



 International Service  
for Human Rights

Submission to the UN Secretary-General on trends and cases of reprisals  
by the People's Republic of China

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Cover photo: Bust of the late Cao Shunli in the making in the studio of Czech artist Marie Seborova.

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# INTRODUCTION

Civil society actors, including human rights defenders and civil society organisations (CSOs), play a key role in promoting human rights, sustainable development, and democratic governance. They provide essential feedback, foster accountability, and represent victims and activists at the international level, particularly within the United Nations (UN). However, the space for these actors to operate freely and effectively is shrinking, with authoritarian governments employing various strategies to hinder their engagement with international bodies.

China has demonstrated steadily adversarial relationship with civil society, especially concerning those actors who attempt to engage with UN human rights mechanisms. The Chinese government, nearly-always citing national security concerns, has implemented policies and actions aimed at systematically controlling and penalising civil society engagement that it deems threatening to its interests and governance, foremost at the UN.

This report seeks to document the trend of China's strategies to suppress civil society engagement with the UN, with a view to provide a clearer understanding of the current challenges and to foster a dialogue on effective strategies to protect and empower civil society actors engaging with UN bodies. From the use of overly broad interpretations of national security crimes, and the rise in self-censorship among activists fearful of reprisals, to the outright blocking and harassment of CSOs at the UN, the patterns of reprisal by the Chinese government are both overt and insidious.

The use of government-organised non-governmental organisations (GONGOs) at the UN marks a significant shift towards filling civil society spaces with state-backed entities, thereby diluting the effectiveness of genuine global civil society representation and providing a smokescreen between acts of reprisals and their perpetrators, the Chinese state. Transnational repression, another trend of China's approach, extends the reach of these acts of reprisals beyond its borders, as it targets diaspora communities and Chinese activists abroad. It not only silences dissent but also sends a chilling message to those in exile.

The implications of China's actions extend far beyond its borders, affecting global governance, human rights advocacy, and the very integrity of international institutions mandated to uphold these values. ISHR aims to contribute to safeguarding civil society's role in international affairs with the recommendations at the end of the report.

# CHINA'S POSITION ON REPRISALS

At the Human Rights Council (HRC) – the primary fora in which States, including China, are confronted with questions about their record on reprisals against human rights defenders – the Chinese government has shifted its position over time. From initial silence in the early years of the Council, and the annual reports on reprisals for cooperation with the UN (hereafter referred to as the Reprisals Report), China eventually sought to challenge the resolution in 2013 that sought to establish the mandate of the UN senior official on reprisals (referred to as the focal point at the time) and to undermine the systems put in place throughout the UN mechanisms to improve monitoring, documentation and prevention of reprisals.

In May 2022, ISHR released an [analysis](#) of the evolution of China's official positions on reprisals in dialogues and negotiations at the UN.

During the interactive dialogues on the Secretary-General's Reprisals Reports at the Human Rights Council's September sessions from 2019 to 2023, China consistently criticised the reports. China denounced what it perceives as the misapplication of existing mechanisms to address reprisals, arguing that they should not categorise criminals as 'UN cooperators and label legitimate law enforcement as reprisals.' It also contends that these mechanisms encroach on the judicial sovereignty of States and pointed fingers at countries such as the United Kingdom, the United States, and Germany stating that they exploited the mechanism to support 'criminal activities' linked to secession.

China's position contrasts with the spirit of the UN Declaration on Human Rights Defenders, which was adopted by consensus and therefore agreed to by all States. In the Chinese official narrative, any human rights advocacy that involves or references the UN is often labelled as 'criminal'. The Chinese government does not see facilitating engagement of their citizens with the UN as its responsibility, nor does it acknowledge the duty of China and other States to investigate any reprisals.

In the negotiation of the resolution titled "[Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#)" (also known as the Reprisals Resolution) during the 54th session of HRC in 2023, China, along with Russian Federation and Egypt, supported the removal of the paragraph that "welcomes the commitments of the Secretary-General and encourages all United Nations entities to strengthen efforts to prevent and address intimidation and reprisals."

By eliminating language that calls for increased efforts to prevent and address and reprisals, China and like-minded States seek to promote a vision for international human rights governance that is rid of external scrutiny and of safe and meaningful civil society engagement, further increasing the risks for human rights defenders engaging with the UN.

# TRENDS OF REPRISALS

## National security as a justification of reprisals

Over the past decade, Chinese human rights defenders have been repeatedly subjected to various forms of reprisals related to engagement with the UN, ranging from harassment, physical assaults, intimidation, travel bans, and police investigation, to torture and ill-treatment, arbitrary detention and enforced disappearance, including under ‘Residential Surveillance at a Designated Location’ (RSDL), and lengthy jail sentences. The authorities justify these measures as ‘legitimate law enforcement’ against ‘criminals.’ Human rights defenders, are charged with national security crimes, which allow the authorities under Chinese criminal procedural law to bypass basic due process, allowing for denials of access to legal counsel and enforced disappearance.

The introduction of the Hong Kong National Security Law (NSL) in 2020 has further extended these repressive measures. The law criminalises acts of secession, subversion, terrorism, and collusion with foreign forces, with penalties ranging up to life imprisonment. It has been widely criticised for its vague definitions and broad scope, which allow for its application against a wide array of activities and individuals perceived as threats to national security. In responding to inquiries from various UN treaty bodies during public reviews in Geneva since 2022 seeking clarification on whether interactions with UN bodies fall under the scope of the NSL, Hong Kong authorities have not explicitly excluded such a possibility.

The 2023 Reprisals Report extensively documented the use of NSL in the commission of acts of reprisals against individuals advocating at the UN. In March 2023, the international legal team representing Jimmy Lai and his son Sebastien Lai addressed the HRC to call for accountability regarding the use of NSL on Lai and other journalists. Following that, the Hong Kong government condemned the legal team’s actions as an abuse of UN mechanisms and an interference in judicial proceedings and suggested that the team’s actions might constitute NSL offences.<sup>1</sup>

The introduction of the Safeguarding National Security Ordinance under Article 23 of the Hong Kong Basic Law (also known as Article 23 law) in March 2024 further heightened fears of criminalising engagement with the UN. The law introduced new and overbroadly defined national security crimes, such as external interference. On 19 March 2024, UN High Commissioner for Human Rights Volker Türk expressed concerns that the extensive interpretation of ‘external force’ under this ordinance could deter engagement with human rights organisations and the UN, contravening the established right to communicate and cooperate with international human rights bodies.<sup>2</sup> On 31 May 2024, Türk further highlighted charges against seven individuals under Article 23 law, recalling his concerns that ‘broad and vague provisions could be arbitrarily applied to curb freedom of expression and target dissenting voices, civil society actors and human rights defenders.’ He reiterated his call for the repeal of the NSL, and the release of all those arbitrarily detained under both national security laws.<sup>3</sup>

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<sup>1</sup> <https://www.info.gov.hk/gia/general/202303/15/P2023031500686.htm?fontSize=1>

<sup>2</sup> <https://www.ohchr.org/en/press-releases/2024/03/rushed-adoption-national-security-bill-regressive-step-human-rights-hong>

<sup>3</sup> <https://www.ohchr.org/en/press-releases/2024/05/hong-kong-sar-turk-deplores-use-national-security-laws>

Similarly, in a communication sent to China in March 2024, UN Special Procedures experts have raised alarms that the new legislation potentially criminalises ‘colluding with external forces’ and ‘external interference’, with ‘external forces’ ambiguously defined to potentially include international organisations such as the UN.<sup>4</sup>

## Rising self-censorship among civil society

The pervasive threat of reprisals has led to self-censorship among civil society actors in and outside of China. The government’s broad application of national security laws has created a legal environment where almost any form of dissent could be construed as a threat to state security. The ambiguity and broadness of these laws leave activists and organisations uncertain about when they might cross the intentionally invisible ‘red’ line.

The climate of fear, stemming from the Chinese government’s expansive interpretation of national security crimes, has led to a significant increase in self-censorship among civil society actors in recent years. Activists, journalists, academics, and NGOs now operate in an environment where expressing dissent or engaging with international bodies such as the UN can result in severe repercussions.

The Secretary-General’s 2022 and 2023 Reprisals Reports have documented a notable rise in self-censorship trends across the world.<sup>5</sup> Many individuals have opted for anonymity or have chosen to avoid engagement with the UN entirely to mitigate risks of reprisals against them and their family and colleagues. This trend is not limited to global observations but is notably evident in China, including Hong Kong as well.

The enactment of the National Security Law in Hong Kong, particularly the ambiguously defined charge of ‘collusion with foreign forces,’ has greatly contributed to a culture of self-censorship. This legislation has instilled a pervasive fear throughout the civil society, compelling at least 90 NGOs to cease their operations<sup>6</sup> and many others to avoid engaging with the UN.

An anonymous Hong Kong activist highlighted the severity of this issue: ‘The chilling effect leading to self-censorship is palpable, with only very few Hong Kong civil society groups now willing to participate in the formal hearings of treaty bodies reviews following the imposition of the NSL in 2020. The government’s intentional refusal to clarify that engaging with the UN mechanism is not considered “collusion with external forces” leaves groups and individuals facing the risk of up to 14 years of imprisonment under the new Article 23 law. When a government threatens those who seek to utilise the system, it poses a real threat not only to Hongkongers but also to the entire UN human rights mechanism.”

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<sup>4</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28893>

<sup>5</sup> A/HRC/51/47 (14 September 2022), para. 122. Available at <https://www.ohchr.org/en/documents/reports/ahrc5147-cooperation-united-nations-its-representatives-and-mechanisms-field>; A/HRC/54/61 (21 August 2023), para 128. Available at <https://www.ohchr.org/en/documents/reports/ahrc5461-cooperation-united-nations-its-representatives-and-mechanisms-field>.

<sup>6</sup> <https://www.theguardian.com/world/2024/apr/12/hong-kong-national-security-law-2020-impacts>



The ambiguous contours of the crimes, the heavy sentences they carry, and the government's ambiguity with regards to its application to UN engagement deeply impact the operational dynamics and safety of those involved in civil society activities in Hong Kong. As a result, engagement with the UN for human rights advocacy has been severely curtailed. This trend is expected to be sustained following the adoption of the Article 23 law, and its crime of 'external interference.'

As Dr. Eric Lai from the Georgetown Center for Asian Law observes, 'The trend of self-censorship due to fear of reprisals and intimidation is ostensible in Hong Kong after the impositions of the NSL and Article 23 legislation. Laws and courts are enabled to punish citizens peacefully making statements and publications deemed as seditious or endangering national security by the government. Civil groups that embrace universal human rights and liberal values used to be active in UN human rights mechanisms. But now they are withdrawing from engaging in multilateral platforms concerning fundamental freedoms in Hong Kong.' Lai further elaborates, 'Now, only pro-government and illiberal voices can be amplified without fear, and human rights defenders, though being brave to resist the deterioration, are still facing different kinds of government surveillance and legal repression that can imprison them for months and years.'

## **Intimidation and surveillance by GONGOs**

Human rights defenders engaging with the UN human rights mechanisms face reprisals not only from governments, but also from individuals affiliated with government-organised NGOs (GONGOs). These tactics of intimidation and surveillance are part of a broader strategy to suppress dissent and stifle the voices of those advocating for human rights, while restricting attempts to trace direct responsibility back to State perpetrators.

During the Universal Periodic Review (UPR) of China in January 2024, multiple NGO representatives reported reprisals in the form of intimidation and surveillance by GONGOs at the UN in Geneva. The incidents ranged from attempts to photograph them without consent to more overt harassment, such as being followed within the UN premises.

A particularly egregious instance of surveillance occurred at ISHR's office. During a closed-door confidential meeting hosted by ISHR between Chinese human rights defenders and UN officials on 12 March 2024, four uninvited individuals claiming to be from a Chinese human rights NGO, approached ISHR's office entrance door under the guise of attending the meeting. The individuals firstly claimed to be looking for a 'UN event', only to then confirm their awareness that a meeting was taking place and ask more information about it. A few minutes after, two Uyghur activists who were invited to attend the meeting reported suspicious behaviour from individuals in a nearby car who took photographs of them. This same vehicle later picked up the group that had approached the ISHR office. Upon investigation, two of these individuals were identified as affiliated with the China Society for Human Rights Studies (CSHRS). Their actions appear to be intimidation tactics aimed at signalling to the human rights defenders their awareness that such meeting was taking place.

The incidents reveal that such intimidation and surveillance tactics are not confined to China but also occur in Geneva, thousands of kilometres from China's borders. This pattern of transnational

repression is designed to create a climate of fear to deter human rights defenders from engaging with international bodies and speaking out against human rights violations.

## Blocking of CSO participation at the UN

For years the Chinese government has employed strategies to block and undermine the participation of CSOs at the UN. By leveraging its influence within UN bodies and using procedural tactics, China systematically obstructs CSOs seeking to highlight human rights abuses within the country. This section examines these strategies and their impact on global civil society.

One of the primary methods China employs to block CSOs at the UN is through its role in the UN Committee on Non-Governmental Organizations, which oversees the accreditation of NGOs for consultative status with the Economic and Social Council (ECOSOC). China frequently uses its position on this committee to delay, question, and ultimately deny accreditation to organisations it views as critical of its policies, or who use the 'wrong terminology'. In the Committee's [latest 2024 resumed session](#), China deferred the application of eight organisations – from Senegal, Serbia, Malaysia, Niger, Pakistan, Italy, Australia, and Nigeria – for their alleged use of wrong terminology when referring to Taiwan, instead of 'Taiwan, province of China.' Out of 476 applications considered, involving both independent organisations and GONGOs, China deferred 27% of them (127), followed by the US (76), Pakistan (61) and India (51).

The lead up to China's fourth UPR in January 2024 was also marked by attempts to restrict civil society's participation. This included a note verbale by the Permanent Mission of China requesting that UN security in Geneva not allow a list of activists, labelled 'anti-China,' from entering.<sup>7</sup> Furthermore, the participation of independent NGOs at China's UPR was also limited by the overwhelming presence of Chinese GONGOs. Almost all NGO seats in the meeting room were occupied by GONGOs at least 30 minutes before the UPR started, while GONGO representatives were seen taking unauthorised photographs of human rights defenders in line to enter the Council room.

China also frequently employs points of order at the UN to obstruct the delivery of statements by NGO members during HRC sessions. This procedural tactic allows China to interrupt and potentially terminate statements that criticise its human rights record or political leadership. For instance, at the 52nd session of the HRC, China raised a point of order during a statement by Dolkun Isa, president of the World Uyghur Congress, who was speaking on behalf of the NGO Stichting Global Human Rights Defence. China questioned his identity, labelled him as a member of a separatist and terrorist organisation, and demanded the HRC President terminate his statement. At the 54th session, China interrupted Dolkun Isa again with two points of order in an attempt to stop his statement by accusing him of being part of an anti-China movement, violating the UN Charter principles and abusing the HRC platform.

At the 53rd session of the HRC, China used points of order against three different NGOs: Redress Trust, International PEN, and the International Service for Human Rights (ISHR). China accused

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<sup>7</sup> <https://www.thegenevaobserver.com/exclusive-china-seeks-to-quash-dissent-ahead-un-review-of-its-rights-record/>



them of attacking its political system, interference in Hong Kong's judicial sovereignty, and making baseless accusations of genocide in Xinjiang, respectively. In each case, China requested the HRC President to immediately stop the representatives' statements. However, the President gave the floor back to the speakers each time.

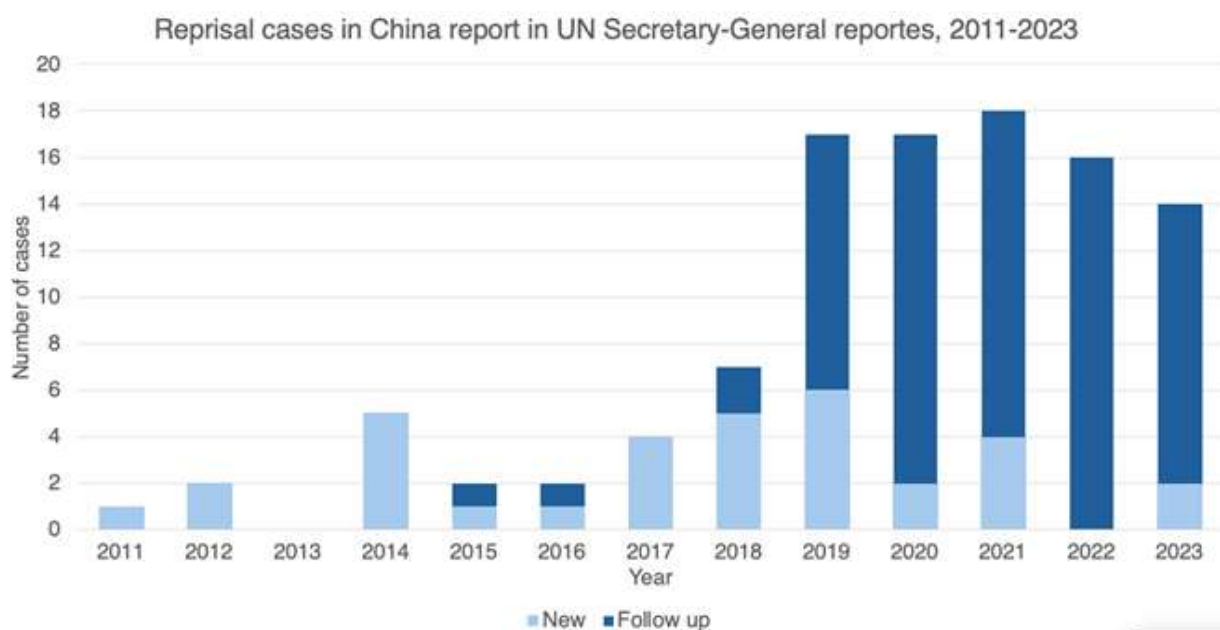
Most recently, at the 55th session of the HRC, China raised a point of order during ISHR's joint statement on behalf of 16 NGOs commemorating the 10th anniversary of the death of Chinese human rights defender Cao Shunli and calling for solidarity with victims of reprisals. The Chinese delegate argued that ISHR's proposal to observe a moment of silence was a provocation contrary to the principles of non-politicisation and non-confrontation, and called on the President to stop the speaker.

In defence, delegates from Belgium, the United States, Canada, and the United Kingdom stressed the importance of civil society's input in human rights discussions. They argued that the presentation of human rights violations was legitimate and emphasised the need to protect freedom of expression, including the right to speak uninterrupted at the HRC. On the other hand, China's allies, including Cuba, Venezuela, North Korea, and Russian Federation, supported China's position. They called for the NGO to observe proper regulations and decorum, stressing the need for civil society representatives to follow rules when addressing member states and strictly adhere to procedural guidelines.

HRC President Omar Zniber acknowledged the differing views on this procedural issue while emphasising the importance of upholding the council's procedures and rules. He eventually allowed ISHR's speaker to continue delivering the statement, which demonstrated a commendable approach that upholds human rights defenders' right to freedom of expression.

# EXTANT CASES

Examining reprisal cases over time provides crucial insights into ongoing patterns of harassment and intimidation. The chart below illustrates the persistence of reprisal cases reported in the UN Secretary-General's reports from 2011 to 2023, encompassing both new and follow-up cases, and highlights significant trends.



Since 2019, there has been a notable increase in the number of reported cases, doubling from 2018 and remaining high through 2020-2023. The majority of these are follow-up cases. Among the 32 cases reported between 2011 and 2023, 24 were follow up cases, and 18 of these persisted in the reports for three or more times.

This pattern demonstrates that the Chinese government is not effectively addressing reprisals. It continues to harass human rights defenders and has not taken steps to investigate cases and hold the perpetrators accountable. This inaction persists despite the involvement of the Assistant Secretary-General (ASG), who is the senior official on reprisals, and public statements by a number of States during interactive dialogues with the ASG at HRC sessions. The involvement of the ASG continues to be exclusively behind closed doors, leaving open the question of whether public statements would be more effective.

In addition, the table below shows that at least 56 individuals (including named and unnamed) and at least two named organisations have been targeted by the Chinese government between 2011-2023. In many Reprisals Reports, there are also references to individuals associated with the cases but not themselves targeted specifically. This paints a broader picture of the difficult climate for rights defence in China.

Case	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
'15 individuals'										x			
'7 HRDs engaging with CAT'						x							
'4 persons engaged in training with CHRDR'		x											
'1 WHRD and others engaging with CEDAW'					x								
'1 civil society representative engaging with a treaty body'													x
'2 members of the international legal team supporting Jimmy Lai and his son Sebastien Lai'													x
Cao Du	x												
Cao Shunli				x	x	x		x	x				
Figo Hun-wu Chan / CHRF											x	x	x
Chen Jianfang				x					x	x	x	x	x
Ge Zihui				x									
Hong Kong civil society											x	x	
Dolkun Isa							x		x				
Jiang Tianyong							x	x	x	x	x	x	
Li Heping										x	x	x	x
Li Kezhen								x	x	x	x	x	
Li Qiaochu											x	x	x
Li Wenzu							x		x	x	x	x	x
Li Xiaoling									x	x			
Li Yuhan									x	x	x	x	x
Liu Zhenqing									x	x	x		
Mi Chongbiao								x	x	x	x	x	
Network of Chinese human rights defenders		x							x	x			
Peng Lanlan				x									
Qin Yongmin								x	x	x	x		
Shen Youlian											x	x	x
Wang Qiaoling							x		x	x	x	x	x
Wang Quanzhang											x	x	x
Ti-Anna Wang				x									
Wang Yu								x	x	x	x	x	x
Xu Yan									x	x	x	x	x
Yu Wensheng												x	x

Zhao Suli										X	X	X	X		
Zhen Jianghua											X	X			

Table: The cases reported in Secretary-General's Reprisal Reports from 2011 to 2023. A blue X indicates a first/new mention of a case, while a purple X indicates inclusion of follow-up information.

The 2022 and 2023 Reprisal Reports also recognise the important impact of reprisals and intimidation on civic space in Hong Kong, through the entry into force of the NSL. The very first Hong Kong case was reported in 2021 as a direct result of the implementation of the NSL.

# RECOMMENDATIONS

To address the issue of reprisals and intimidation against Chinese civil society actors and ensure safe and unhindered engagement with UN mechanisms, ISHR calls on:

Chinese and Hong Kong authorities to:

- Cease and desist from all acts of intimidation and reprisal against those who cooperate or seek to cooperate with the UN and who exercise their right to defend rights.
- Cease to interpret cooperation with UN bodies as a national security threat, and provide public, clear reassurances that UN engagement does not fall under the scope of national security legislation, and that any UN body or representative is legally considered as an 'external force' under the Article 23 law.

the UN Assistant Secretary-General to:

- Regularly inquire about the status of intimidation and reprisal cases and communicate publicly about responses received.
- Follow up regularly on intimidation and reprisals cases using public and social media tools, including on key dates or anniversaries. This includes addressing unresolved cases, such as Cao Shunli's case, to increase the public cost of committing reprisals and prevent impunity.
- Urge UN human rights bodies, including Special Procedures and Treaty Bodies, to support sustained follow-up on cases of intimidation and reprisals in China and publicly report on their efforts.
- Identify States that commit systemic patterns of reprisals and undermine civil society's right to safe and unhindered access to the UN and document these patterns in the annual Reprisals Report.

The NGO Branch of UN DESA and all UN offices to:

- Guarantee safe and full access to UN premises for civil society representatives during relevant meetings and events.
- Identify and publicly report efforts by States to constrain or manipulate access.