyer and activist, 6 yrs), Huang Wenxun (Street activist, awaiting trial)
Jun 2014	60 ⁴	25 th anniversary of Tiananmen Massacre	-	Pu Zhiqiang (3 yrs, suspended sentence)
Oct – Dec 2014	>100 ⁵ (Umbrella Movement Crackdown)	HK Umbrella Movement	Southern Street Action (南方街頭運動)	Wang Mo (Southern Street Movement, 4.5 yrs), Xie Wenfei (Southern Street Movement, 4.5 yrs), Su Changlan (woman rights activist, awaiting trial)
Mar – Jun 2015	7 (Feminist 5)	Women’s Day Action	Feminist Action (女權行動派) Yirenping (益仁平)	-
Jul 2015	>270 ⁶ (709 Arrest)	-	Human rights lawyers, Shouwang House Church (守望教會)	Wang Yu (female HR lawyer, awaiting trial), Zhao Wei (lawyer assistant, awaiting trial), Hu Shigen (Church leader, awaiting trial)
Dec 2015	177 (Labour NGO crackdown)	-	Panyu Migrant Workers’ Centre, Foshan Nanfeiyan Social Work Services Organization	Zeng Feiyang (Founder of Panyu Migrant Workers’ Centre, still detained) Meng Han (Worker leader)

² <https://docs.google.com/forms/d/1i-KOMe7W2slSldEXquLHNWHexs2x48FxiKMYT-OZRlo/viewform>

³ *ibid*

⁴ Amnesty International Annual Report 2014/15, p. 109

⁵ <https://umchinasupporter.wordpress.com/%E9%97%9C%E6%96%BC/>

⁶ https://docs.google.com/document/d/1bdbPaIfkzItovf_knJvf-rjk0bpKi0sGGQjzbM33BbE/

⁷ https://docs.google.com/document/d/16tB6Q01AFE_n6tE6ITPDO94lvquHINDcUAndahvSJGw/

6. Many of those arrests have no obvious trigger event; even where there is, the trigger often has little relation with who were eventually charged. What this shows is that the government has a pre-determined list of groupings and names which they want to silence, and is going down the list one by one according to their own schedule.
7. First they target established social movement and prominent right-based NGOs, breakup the more structural organisation and network within the society. Next they target street activists, who are more loosely organised, but also less beholden to the establishment. Next they target lawyers, who have increasingly become the nodal points between different civil groups, connecting people with disparate interests and magnifying their voice. The latest target is labour NGOs; workers taking collective action is a potential source of social unrest, but without labour NGOs (who in a sense plays the role of independent trade unions in China) workers are less likely to direct their demands to more structural changes, or be able to learn from organising experience outside their own factories.
8. A keyword that appears over and over is the word “organising”. People who are capable of bringing others together, who are connecting figures in a network, who have cross-sector fame and appeal, who can bring in resources and external knowledge, are the first to be removed. The effect is the destruction of civil, autonomous organising.
9. In those concerted “attacks” the government never just arrested the one or two person it wants to put in prison. Instead it ordered extensive arrest and questioning in order to create a climate of fear and intimidation. This sends out a clear signal that a particular kind of people or organisations are “undesirables”, and law-abiding citizens should steer clear of them. Even though most of those people might never be formally charged, the effect of intimidation is achieved. This further disincentivizes individuals from coming together and reaching out, as mere association with the wrong group can be sufficient to invite arrest.

II. The extensive use of state security offences

10. Under Xi’s rule we observed a sharp increase in the use of state security offences. In the past offences such as “Inciting Subversion of State Power” were used only on dissidents or prominent activists with national fame; an (in)famous example being that of Liu Xiaobo. However since 2014 the offence has been increasingly applied to non-political grassroots activists or even religious practitioners, many of which have fallen out of the radar of international attention. A list can be found in Table 2; it is likely incomplete since there is no official statistics. Table 3 shows a list of persons charged under “Subverting State Power”, another national security offence often used on activists.

Table 2. Persons charged with “Inciting subversion” between 2013-2016

	Name	Background	Province	Date of Arrest	Date of sentence	Sentence
1	Gu Yimin	Dissident	Jiangsu	1 Jun	24 Mar	1.5 years

	(顧義民)			2013	2014	
2	Liu Jiakai (劉家財)	Rights activist	Hubei	2 Aug 2013	11 May 2015	5 years
3	Tang Jingling (唐荊陵)	Lawyer	Guangdong	16 May 2014	29 Jan 2016	5 years
4	Yuanxin Ting (袁新亭)	Freelance writer	Guangdong	16 May 2014	29 Jan 2016	3.5 years
5	Wang Qingying (王清營)	University Lecturer	Guangdong	16 May 2014	29 Jan 2016	2.5 years
6	Monk Shengguan (聖觀法師)	Monk	Hubei	17 May 2014	8 Apr 2016	4 years
7	Huang Jinyi (黃靜怡)	Buddhist practitioner	Hubei	17 May 2014	8 Apr 2016	2 years
8	Wang Mo (王默)	Southern Street Movement	Guangdong	3 Oct 2014	8 Apr 2016	4.5 years
9	Xie Wenfei (謝文飛)	Southern Street Movement	Guangdong	3 Oct 2014	8 Apr 2016	4.5 years
10	Zhang Shengyu (張聖雨)	Southern Street Movement	Guangdong	3 Oct 2014	8 Apr 2016	4 years
11	Su Changlan (蘇昌蘭)	Woman rights activist	Guangdong	27 Oct 2014	-	(Awaiting trial)
12	Chen Qitang (陳啟棠)	Internet writer	Guangdong	25 Nov 2014	-	(Awaiting trial)
13	Liang Qinhui (梁勤輝)	Blogger	Guangdong	3 Feb 2015	8 Apr 2016	4 years
14	Wu Gan (吳淦)	Activist	Fujian	27 May 2015	-	(Awaiting trial)
15	Liu Xiaoming (劉少明)	Labour Activist	Guangdong	30 May 2015	-	(Awaiting sentence)
16	Zhang Haitao (張海濤)	Activist	Xinjiang	26 Jun 2015	15 Jan 2016	19 years
17	Bao Longjun (包龍軍)	Lawyer	Beijing	9 Jul 2015	-	(Awaiting trial)
18	Lin Bin, aka Monk Wang Yu (望雲和尚)	Monk	Fujian	11 Jul 2015	-	(Awaiting trial)
19	Xie Yang (謝陽)	Lawyer	Hunan	11 Jul 2015	-	(Awaiting trial)
20	Xie Yanyi (謝燕益)	Lawyer	Beijing	12 Jul 2015	-	(Awaiting trial)

Table 3. Persons charged with “Subverting State Power” between 2013-2016

	Name	Background	Province	Date of Arrest	Date of sentence	Sentence
1	Chen Shuqing (陳樹慶)	Democracy activist	Zhejiang	11 Sep 2014	-	(Awaiting sentence)
2	Lu Gengsong (呂耿松)	Democracy activist	Zhejiang	7 Jul 2014	-	(Awaiting sentence)
3	Wang Yu (王宇)	Lawyer	Beijing	9 Jul 2015	-	(Awaiting trial)
4	Wang Quanzhang (王全璋)	Lawyer	Beijing	10 Jul 2015	-	(Awaiting trial)
5	Liu Sixin (劉四新)	Lawyer	Beijing	10 Jul 2015	-	(Awaiting trial)
6	Li Heping (李和平)	Lawyer	Beijing	10 Jul 2015	-	(Awaiting trial)
7	Zhou Shifeng (周世鋒)	Lawyer	Beijing	10 Jul 2015	-	(Awaiting trial)
8	Zhao Wei (趙威)	Lawyer assistant	Beijing	10 Jul 2015	-	(Awaiting trial)
9	Gou Hongguo (戈洪國)	Shouwang House Church	Beijing	10 Jul 2015	-	(Awaiting trial)
10	Liu Yongping (劉永平)	Shouwang House Church	Beijing	10 Jul 2015	-	(Awaiting trial)
11	Hu Shigen (胡石根)	Shouwang House Church	Beijing	10 Jul 2015	-	(Awaiting trial)
12	Li Chunfu (李春富)	Lawyer	Beijing	1 Aug 2015	-	(Awaiting trial)

11. The advantage (to the government) in using state security offences is that many rights under the Criminal Procedure Law (“CPL”) can then be curtailed, such as the right to see a lawyer (CPL Article 37), right to confront a witness (CPL 62), right to bail (CPL 79), and right of family members to be notified of the detention (CPL 83).

12. The most oppressive is however CPL 73, which provides that person who is under suspicion of state security offences may be placed under residential surveillance at an arbitrary location. This provision was widely used to effectively subject arrested persons to secret detention.

13. It is obvious from the sudden proliferation of state security cases since 2014 that the offence has definitely been abused. Most of the cases in Table 2 and 3 involve no political demands, let alone anything capable of subverting state power. A most extreme case is that of **Zhang Haitao**, a

grassroots, Han Chinese activist living in Xinjiang. Merely for talking about what he saw in Urumqi to foreign journalists and posting photos online, he was sentenced to 19 years in prison for “Inciting subversion” and “Supplying intelligence to foreign parties”. One of the photos he posted on the eve of the 3rd anniversary of the July 5th Urumqi unrest has the following caption, “the city is tense, especially in the Uyghur areas. Even the Han areas have an increase of guard posts.” That was count as intelligence. His house was also confiscated, leaving his wife and baby son with no place to live⁸.

14. Another set of cases to note is that of **Wang Mo, Xie Wenfei** and **Zhang Shengyu**. During the umbrella movement in Hong Kong, the three had expressed their support to the Hong Kong people by holding placard and banners on the streets of Guangzhou. For such show of solidarity they were sentenced to 4 to 4.5 years of imprisonment for inciting subversion. Xie Wenfei and Zhang Shengyu were, moreover, brutally tortured in detention. Xie had his hands and feet bound to a metal ring for 104 hours. Zhang was tie to an iron bed for 15 days straight, shitting and eating all in the same position.⁹ The torture, however, was not imposed to force confession; rather it was seen as a mean of disciplining politicals and breaking their spirit.

15. A name that must be mentioned is **Ilham Tohti**, a Uyghur scholar which has been sentenced to life in September 2014 for running a website. He was charged with separatism, also a state security offence. Seven of his students were also charged with the same offence and sentenced to three to eight years in prison.¹⁰ This is the harshest political sentence we have observed in the last three years, and imposed less because of the severity of what he did but because of who he is (a Uyghur).

III. Silencing dissent overseas

16. Troubled by the infiltration of information and commentary from overseas, the Chinese government has taken to cross border abduction and taking family hostage as a mean of extending its control abroad. It prevents outspoken critics and the family members of the arrested from leaving the country. It has also been increasingly bold in demanding and enforcing the return of dissidents in exile, trampling international principles on extradition and protection of refugees.

17. A case in point is the attempted escaped of Bao Zhuoxuan, the teenage son of rights lawyer Wang Yu and Bao Lungjun¹¹. Bao’s passport was confiscated after his parents were arrested in July 2015. Accompanied by Tang Zhishun and Xing Qingxian, Bao Zhuoxuan attempted to leave China on land via Myanmar. However the three mysteriously disappeared in Myanmar, with

⁸ http://hk.on.cc/cn/bkn/cnt/commentary/20160416/bkncn-20160416000324714-0416_05411_001.html

⁹ <https://umchinasupporter.wordpress.com/2015/06/26/%E5%9C%8B%E9%9A%9B%E5%8F%8D%E9%85%B7%E5%88%91%E6%97%A5%E5%88%A5%E5%BF%98%E4%BA%86%E9%9B%A8%E5%82%98%E6%94%AF%E6%8C%81%E8%80%85%E6%89%80%E5%8F%97%E7%9A%84%E9%85%B7%E5%88%91/>

¹⁰ <https://chrnet.com/2014/12/submission-to-un-on-seven-students-of-ilham-tohti-december-5-2014/>

¹¹ <http://www.nytimes.com/2015/10/10/world/asia/bao-zhuoxuan-wang-yu-son-myanmar-china.html>

Bao Zhuoxuan subsequently reappearing in Inner Mongolia. China Central Television gleefully reports their attempted escape, even including an interview of Bao's parents in detention, who publicly denounce the action of Xing and Tang. Young Bao was obviously being used as a hostage to force his parents into submission. Most worryingly, Chinese government has yet to disclose the whereabouts of Xing and Tang, despite repeated request from families.¹² The two men simply vanished.

18. Another famous case of cross border abduction was the Hong Kong booksellers case, where a member of the bookshop was abducted from Thailand and another from Hong Kong.¹³ In fact, there are already quite some numbers of Chinese dissidents disappearing or deported from Thailand, including Li Xin (former editor at Southern Metropolis Daily, disappeared in early 2016), Jiang Yefei and Dong Guangping. Jiang and Dong had already obtained refugee status from the UN and were about to be resettled, but were nevertheless handed over to the Chinese authorities in November 2015.¹⁴
19. For critics who are securely settled overseas, the Chinese government resorts to harassing or even abducting their families members still living in China, using them as bargaining chips. In March 2016, Chang Ping, an exiled Chinese journalist, found out that three of his siblings were detained after he wrote an article criticising Xi Jinping in the Deutsche Welle. His brother phoned him under the instruction of the police, pleading with him to remove the article and stop criticising the Chinese government.¹⁵ Families of Wen Yunchao, another exiled activist, were also kidnapped when Wen was suspected to be behind a public letter calling for the resignation of Xi Jinping, in March 2016.¹⁶

Isolate the discontent

1. Controlling NGOs

20. The flip side of isolation is to prevent association. Removal of the outspoken, who often act as focal points for people with grievances, can help but cannot be applied on a large scale. What is needed are rules, structure and tactics to restrict association.
21. To that end the recently promulgated Charity Law¹⁷ ("CL") and the Draft Foreign NGO Law ("FNGOL") are both causes for concern. The Charity law, despite its name, applied to a wide range of associations including advocacy groups (CL 3(6)), and even to individuals conducting "charitable activities"(CL 2). It imposed severe restriction on fundraising, such that only approved organizations, with a registration of two years or above, may conduct public fundraising (CL 22). Online fundraising call must be published through an government website; even the putting up of donation

¹² http://wqw2010.blogspot.hk/2016/04/blog-post_17.html

¹³ <http://www.bloomberg.com/news/articles/2016-01-17/hong-kong-bookseller-who-disappeared-from-thailand-held-in-china>

¹⁴ <http://www.bbc.com/news/world-asia-34849363>

¹⁵ <http://cn.nytimes.com/opinion/20160417/c17inyt-edchang/dual/>

¹⁶ <http://news.sky.com/story/1666938/chinese-activists-family-detained-over-letter>

¹⁷ <http://chinalawtranslate.com/2016charitylaw/?lang=en>

boxes beyond a certain geographical area requires prior report to the government (CL 23). All lawfully registered organisations must provide an annual work and financial report to the government (CL 13). Registration could be revoked if variously articles in the CL are not complied with, or if the activities conduct “endanger state security” (CL 104).

22. The CL effectively covers all public interest types activities, and imposing a tight registration and reporting regime over them. Individuals and small groups acting in public spirit without due registration could easily fall foul of the CL, especially where fundraising is involved. Groups that are disapproved by the government, or unwilling to be subject to government monitoring, would be unable to survive lawfully. Even if a start up is willing to provide all reports to the government, it would be unable to raise fund publicly unless the government give its blessing, and in any case not in the first two years. This severely restricts the setting up of small NGOs and organisations that may be critical of the government.
23. The legislation of FNGOL has apparently been stalled for the moment,¹⁸ but never abandoned. Again it seeks to impose strict reporting and registration conditions on organisations with foreign links, often viewed as more uncontrollable. Together the two laws would severely restrict the space for independent association.

II. Grid Management and social credit

24. Apart from the control of NGO, control of the society in general has also been further refined. The system of grid management first caught international attention in 2016,¹⁹ but it has long been noted by Chinese commentators.²⁰ It is a nationwide system of social control, involving the assignment of one grid administrator for every 200 families. The grid administrator would collect and be familiar with the situation of each families in his grid, and thus any potential problems can be noticed at the first opportunity. It is the “Big Brother” coming true.
25. Apart from officially assigned grid administrator, the government is also testing the potential of Big Data as a comprehensive system of “peer control”. Already many Chinese citizens are being rated by a “social credit score”, sometimes without the person affected being aware of it. The score will become mandatory by 2020.²¹ People with high score will get certain social benefits, while people who underperformed will be penalized by, say, being barred from certain professions. The score measures what types of goods you buy, how long you spend at home per day, minor traffic convictions, or the opinions you posted online. The killer is that if you associates with friends with low score, your score will also deteriorate. This again, encourage people to isolate “undesirables”, while at the same time

¹⁸ http://www.npc.gov.cn/englishnpc/Special_12_4/2016-03/10/content_1975457.htm

¹⁹ <http://www.ft.com/intl/cms/s/0/bf6a67c6-940e-11e5-bd82-c1fb87bef7af.html>

²⁰ http://hk.on.cc/cn/bkn/cnt/commentary/20140705/bkncn-20140705000315833-0705_05411_001_cn.html

²¹ <http://www.bbc.com/news/world-asia-china-34592186>

nudging everyone to fall in line with the government’s idea of a “model citizen”.²²

Blind the rest

I. Television confession

26. The Xi government has been putting much a stronger focus on the directing of public opinion. It has resorted to forcing detainees to confess on TV, in cases where the government wants to make an example, where the accused is widely known or has some moral authority, or where the government consider that the publicity surrounding a case was against it. Such confession often occurs mere days after a person was arrested, raising suspicion of torture or other form of coercion. It also usually happened before the detainees had a chance to meet a lawyer, and always before trial. The concept of fair trial, of innocence before proven guilty, and the rights of detainees have been mercilessly sacrificed in the interest of (mis)directing public opinion.

Table 4. Notable cases of TV confession between 2013-2016

Name	Background	Date of arrest	Date of TV confession
Yang Xiuyu(立二拆四)	Internet celebrity	19 Aug 2013	22 Aug 2013
Charles Xue (薛蠻子) (American)	Internet celebrity	23 Aug 2013	15 Sep 2013
Chen Yongzhou (陳永洲)	Journalist	19 Oct 2013	26 Oct 2013
Luo Yuwei (罗玉伟), Perhat Halmurat, Shohret Nijat	Students of Uyghur Scholar Ilham Tohti	Jan 2014	25 Sep 2014
Gao Yu (高瑜)	Journalist	4 Apr 2014	8 May 2014
Shen Hao (沈顥)	Newspaper editor	25 Sep 2014	29 Sep 2014
Huang Liqun (黄力群)	Lawyer	10 July 2015	12 July 2015
Wang Xiaolu (王晓璐)	Journalist	25 Aug 2015	31 Aug 2015
Zhang Kai (張凱)	Lawyer	25 Aug 2015	25 Feb 2016
Gui Minhai (桂民海) (Swedish)	Bookseller	Oct 2015	17 Jan 2016
Peter Dahlin (Swedish)	NGO worker	Jan 2016	19 Jan 2016

II. Internet and media control

27. The other method of blinding the people and directing their thinking is strict control of information. This involves both the control of domestic media and the restriction of inflow of foreign information. The Great Firewall is

²² <https://www.privateinternetaccess.com/blog/2015/10/in-china-your-credit-score-is-now-affected-by-your-political-opinions-and-your-friends-political-opinions/>

notorious and need no introduction, though it should be mentioned that under Xi's rule the sophistication and coverage of the Great Firewall has been greatly enhanced.²³ Gmail was completely blocked since 2014. Foreign VPN are required to be registered. Various commercial VPN providers have been blocked. Politically targeted DDoS attack had become more frequent, such as the attack on the Hong Kong Popvote website during the Occupy Central campaign in 2014.²⁴

28. The freedom of media had also took a worrying turn, with arrest of prominent journalists and the tour of state media agency by Xi Jinping in February 2016. Xi had sent out the clear message that media must be absolutely loyal to the party,²⁵ and it is not expected the largely state-controlled media industry could fight back. The space for independent journalism that had grown briefly in the years before Xi has now been killed.

Conclusions and Recommendation

29. Civil society has been withering under Xi Jinping's rule. If this trend continues the Chinese society would be further atomised, disempowering the people from asserting rights and demanding change. Perhaps this is the goal – to remove any potential source of challenge from the bottom up. However such a society is also one that is fragile, unable to help itself and potentially destructive. It is unstable in the sense that the whole society lacks a balance of power, and can be easily turnaround by the whim of a few strong men. A China with a weak civil society would be a dangerous partner in the international community.

30. Thus we recommend the UK government to take action to help breaks though the isolation of the Chinese civil society and help foster its growth. To that end it can:

- a. Provide funding to independent, grassroots groups, with the understanding that they might necessarily lack formal recognition or identity;
- b. Provide opportunity of exchange and learning to grassroots activists;
- c. Develop tools to help break or scale the Great Firewall;
- d. Provide humanitarian support to arrested activists and their families;
- e. Protect exiles and resist repatriation;
- f. Give recognition to arrested dissidents and activists.

31. On the political side, it should adopt a firm stance against the many human rights violations committed by the Chinese government. In particular it should call on the Chinese government to:

²³ For technical details please refer to this article: <https://theinitium.com/article/20150904-mainland-greatfirewall/>

²⁴ http://www.theregister.co.uk/2014/06/23/most_sophisticated_ddos_strikes_hk_democracy_poll/

²⁵ <http://www.theguardian.com/world/2016/feb/19/xi-jinping-tours-chinas-top-state-media-outlets-to-boost-loyalty>

- a. Release all political prisoners;
- b. Respect the right to privacy and halt the social credit score program;
- c. Remove all internet control;
- d. Stop the use of televised confession;
- e. Scrape the Foreign NGO Law;
- f. Tackle the issue of torture, in particular to join the OPCAT;
- g. Initiate political reform.

32. Due to limitation in length this report is necessarily incomplete; in particular it has not touch on the issue of minority rights, or the situation in Xinjiang or Tibet. Discussion of those issues is best left to more specialized groups, but it is noted in passing that the human rights situation in those areas is only more dire, and requires urgent intervention from international community.