

Written submission for Call for Evidence for the Conservative Party Human Rights
Commission's Inquiry into human rights in China 2016-2020.

Attention: Deputy Chair, the Conservative Party Human Rights Commission

Initial note

For ease of reading, and to keep this submission concise, the evidence herein presented are brief overviews, drawing from substantial and significant research reports, books and other material released by Safeguard Defenders over the last three years. Links for such reports and books are provided throughout. Other sources, including government data and other reputable reports are also linked or referenced with endnotes.

About Safeguard Defenders

Safeguard Defenders is a human rights NGO founded in late 2016 that undertakes and supports local field activities that contribute to the protection of basic rights, promote the rule of law and enhance the ability of local civil society and human rights defenders in some of the most hostile environments in Asia.

- <https://safeguarddefenders.com/>

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Human rights violations in the context of the Coronavirus crisis

China immediately sprung into action to control what was being said about the Coronavirus outbreak as early as [December 2019](#), using measures that not only infringed on the right to free speech but also employing heavy-handed censorship, silencing medical professionals, detentions, public humiliation and punishment to block information that [could have saved people's lives and caused unnecessary human suffering](#). The most famous case is that of whistle-blower [Dr. Li Wenliang](#) who was punished by the police for sending a private message on social media urging other doctors to take precautions against this mysterious new disease. The police forced him to sign a document saying he had made false statements. He later succumbed to the virus and died leaving a wife and infant daughter.

As people around China panicked and sent messages on their social media, police began rounding them up and forcing them to make recorded forced confessions – many of them locked into tiger chairs -- which were then [aired on official police Weibo and WeChat accounts](#) to scare others into keeping silent about the disease. Safeguard Defenders found dozens of these videos in a simple search uploaded nationwide in a rights-abusing campaign to "refute the rumours" by frightening people into thinking twice about discussing the disease on the Internet. From our knowledge about forced confessions in China, none of these people would have had access to a lawyer. Media reports confirm at least some were then subjected to [criminal or administrative punishment](#).

[Leaked government documents](#) have shown instructions to remove asymptomatic cases from the Corona virus infection count, and administrators under the Chinese Communist Party (CCP), not doctors themselves, controls whether cases filed by doctors gets included in the official statistics or not. In addition, new evidence has been presented showing that some Chinese social media started censoring discussion on the Corona virus as early as [late December 2019](#).

- A very in-depth report has been published, in English, by the Network for Chinese Human Rights Defenders, which is being updated regularly, available [here](#).
- The use of broadcasting forced filmed confessions, long before any trial or even arrest, related to Corona virus management, can be found [here](#).

The rampant use of torture during investigation

The torture of detainees by Chinese police and state security remains endemic and goes virtually unchecked and unpunished because of China's failure to make proper legal reforms – reforms that are required to make because they ratified the UN Convention Against Torture. A report by Chinese lawyers commissioned by Safeguard Defenders in 2018 found that the key issues behind the legislative shortfall are that the definition of torture under law remains too narrow; for example it only covers actions undertaken for the collection of evidence or obtaining confessions; psychological torture is not included, and physical evidence must be produced such as bruising or wounds – which is not always present. It also

only applies to “judicial personnel”, excluding those managing the vast extra-legal detention system called liuzhi (see Enforced Disappearances further below).

- Report by Safeguard Defenders, [Battered and Bruised](#), on why torture continue to be so prevalent, and why the current legal framework is unable to stop it, as well as a presentation of torture methods employed, illustrated by brief victim testimonies.

Two of the most recent examples documented on our website are that of imprisoned human rights lawyer [Wang Quanzhang](#) who was disappeared for four years from 2015 to 2019 and Hong Kong former British consulate worker [Simon Cheng](#). In June 2019, Mr. Wang’s wife saw her husband for the first time since he was disappeared. She [wrote](#) that he had completely changed – he was thinner, had lost a tooth and he seemed to have lost his mind. “Quanzhang raised his head and looked me in the eye. His expression was still dull and wooden. He sat there and watched me cry as if I were a stranger and not the wife whom he hadn’t seen for four years.”

Mr Cheng was detained by Chinese police in the summer of 2019 in a case largely seen as an act of intimidation against the UK government not to comment or get involved in the Hong Kong anti-extradition and pro-democracy protests. He described how Chinese police had locked him into incommunicado detention at an undisclosed location and had: handcuffed, shackled, blindfolded and hooded him; hung him on a cross shape with cuffs for hours; forced him to squat mid-air for hours; beat him with what felt like "sharpened batons"; subjected him to extended sleep deprivation; forced him to film confessions saying he had solicited prostitutes and had "betrayed the motherland"; and threatened to kidnap him from Hong Kong and take him back to mainland China if he ever spoke out about what had happened to him.

Of over 30 lawyers, including those who specializes in torture issues, that Safeguard Defenders has asked (2018-2019), not a single one reports ever being able to have any evidence excluded from criminal proceedings, and of those, not a single one say they know of any case where evidence has been excluded following allegations of torture.

Torture is seemingly most rampant within the system where few or no safeguard exists. Both RSDL and liuzhi are [explained further below under Enforced Disappearances](#), in terms of the scale of its use. Neither system has any system for oversight over those placed into those system. Below is the results of interviews with 22 victims of RSDL focusing on treatment while held in RSDL (table 7).

Table 7

	Sleep deprivation	Food/Water deprivation	Denial of medical aid	Shackled	Beaten	Forced medication	Solitary confinement	Threats of violence	Sexual abuse	Threats of violence to others (family, etc)
Case 1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3	Y	Y	N	N	N	N	Y	Y	N	N
4	Y	Y	N	N	N	N	Y	Y	N	N
5	Y	No answer	Y	Y	Y	No answer	Y	Y	No answer	Y
6	Y	Y	N	Y	Y	Y	Y	Y	N	N
7	Y	No answer	No answer	No answer	No answer	No answer	Y	Y	No answer	No answer
8	Y	No answer	No answer	Y	Y	Y	Y	No answer	No answer	No answer
9	Y	Y	N	Y	N	N	Y	N	Y	Y
10	No answer	No answer	No answer	No answer	No answer	Y	No answer	No answer	No answer	No answer
11	N	N	N	Y	N	N	Y	N	N	N
12	Y	Y	Y	Y	N	Y	Y	Y	N	Y
13	N	Y	Y	N	Y	N	Y	Y	N	N
14	Y	Y	N	N	N	N	Y	Y	N	N
15	Y	N	N	N	N	N	Y	Y	N	N
16	Y	Y	Y	Y	N	N	Y	Y	Y	Y
17	Y	N	N	Y	N	N	Y	Y	N	Y
18	Y	Y	No answer	No answer	N	No answer	Y	Y	No answer	Y
19	Y	Y	N	Y	N	N	Y	N	N	Y
20	No answer	No answer	No answer	No answer	No answer	No answer	No answer	No answer	No answer	Y
21	Y	Y	N	Y	N	N	Y	Y	N	N
22	No answer	No answer	No answer	Y	No answer	No answer	No answer	No answer	No answer	Y

Lack of fair trials

In Chinese People’s Courts, the courts of first instance, **conviction rate at criminal trials** stands at 99.947%, based on partial data (on non-guilty verdicts) provided by the Supreme Court’s 2018 work reportⁱ to the National People’s Congress and partial data (total number of criminal trials by courts of first instance) provided by the official China Statistical Yearbook 2018ⁱⁱ by the National Bureau of Statistics of China, for the period covering 2013-2017. This does not include data on “secret trials”, meaning this is the lowest possible conviction rate. It represent a marked increase, from an already incredible high level, compared with the previous administration under Hu Jintao when rate were lowered somewhat.

From 2013 to 2017, the number of criminal trials at first instance per year grew from 971,567 to 1,294,377, a near 25% increase. During the full 2013-2017 period, there were 5,534,340 trials, and the total number of not-guilty verdicts stands at 2,943.

The astounding conviction rate entirely undermines the notion of any fair trial, even if the court system were not controlled by a Political party, which it is. With such a high rate, and public knowledge about it, and the fact that defense counsel play a very limited role before and during trial, it means that after formal arrest, conviction is nearly guaranteed. The consequence of this is that all, including almost all human rights defenders, will confess, because choosing to confess or not is the victim’s only real way to affect the sentencing after being found guilty. To confess merely means a lighter sentence. Confession is king.

Anecdotal data from defense counsel, as well as study of verdict documents show that nearly all convictions are based on confessions, and technical, forensic and other forms of evidence is very rarely used, as it is not needed if confession has already been gained. For those placed in RSDL or Liuzhi (more on these systems below under Enforced Disappearance), confessions are even gained before their formal arrest, and the process from arrest to indictment to trial is merely procedural, with no bearing on verdict.

However, it should be noted that police, prosecutor's offices and courts are all controlled by an organ, that exist on every level from top to bottom, the Political and legal affairs committees, which "guides" the work of the judicial system. This is an organ of the CCP, not the Chinese State.

Enforced and Involuntary Disappearances

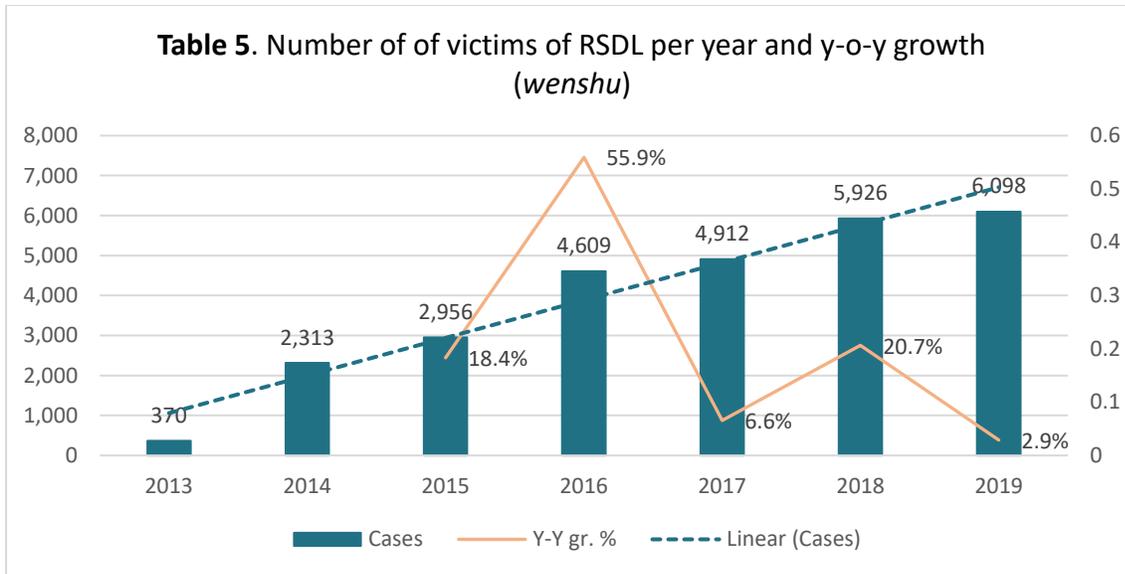
With a revision to the Criminal Procedure Law, which went into effect in 2013, China instituted its current system for "residential surveillance at a designed location", or RSDL. It affords the police, and the Ministry of State Security, to, instead of formally arresting a suspect, to place them into RSDL, for up to half a year. As they are not arrested, this cannot take place at police stations or detention centers or 'case handling areas'. Instead, informal facilities are used – some custom-built prisons, some converted rooms in police, party or state-run hotels, guesthouses, etc. Once taken, the victim must be kept in solitary confinement, which in itself, if done for a prolonged period during investigation is classified as both torture (article 1) and maltreatment (article 16) of the Convention Against Torture, which China has both signed and ratified.

- See Safeguard Defenders brief report [The use of solitary confinement in RSDL as a method of torture](#).

During RSDL, the police may block access to legal counsel, may prohibit the prosecutors' office from visiting to provide oversight against torture, and need not provide information to the victim's family or, if foreigner, government, about their whereabouts. No court order is ever needed to place someone into RSDL. The UN has repeatedly deemed some use of RSDL, when these exceptions are used, as an enforced or involuntary disappearance, most notably in a letter to the Chinese government by 10 Special Procedures in late 2018.

- See full [submission to UN for review of RSDL system](#) by Safeguard Defenders and others.
- See [full letter by UN Special Procedure to China](#).

Safeguard Defenders is set to release a data analysis, drawing from official government sources, on how widely the system is used. Based on such data, 17 or 18 people will be taken into the RSDL system – every single day – in 2020, with some estimated 27,185 people taken into the system, 2013 to 2019, and growing in scope of use every year. Interviews with 48 victims showed that not a single one had been allowed access to legal counsel, and not a single one had ever had any visits from the prosecutor's office. The exceptions offered in law has, as always in China, quickly become the norm.



- For more details on RSDL and enforced disappearances, see Safeguard Defenders acclaimed book [The People’s Republic of the Disappeared](#) (2nd edition).

Table (5) above is from a forthcoming report, on year-by-year use of RSDL.

An extensive study carried out by a former prosecutor, now professor of law, Xie Xiaojian, conducted detailed analysis of 1,580 cases of RSDL placements 2013-2017, published in the China Law Review, and out of those, found only 1 single case where, after RSDL had ended, resulted in a not-guilty verdict – all other where found guilty. That, the only data that exist on this issue, reinforces that already known based on anecdotal evidence, that anyone placed into RSDL will be found guilty. The study’s deep analysis puts the conviction rate after RSDL at 99.937%.

- Read more (Chinese): 谢小剑、朱春吉：用 5955 个大数据样本，反思公安机关适用指定居所监视居住 | 中法评, 中国法律评论 https://mp.weixin.qq.com/s/WVlg_qoEByKoVnpXRUBGGw

Inspired by the RSDL system, while the world was busy watching Xi Jinping remove term limits for himself, China undertook a massive revision in law and practice with the **establishment of the National Supervision Commission**, and its RSDL-like system for prolonged and secret detention, liuzhi. The NSC, a form of non-judicial police directed straight by the CCP to handle investigations into malpractice, bribery and economic crimes by state functionaries, party members or those in state-owned enterprises, has taken over a significant role from police and prosecutor, and in 2018 alone launched 1,667,000 investigations.

Some investigations (cases) concerns more than one person, and based on extrapolation of incomplete data, Safeguard Defenders estimate it concerns some 1,819,375 people. Of those, 1,736,000 people were convicted (issued with a guilty notice) according to official data. Unfortunately, the only data issued is number of *cases* of investigations, and number of *people* punished, which are not comparable. Based on the data above, 95.4% would be deemed guilty, but the figure may be significantly higher.

As part of these investigations, **liuzhi** ('retention in custody') can be employed. Like RSDL, it takes place outside the judicial system, in make-shift rooms or custom-built facilities, and people are kept incommunicado, has no right to a lawyer at all – since it's not classified as a judicial process – and their location is kept secret. For RSDL, most cases are enforced or involuntary disappearances. For liuzhi, they all are. Based on incomplete data released from three provinces, and based on year by year developments released for number of investigations (expanding roughly by 33% every year), a very low estimate is that 12,351 to 17,057 people will be disappeared into the system this year.

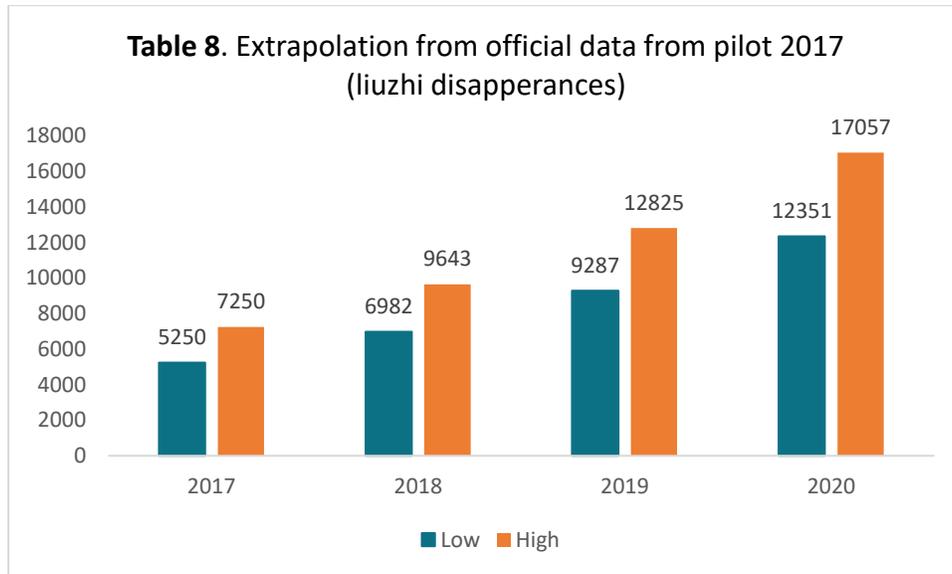


Table (8) from forthcoming report, on year-by-year use of liuzhi to disappear victims.

- For the most comprehensive review produced on the NSC and liuzhi, see Safeguard Defenders submission [Comprehensive report and review of Liuzhi and the NSC](#) to 10 UN bodies.

War on Lawyers and due process

As an outgrowth of the now well-known 709 crackdown, centred on the “rights lawyers” movement and others working with lawyers and law firms to provide criminal representation to rights defenders facing persecution, new developments have occurred. A large number of the lawyers initially affected by the crackdown, at least 321ⁱⁱⁱ, many of whom were detained in 2015-2016, and many who also went on to serve time in prison, has since 2018 been disbarred by the Chinese Communist Party-controlled Bar Association, while others have been effectively disbarred because law firms that could potentially hire them (needed to provide criminal representation) has been threatened against doing so. Even within the rather small human rights defence lawyer community, some 32 lawyers lost their ability to practice between December 2017 and July 2019 alone^{iv}. In late December 2019 another, smaller, crackdown, called 12-26, was initiated, on December 26, to detain another large group of lawyers¹, many now facing long prison sentences – all based on a meeting that took place in southern Fujian province, a meeting that in

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itself, despite merely consisting of a group of lawyers meeting, was deemed to challenge the power of the CCP.

The effects have been chilling in removing a significant portion of lawyers otherwise able and willing to provide criminal representation to victims who are prosecuted for political reasons, and for those that still have their license they are significantly less likely to offer their services for such representation, knowing it may make them lose their license – and with that also theirs, and many times their families', main source of livelihood.

In addition, an investigation carried out of six pre-trial detention centres in 2018, and further evaluated by 174 lawyers in 21 trainings on this subject carried out in 13 provinces (2018-2019), has shown a growing systematization of detention centres denying lawyers' access to their clients in pre-trial detention centres, using a combination of outright illegal means and procedural methods to slow down or prohibit such meetings. It has been shown that this practice has been taken up by local authorities and expanding outside a prior small circle of central police management investigation in politically sensitive cases. During meetings that are allowed to take place, intentional sabotaging of meeting facilities, supervision and lack of privacy, threatening behaviour and more has been employed at many facilities, further diminishing ability for these lawyers to fulfil their duties to their clients. Taken together it represents a significant threat to due process within an already overly politicised legal system. Details on this is in Chinese only, and has not been publicly released due to threats it would cause those investigating the practice, and those receiving training on how to counter it, but can be made available over secure channels as needed.

- Report (in Chinese) is available *per request* due to security considerations.

The legal system has also been severely weakened by the establishment of the National Supervision Commission, as the responsibility to investigating misconduct, bribery and economic crimes for not merely party members but state functionaries, or those managing public bodies, from companies to hospitals to schools to labour unions and beyond, has been taken away from the police and the prosecutor's office, and placed with a non-judicial organ controlled directly by the CCP. The measures they can take can also be applied to those outside party or state, or merely being connected to an investigation, and can (and will in the future) include, for example, British businessmen accused of partaking in bribery. The NSC is also responsible for investigating both police and prosecutor's offices, completely removing the ability to counter violations by the NSC by filing complaints with police. Based on the initial pilot projects before the full nationwide NSC system was launched in 2018 indicates the direct target group for investigations stands between 200 and 400 million people.

- See Safeguard Defenders report [Comprehensive report and review of Liuzhi and the NSC](#).
- For a briefer overview, see Safeguard Defenders report [from Central Control to National Supervision](#)

China's widespread censorship and control of information

China remains one of the world's most restrictive environments for the media, both offline and online. The regime operates the world's most sophisticated system of censorship, commonly referred as the "Great Firewall".

Increased censorship of foreign media

In addition to its continued control over news reporting by national media, the CCP has increased its control and censorship of foreign journalists, by refusing to renew their accreditation or simply banning them from the country. Such was the case for freelance journalist Bethany Allen-Ebrahimian in June 2019, for Chun Han Wong, in August the same year, and for three Wall Street Journal journalists who were expelled from China in retaliation for an opinion piece published in February 2020. In March this year China stunned the world by kicking out all foreign journalists from several U.S. media, the New York Times, the Washington Post and the Wall Street Journal, while forcing Voice of America and Time Magazine to provide detailed information on their operations in China. Local assistants are also being denied right to work for them, effectively shutting them all down in its entirety.

In addition to the withholding of or threats to withhold visas Foreign journalists continued to encounter various forms of harassment during the year, including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, and surveillance.

Pressure on foreign journalists can particularly be seen in Hong Kong where numerous journalists have been arrested and sometimes detained by the Hong Kong police throughout the year, often because of their coverage of the protests by Hong Kong citizens against Beijing's tightening grip on the special administrative region. Within the first week of June 2019, just before the 30th anniversary of Tiananmen massacre in June 1989, the websites of 12 major international news outlets were blocked, including CNN, the *Washington Post* and the *Guardian*, many of which remained blocked weeks after the commemoration.

Online censorship

The already limited space for media freedom shrank further during 2019. Increased controls extended to apolitical spaces such as online music stores and platforms for live streaming, dating, celebrity gossip, and blockchain technology, with authorities suspending or tightening scrutiny of features that enable real-time communication. Economic news remained more heavily censored than in the past amid an escalating trade war with the United States and a slowing domestic economy.

Continued implementation of the 2017 Cybersecurity Law, along with other regulations and increased pressure on private technology companies, has also resulted in greater and more sophisticated internet censorship. The multipurpose social media tool WeChat increasingly employed artificial intelligence to scan and delete images that were deemed to include banned content. Throughout 2019, large-scale deletions of posts and accounts occurred on both WeChat and the Sina Weibo microblogging platform.

A number of activists have been sentenced to prison in recent years for selling VPN services. Several editors of human rights websites and smaller social media groups were jailed for their online activities. In July 2019, Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years in prison for “intentionally leaking state secrets.” State media had warned that WeChat group administrators could be held responsible for the content in their group under regulations in effect since 2017. Chinese users of Twitter also faced an increase in reprisals for their activities on the blocked platform, including detention, interrogation, job dismissal, and forced deletion of messages.

In mid-December, the Chinese authorities have approved new “Provisions on the Governance of the Online Information Content Ecosystem” that expand the scope of online censorship, emphasize the war against “negative” content and make platforms more liable for content violations. They took effect on March 1. While China previously had numerous, separate regulations for everything from live-streaming to news media to chat groups, the new provisions consolidate them into a more coherent system of global rules for everything that happens on the country’s Internet.

According to the new law:

- Illegal content includes the “dissemination of rumors,” “disrupting economic or social order,” “subverting the national regime,” and “destroying national unity.”
- Negative content includes “sensationalizing headlines” and any “other content with a negative impact to the online information ecosystem.”
- Encouraged content includes “spreading and explaining Party doctrine,” “spreading economic and social achievement” and “other positive and wholesome content.”

Censorship issues affecting UK security

Despite continued revelations that Chinese social media groups’ servers in China re accessed by police at will, with no required court order, and that they are, **by law**, required to assist the Chinese police and Ministry of State Security (MSS) in any matter deemed related to national security, the United Nations in early April stunned the world, while few paid attention due to the Corona outbreak, when they announced a partnership with Tencent^v, the owner of QQ and WeChat – China’s two largest chat- and social media platforms. Even for communication between those not in China, traffic flows through Chinese servers, at real time access by the Chinese State, and by law any encryption keys used must be shared with the Chinese State, given them full and total real-time access. Specifically, the partnership calls for hosting online conversations through VooV Meeting (international version of Tencent Meeting), WeChat Work and Tencent Artificial Intelligence Simultaneous Interpretation (Tencent AI SI), on issues related to “international cooperation”.

A new report by University of Toronto’s CitizenLab^{vi} as exposed significant, China-linked, security flaws in Zoom, currently being used by governments – including the UK, NGOs and businesses around the world. Zoom **maintains at least 5 servers in China**, and traffic, as per custom on internet infrastructure, may pass through those servers rather than those in the United States. Zoom claimed at first to use end-to-end encryption, but when challenged had to admit it does not. That means that, by law in China, encryption keys to those servers must be given to the Chinese State, which would mean that Zoom servers in China, and all conversation passing through them, are accessible to Chinese police and MSS, in its entirety. There

is no knowledge that such keys has been given to the Chinese State, but they are mandated to do so by law. A tested conversation between Canada and the U.S. went through a server in Beijing.

- Read the full technical analysis [here](#).

Censorship during the Covid 19 crisis

Amid the coronavirus epidemic, suppression of “negative” and independently produced information remained a top priority for the CCP. This has been illustrated by the disappearance, in February 2020, of three citizen journalists who had been live streaming updates from Wuhan. The three citizen journalists, Fang Bin, Chen Qiushi, and former journalist Li Zehua, had separately recorded and disseminated video reports from Wuhan, showing events and how the crisis was being handled by the authorities, shooting images in hospitals and quarantined areas. Fang Bin and Li Zehua were officially detained by police (Li filmed his arrest), while Chen Qiushi is believed to be held incommunicado by the State security.

The full translation of the new provisions can be found [here](#).

- On Foreign media censorship, see CPJ's reports [here](#).
- On Internet censorship, see Freedom House's "[Freedom on the Net report](#)" (2019)

China's long-arm policing

In addition to its failed attempt to get Hong Kong to enact extradition and national security legislation, China has been stepping up pressure for nations around the world to make extradition agreements with Beijing – most recently successfully with Italy, France and Spain and Belgium. Because of serious concerns about the lack of due process in China, the prevalence of torture and forced confessions, any country with any commitment to justice and human rights should not, in all conscience, cooperate. Australia rejected such a treaty, and after several Canadians were detained for political purposes, so did Canada. Sweden – with Safeguard Defenders acting as a witness – denied the extradition of one of China's most wanted fugitives in 2019 on human rights grounds.

After the Swedish Supreme Court denied extradition based both on Swedish extradition law, but more importantly, the European Convention on Human Rights (ECHR). The court found that extradition would counter three parts of the ECHR: Article 2, Right to life (no death penalty), Article 3, Prohibition of torture, and Article 6, Right to a fair trial. It especially noted that the establishment of the National Supervision Commission would increase such violations even further. [See section on enforced disappearances](#) for more information on this issue. It also noted that Chinese “agreements” on similar matters in the past had not been honoured.

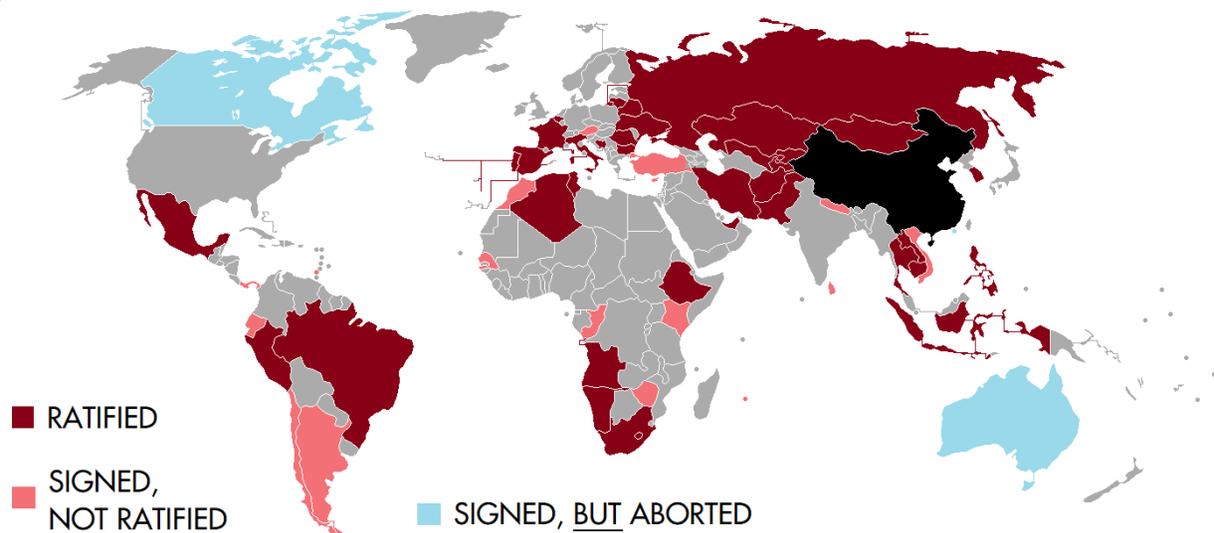
- Detailed (English language) [analysis](#) of Swedish Supreme Court decision.

Following the Supreme Court's decision, South Korea, the Czech Republic, and France have all denied extraditions to China. However, despite this some western countries are still considering signing extradition treaties, with Belgium being the most recent to ratify such, bring the total of (ratified) extradition treaties to 37. This is all happening despite China's kidnapping of the Chinese chairman of Interpol, Meng Hongwei in 2018, who disappeared and whose whereabouts to this day remains unknown.

It is clear, that in many cases, China's efforts to extradite individuals is not based on a search for justice at all, but rather for political control and intimidation. For example, it regularly coerces countries into sending detained Taiwanese to China in a strong arm tactic to enforce its one China policy. In 2018, [Spain sent almost 100 Taiwanese back to China](#) (later on more were added, to over 250), and communications Safeguard Defenders has had with lawyers has shown that China has not allowed Taiwan or the detainees' family know where they are being held – just one of many examples of denial of consular access to detained foreign citizens.

Chinese state media claims that over 6,000 fugitives has been returned to China since Xi Jinping came to office, but the vast majority not through extradition but claimed voluntary returns. Chinese agents from the Ministry of State Security has been identified being in foreign countries and intimidating such 'fugitives' to return 'voluntarily', including in the United States. Such unlawful behaviour, likely already in place in the United Kingdom, complements China's work to expand cooperation on extradition, and using Interpol and 'enhanced policing cooperation.

According to official data by the Provincial Procuratorate's office of Guangdong Province^{vii}, China now has 160 'mutual legal assistance' treaties, 128 of which have been ratified and in effect. Specifically, it has signed **extradition treaties** with some 55 countries, of which 37 has been ratified and are now in effect. It is aggressively pursuing such policies worldwide, and more and more countries are signing them despite China's blatant violation of core principles that underpins such (see also [Citizenship as weapon](#) below).



This is also tied to another growing trend, of China practising [hostage diplomacy](#). In recent years, under Xi Jinping, China has increasingly used hostage diplomacy, threatening, torturing, and disappearing citizens of other countries to bully its way in the international arena – the most famous example being the arrests of Canadians Michael Spavor and Michael Kovrig in clear retaliation for Canada's detention of Huawei FCO Meng Wanzhou at the end of 2018. In just the last six months of 2019, citizens of at least six countries or regions—the [US](#), [Taiwan](#), [Japan](#), [Turkey](#), [Hong Kong](#) and [Belize](#), and including a consular

official and a university professor—have been disappeared in China in what appears to be arbitrary detentions, many accused of national security crimes. This includes a worker for the UK's Consulate General in Hong Kong.

Citizenship as weapon

The persecution of Swedish publisher, Gui Minhai, in China (kidnapped from Thailand, held incommunicado for months, forced to make a TV confession, kidnapped again in front of Swedish officials and then sentenced to 10 years and illegally 'forced' into [returning his nationality to Chinese from Swedish](#) is, perhaps, the most extreme example. A similar incident happened in 2016 with British citizen Lee Bo, a Hong Kong resident kidnapped in Hong Kong, and who under duress [renounced his UK citizenship](#) to pre-empt any potential UK consular staff access to Lee Bo had he been brought to trial.

To circumvent requirements based on the Vienna treaty on consular access, a cornerstone for state-to-state behaviour in handling respective citizens embroiled in legal issue in the other country, China – in violation of its own Nationalities law and set procedures, turned Gui Minhai from being a Swedish to Chinese citizen, to block access to consular staff from Sweden to attend his trial.

This type of violation of the Vienna treaty was until this time, early 2020, unheard of. Legal scholars such as Jerome Cohen and Donald Clarke reacted in shock, not so much because of brash behaviour, but how it undermines the entire Vienna convention, and any bilateral consular access agreements signed, rendering them useless. The same process used on Gui Minhai to regain his former citizenship is identical to the process for seeking such citizenship without ever having held it, meaning it can be used against those with no Chinese background as well.

- To read about the violations of procedures in reverting Gui citizenship, see [this article](#) by Safeguard Defenders' Peter Dahlin.
- English version of the Nationalities Law can be read [here](#).

Limiting access to justice system and for countering corruption

Since 2017 several steps have been taken to revise existing law to limit the ability of victims of illegal government action to seek redress through the justice system, and to limit the ability of citizens to request government authorities to publish information.

In May 2019 a revision to the Government Information Disclosure Act went into effect. The law, one of the few positive outcomes of reforms undertaken in exchange for hosting the 2008 Beijing Olympics, has pushed government bodies to pro-actively release information, as well as set up a system allowing citizens to make information release requests from all government bodies. Taken together, these two developments have had the opportunity to **reduce the possibility for corruption and promote government information transparency**, which is a key driver of human rights violations locally across China. With the revisions, the authorities has now given themselves longer times to respond to such

requests (article 33), but of far greater concern, codified a very expansive list of reasons why such requests for information may be denied (articles 14, 15, 16), including for economic- as well as “social- stability”. Article 35 also gives the government body who receives a request the ability to deny processing them if the person has made an “unreasonable number of requests”, without specifying any rules for how to make such decisions. It can now also charge a fee, as well as now require proof of identification, alongside other minor changes that cumulative has the same effect; limiting the ability of citizens to use the freedom of information system.

- See Ju Heng law firms analysis for details on changes to the OGI law (in Chinese): <http://www.juhenglawfirm.com/contents/26/529.html>
- OGI law (in English) can be read here: <https://www.chinalawtranslate.com/en/open-government-information-regulations-of-the-p-r-c-2019/>
- *Per request* Safeguard Defenders in-depth training manual on using OGI in China can be shared securely, including analysis on changes that stem from the revision.

Over the same period, especially with the revision of the key administrative procedure law, the **ability to challenge illegal behaviour by government bodies, and illegally denied information requests, has been severely curtailed**. For the majority of victims of illegal government actions, the possibility to defend against such abuses resides firmly with “barefoot” lawyers. These are unlicensed, self-taught lawyers working with administrative law, allowing them to file lawsuits against government bodies. Normal lawyers are far away, often in larger cities, prohibitively expensive, and usually specialized in other aspects of law, not the type of law for which most victims have need with. A majority of these front-line legal defenders, existing in villages across China, can no longer represent clients, many of whom constitutes the most vulnerable groups in China.

The use of administrative lawsuits against the government has greatly increased, and between 2013 and 2017 the number of lawsuits making it to court almost doubled, from 123,194 to 230,432^{viii}, and it remains the primary tool to counter violation of due process, human rights and to counter government malfeasance.

The revised law pinpoints a number of specific relationships that must exist between the legal representative and the victim to allow the “barefoot” lawyer to represent such clients, which in effect has made it very difficult. Some expensive and complicated work-arounds are available, but only for those with resources and expertise, and the majority of the 200+ “barefoot” lawyers trained by Safeguard Defenders are now unable to provide legal representation, a situation replicated throughout the entire country. This group of front-line legal defenders has also taken the lead in China in filing lawsuits against information requests that has been illegally denied, meaning this negative development further hampers ability to counter corruption.

In yet another worrying action showing remarkable lack of either knowledge or foresight, the United Nations, in October 2019, inexplicably signed a Memorandum of Understanding with the National Supervision Commission (NSC) on combatting corruption, with a UN spokesperson saying “...welcome the new UN-China cooperation agreement, which will help improve our joint knowledge and respective actions against corruption”^{ix}. A review on the NSC and its carrying out actions that may constitute a crime

against humanity has been filed to relevant UN organs. Under the current MoU, they "...UNODC and China will enhance information sharing with respect to research and best practices on the prevention of corruption, trends in international judiciary and law enforcement cooperation related to corruption offences, and stolen asset recovery". See also section on China's long-arm policing.

Chinese media's complicity in human rights abuses and as tool of foreign policy

China's systematic use of having those detained, but not yet put on trial, confess to crimes on video, and then broadcast those on TV, largely dates back to the rise of Xi Jinping. The use of this violation, and the role that media companies plays in them has been extensively covered by Safeguard Defenders. It has shown that media, especially China Central Television (CCTV) does not merely broadcasts these video, but add post-production and in many cases, helps the police record them and conduct the interviews to extract answers from the suspects, many of whom are put through this while held incommunicado at secret locations through the RSDL system. Chinese journalists are brought to secret prison facilities, where people are held incommunicado, and helps the police record these confessions, including reading questions to victims based on pre-written questions given to them by police, and will observe the victims reading pre-written answers in return. Any illusion that these media conduct journalism should be firmly debunked.

- Detailed testimonies on how "journalists" helps police extract, record and produce such confessions is available in Safeguard Defenders book [Trial By Media](#).

Recently, several developments have made this phenomenon more directly related to the UK.

CGTN (China Global Television Network, its English language channel) and CCTV-4 (Chinese language international channel), the latter which do not need a license to operate, has aired at the very least 36 forced TV confession broadcasts in the UK, including some 70 victims confessing, including UK citizens. The practice is widespread and systematic, and in clear violation of significant parts of the UK's broadcasting rules. The practice directly undermines the right to a fair trial, and is often only procured after extensive torture and/or enforced disappearances.

- Data on these broadcasts, times, dates, victims and more, is available *per request*.
- CGTN is directly controlled by CCTV, which CGTN has also stated publically and which can be read in the UK's official Companies House filing [here](#).

Such broadcasts are used against the UK as foreign policy tools.

On one such broadcast, a UK citizen, who was in a state of enforced disappearance prior to broadcast, renounced his British citizenship, which if his case had gone to trial would have denied UK to access his trial and provide consular assistance. In another, very recent case, concerning broadcast in the UK of a "confession" by Simon Cheng, it was complemented with direct threats to the United Kingdom to not intervene to protect their own consulate worker, and also mixed in with accusations that unrest in Hong Kong was being incited by the UK. These are not isolated incidents: these forced TV confessions are more and more being used to carry out foreign policy objectives of the Chinese State, and has been directed at

the UK, the U.S., Sweden and other countries. These foreign policy statements are extracted from victims' through systematic violations of basic rights (and Chinese law) to attack, amongst others, the UK.

- For more information, see Safeguard Defenders report, [Scripted and Staged](#).

China Global Television Network (CGTN) is operates in the UK illegally.

CGTN is currently operating in the UK illegally. UK's Broadcasting Law (1990) *explicitly forbids any broadcaster operating under **direct control by a political body*** to hold or maintain a license. Since a major reorganization of State-media in China announced in March 2018, CGTN is under direct control by an organ of the Chinese Communist Party (CCP), not by a State-agency. This is codified into law, as well as in official announcements from both the CCP and the Chinese State. Finally, CGTN even states so, *twice*, on their [English language website](#). UK law allows for **no exception to this rule**, and CGTN has also violated procedural rules established by Ofcom in failure to disclose this change in control. An exhaustive complaint has been filed to Ofcom as the concerned regulatory body in the UK. Their blatant disregard for long-standing UK law threatens to undermine that very law, especially as so far they are violating that law in broad daylight without any response from relevant UK authorities.

- See official complaint filed against CGTN in the UK [here](#).

Ofcom failing to fulfill its duty, likely due to political pressure.

Ofcom has at time of writing launched four separate formal investigations into broadcasting violations by CGTN in the UK, three investigations of which focuses on CGTN's broadcasting of forced confessions retained from people who had not yet faced trial, and after being either tortured or in a state of enforced disappearance. One complaint is from a UK citizen, [Peter Humphrey](#), one concerns [Simon Cheng](#) who worked for the British FCO, and one is by the UK-resident daughter of kidnapped Swedish bookseller [Gui Minhaj](#). The first of these, concerning UK's Peter Humphrey, was filed nearly 500 days ago, and is quickly becoming the most drawn out such investigation in Ofcom history. Several former members of Ofcom are perplexed by these incredibly slow investigations, as each complaint is very specific, and specifies the exact violations of each broadcast.

Failure by Ofcom to act, both concerning their official investigations, but even more so the failure to act to blatant violation of UK law by CGTN (see section above) severely undermines UK law and enforcement, as CGTN continues to operate in violation of such law without any penalty of any kind. Failure to implement law equally threatens the very essence of rule of law, and encourage similar behavior by others.

- Note, the practice of systematic broadcasting of such forced TV confessions are currently being reviewed by Canada's- and United States' equivalent regulatory bodies respectively.

Key issues

- UK media continues to be forbidden from operating in China, with exception of having a small number of correspondents in place. Chinese media continues to have unfettered access to the UK in broadcast and sales, despite ongoing violations of UK law, which per law and regulation should have seen them penalized. Relevant UK authorities have so far failed to act.

- Chinese media is controlled directly by the CCP, not the State, and used in targeted disinformation campaigns and against UK foreign policy and UK interest, as needed.
- European partners and commonwealth countries continue to sign and ratify extradition treaties with China, despite overwhelming evidence China have not honored their own commitments as part of such agreements as well as the Vienna treaty on consular access, and court decisions against such extraditions in several countries. Recent actions against a UK and a Swedish citizen entirely undermines any existing bilateral consular agreements signed with China.
- China is actively undermining its own law, and people using those laws, both concerning those seeking to address rampant corruption, as well those using administrative law to counter human rights- and due process violations. China's claim to be working to address corruption, and the reason given for the existence of the National Supervision Commission, rings hollow and is in reality tools to expand power by the CCP, establishing a far-reaching system of "political police" that operates throughout China, and above the State's police force, including its very own system of detention facilities.
- The new Cybersecurity Law and the National Security Law places a legal responsibility for all Chinese companies to work with the Chinese State on anything deemed to concern an undefined 'national security', and for IT companies with any servers in China (Chinese and foreign alike) must offer direct access without court order, and with gag orders against disclosing such access. The ability to safely use **any** IT services with servers in China is severely compromised. This includes cloud storage systems, and western IT companies with partial operations in China.
- Expanded use of hostage diplomacy against both commonwealth countries and other allies, and use of systems for enforced disappearances against its citizens, will be used against the UK whenever useful to the CCP. Failure to coordinate response to this with affected countries, and coordinate with other western allies, will severely hurt the ability of the UK to receive similar support *when* (not if) it happens to the UK. This threat is already being made against the UK to narrow its ability to conduct foreign policy, most significantly related to Hong Kong.

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- ⁱ 2018 Work Report by Supreme Court. http://www.gov.cn/xinwen/2019-03/19/content_5375015.htm
- ⁱⁱ China Statistical Yearbook 2018, National Bureau of Statistics of China, China Statistics Press.
<http://www.stats.gov.cn/tjsj/ndsj/2018/indexeh.htm>
- ⁱⁱⁱ <https://www.chrlawyers.hk/en/content/%E3%80%90%E2%80%9C709-crackdown%E2%80%9D%E3%80%91-latest-data-and-development-cases-1800-7-july-2018>
- ^{iv} <https://www.chrlawyers.hk/en/content/updated-briefing-1226-crackdown-18-february-2020>
<https://www.chrlawyers.hk/sites/default/files/share/files/A%20List%20of%20Lawyers%20who%20Face%20the%20Threat%20of%20Administrative%20Penalty%20%28As%20of%2020%20Sept%202019%29.pdf>
- ^v <https://martechseries.com/video/tencent-united-nations-announce-global-partnership-hold-thousands-conversations-online-platforms-including-voov-meeting-uns-75th-anniversary/>
- ^{vi} <https://citizenlab.ca/2020/04/move-fast-roll-your-own-crypto-a-quick-look-at-the-confidentiality-of-zoom-meetings/>
- ^{vii} http://www.gd.jcy.gov.cn/jcyw/sfxz/flfgytyxd/201812/t20181212_2440091.shtml
- ^{viii} China Statistical Yearbook 2018, National Bureau of Statistics of China, China Statistics Press.
<http://www.stats.gov.cn/tjsj/ndsj/2018/indexeh.htm>
- ^{ix} <http://www.chinesemission-vienna.at/eng/gdxw/t1709031.htm>