

中国人权：对中国第三轮普遍定期审议的报告

2018年3月

在中华人民共和国第三轮普遍定期审议开始前
向人权理事会提交的报告



中国人权是一个国际性的中国非政府组织，成立于 1989 年 3 月，其宗旨和使命是在中华人民共和国促进国际公认的人权标准，推动对人权的制度性保护。其核心项目包括个案与政策呼吁，以及研究、翻译等传播活动，旨在提高权利意识、推动有效行动，以解决制度和个人层面的人权问题。

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引言

1. 作为联合国的一项“合作程序”，普遍定期审议（Universal Periodic Review）负责评估各成员国对其人权义务的履行情况。这些义务包括《联合国宪章》《世界人权宣言》、人权条约、自愿保证和承诺，以及适用的国际人道法的相关内容¹。第三轮普遍定期审议明确地将上一轮审议建议的落实情况列为重点考察内容，及时地为各成员国和所有利益相关方提供了对被审议的国家进一步提出具体建议的机会，以应对有碍其取得有意义进展的挑战²。
2. 中华人民共和国政府此前接受了两轮普遍定期审议（2009年和2013年）。中国政府在《国家人权行动计划（2016-2020年）》³中重申了其参与联合国人权机制工作的承诺，包括落实前两轮普遍定期审议的建议，积极参与第三轮审议⁴，以及开展国际交流与合作⁵。
3. 然而，中国国内令人担忧的事态发展反映了对人权的严重侵犯，包括当局对律师、维权人士及其家人的持续镇压；对女权活动等民间社会和平活动的制约⁶；对维权人士的打击报复；以及剥夺医疗救治等对被关押人员的虐待行为⁷。在反对“恐怖主义”“分离主义”和“分裂主义”的借口下，中国当局向西藏和新疆增派兵力，并颁布严重限制当地和平行使宗教、语言和文化权利的多项规定⁸。这些情况引起了包括多个非政府组织⁹、联合国人权事务高级专员¹⁰、多位联合国特别报告员¹¹和多国政府¹²在内的国际社会的震惊。
4. 中国在国际上和联合国机构内的攻击性言行也对其国际义务，包括有意义地落实普遍定期审议的建议构成结构性挑战¹³。因此，鉴于中国政府对有意义地落实建议，以及对包括普遍定期审议在内的联合国人权机制的完整性、可信度和有效性的公然破坏，进行强有力的第三轮普遍定期审议来应对这些令人震惊的发展态势和趋势至关重要。
5. 作为对中国第三轮普遍定期审议的建设性贡献，**中国人权**提交的此份报告强调了由中国目前国内发展态势和中国在国际上的攻击性言行带来的两项重大结构性挑战：（1）当前法律和政治方面的发展态势对民间社会所需的安全有利的环境的负面影响；以及（2）中国在国际上推行新概念、新话语和新模式的行为对国际人权体系之根本——政府问责制与人权标准的普世性——的负面影响。

中国的第三轮普遍定期审议：制度性/结构性挑战和担忧

6. 近年来，中国国内的人权状况每况愈下。这突显了在即将开始的普遍定期审议中进行严格考察、提出建设性批评和具体建议，以及遵照国际人权框架开展有效行动的至关重要性¹⁴。
7. 在第二轮普遍定期审议中，中国政府接受了 252 条建议中的 204 条¹⁵。这些建议涉及全面的人权承诺，包括公民权利和政治权利，经济、社会和文化权利；工人、少数民族以及儿童、老年人、残疾人士等弱势群体的权利；司法改革；律师的权利和获得法律援助的权利；以及国际合作¹⁶。

8. 除了审议落实过程中的挑战和实体权利的进展之外，中国的第三轮普遍定期审议必须考察助长侵犯人权行为的制度性法律和政治发展态势，有损真正的、可持续的人权进展的前景，以及中国加大力度破坏国际准则、强化意识形态斗争，欲将中国专制模式取代国际准则的行为所带来的相关挑战。

当前法律和政治发展态势有损民间社会所需的安全有利的环境

9. 一个健全的民间社会在协助各成员国实现联合国的宗旨和原则、促进善治和问责制，以及确保政策的评估和改进方面扮演至关重要角色¹⁷。民间社会作为多方利益相关者¹⁸，还可以通过国别报告中贡献见解、撰写和提交民间社会报告，以及监督审议过程与建议落实情况和进展等途径，在普遍定期审议中发挥重要作用。前两轮及此轮普遍定期审议皆允许通过网络直播和视频存档对公开会议进行远程监督。
10. 中国在前两轮普遍定期审议提交的国别报告中称，政府与近 20 个非政府组织和学术机构进行了口头和书面的磋商，并就报告通过外交部网站广泛地征求了公众意见¹⁹。然而，在中国人权对外交部和国务院等相关官方网站的研究中，找到有关就这些报告征求公众意见的信息微乎其微，甚至根本没有（请见附录 A）。**中国人权**对中国前两轮普遍定期审议期间提交的所有报告进行了初步调查，结果显示：与总体报告数量相比，中国国内民间社会组织的参与十分有限（请见附录 B）。
11. 中国政府曾表示，其目标是使中国成为全球科技和互联网领域的领导者，并为此投入了数十亿美元的投资——具体举措包括拓展“信息化”，以使更多公民获取公共服务²⁰。既然中国拥有七亿多网民和如此雄厚的技术实力，它完全有能力为提高公众对包括普遍定期审议在内的联合国人权机制的认识，以及加强民间社会在这些程序中的参与做得更多更好。中国缺乏的是创建安全和有利于民众参与的国内环境所必需的政治意愿。
12. 然而，对于第二轮普遍定期审议，中国政府接受或坚称正在落实的相关建议包括：“在法律上和实践中促进安全和有利于民众参与的环境的构建，使民间社会和人权卫士能够在没有恐惧、阻挠和不安全的情况下运作²¹”，以及许多其他保护行使言论自由和结社自由权利的建议（请见附录 C）——这些权利对所有其他公民和政治权利以及经济、社会和文化权利的有效行使和推进至关重要²²。
13. 为了确保民间社会安全和有利于民众参与的环境，联合国人权事务高级专员确立了五个基本要素：符合国际标准、维护各项公共自由及有效诉诸司法的健全的法律框架；有利于民间社会的政治环境；获取信息的途径；民间社会参与决策过程的渠道；以及为民间社会提供长期支持和资源²³。
14. 然而，正如我们在中国第二轮普遍定期审议后的中期评估中得出的结论，中国近年来在法律和政治方面的严重发展态势使得本来已经严厉限制和平行使权利、获取信息、参与决策过程，

以及获取长期支持和资源的具有敌视性和限制性的政治环境进一步恶化²⁴。据一位联合国专家观察指出，虽然中国政府优先落实经济、社会和文化权利，但却拒不考虑建立一个以权利为本的框架——这被广泛认为对可持续的、有效的发展至关重要——从而引发对中国政府在扶贫工作中是否尊重法治和权利的严重担忧²⁵。

15. 中国政府非但不遵循符合国际标准的法律框架，还颁布《网络安全法》，实施多项限制言论自由、获取信息途径、新闻自由和隐私的规定，以达到掩盖和消除民间社会多元观点的目的²⁶。在这一监管框架下，网络审查力度加剧，虚拟私人网络（VPN）遭到封锁，网上账号被要求实名登记，建立网民之间互相监控举报的渠道，服务商因承载“非法”内容受到惩处，对新闻媒体和网站的限制也更加收紧²⁷。外国驻华记者也面临越来越严厉的限制；就连身在国外的外国记者也会因为发表了当局认为是批评性的报道而遭受中方的打击报复²⁸。
16. 《境外非政府组织境内活动管理法²⁹》实施至今，严重限制了民间社会获取长期支持和资源的渠道。该法将外国组织视为安全风险，并在接受国外支持与合作方面，限制中国民间社会团体只能与官方认可的外国团体接触——它们大多在贸易、社会服务或教育领域，且能在中国警方的系统性监督和监视下运营³⁰。这其中显然不包括从事维权或独立基层工作的民间社会团体。
17. 在法律和政治方面，中国进一步限制公民参与和权利行使的最重大变化，是对中共党章和中国宪法中对国家主席和副主席两届任期限制的取消。这一变化放任不受问责制约束的个人集权。中国国家主席习近平同时担任中央军委主席和中共中央总书记，也是包括网络安全小组在内的所有重要的国家一级领导小组的组长——现在还有可能将终身执政。
18. “习近平新时代中国特色社会主义思想”现也被写入中共党章和中国宪法。“习思想”提出全面的意识形态指导（“14个坚持”），将整个社会纳入国家安全的考量，将不受制约的民间社会视作威胁，并要求“坚持党对人民军队的绝对领导”³¹。目前，中国试图建立“依法治国/执政”模式——而非真正的法治，其主要原则也在习的思想中有所体现³²。虽然将人民称作“国家的主人”，但是在法律上、事实上和政策上，中国式“民主”的实质为由大权在握且无任期限限制的领导人统治的一党独裁——无论怎样看，这都是对其谎称尊重基本权利和自由的嘲讽³³。
19. 正如联合国赤贫问题特别报告员的中肯之言：“这方面最为困难和复杂的挑战是，难以理解共产党的领导角色如何与承认个人权利和提供有意义的问责制共存，而后两者是人权框架不可或缺的元素³⁴。”

中国试图取代国际准则和用语的行为将问责制边缘化、纵容对侵犯人权者不予惩处，并威胁国际人权体系的完整性和有效性

20. 今年正值《世界人权宣言》70周年纪念，也是适时重申以下基本原则：人权是“人类家庭所有成员的平等且不可剥夺的权利”，为所有人共同享有，不论民族、文化、国界、经济状况

和政治制度。人权具有普世性和不可分割性，相互关联、相互依存并相辅相成³⁵，对国际人权的尊重、保护和促进必须永久作为评估人权进程的核心标准。

21. 然而，中国持续以“中国特色人权”为挡箭牌，转移和拒绝国际社会对其人权纪录的审查，并坚持“司法主权”、“互联网主权”、“依法治国/执政”和中国式“民主模式”等概念和新名词。中国在国际人权体系中的言行对普世人权准则、价值观和原则构成挑战。习近平关于中国民族复兴和准备好重返国际舞台中央的宣告引起格外的担忧，特别是联系中国最高人民法院院长将司法独立和宪政民主定性为西方的“错误”思想³⁶这一语境来理解习的言论，更是令人忧上加忧。

22. 中国在国际上推行其“特色人权”的具体方式包括：从“治理”的角度对待权利，强调以人民为中心的发展模式，以及注重与他国开展国际“合作”。这种以国家为中心看问题有一个共通点，就是导致用以确保尊重、保护和促进人权的国家问责制被边缘化，否定了人权的普世性，并将权利的“本土化”作为国际标准的对等物和替代品。中国外交部长王毅对此观点作出过如下阐述：

世界上没有放之四海而皆准的标准。人权发展道路既不能定于一尊，也不能生搬硬套；既不能强求东方化，也不能强推西方化，而要倡导多样化、本土化，促进人权发展模式“再平衡”。不同的道路和制度没有高下之分，只有特色之别³⁷。

23. “中国特色人权”也反映了中国对不受制约的民间社会的深度不信任，这一点从中国就联合国一项有关人权卫士的决议提出的 31 项修改建议便可见一斑：中国试图将每一提及“人权捍卫者”之处替换为“个人、群体和社会机构”³⁸。鉴于中国政府日益强势地试图通过玩弄文字游戏等方法，将其国内政策和观点强加于国际人权领域，各成员国必须采取更加有效的、以结果为导向的回应。最近的一个例子便凸显了这一问题。

24. 在人权理事会第 37 届会议上，中国与 18 个国家共同提出一项题为“促进人权领域的互利合作”的决议³⁹。决议中直接从习思想照搬了如“人类命运共同体”“互利合作”等新名词，引起了多个成员国发表声明，以示担忧。成员国们还注意到，这一决议在所谓“尊重”、“求同存异”和“建设性合作”的幌子下，偏离了早已确立的联合国问责制框架。部分成员国发表了反对决议的口头声明，担忧决议的用语界定不明、语意模糊，过分强调国家而不顾个人权利，并将最终致使无法对政府问责。尽管有这些担忧，该决议还是以 28 票赞成和 17 票弃权通过，且仅有一张反对票⁴⁰。面对中国在所谓“互利合作”背后的真实意图和由中国主导的对国际人权标准的攻击，国际社会的唯一原则性立场就是毫不含糊地说“不”。

25. 当前中国在经济和政治上的国际影响力越来越大，对中国进行严格的、重在落实的第三轮普遍定期审议对检验所谓“合作”机制的有效性，以及人权理事会各成员国确保审议机制本身的合法性、可信度和有效性的政治意愿至关重要。这不是对审议程序的“政治化”，而是为了防止专制政府的权力政治破坏审议机制，保障和平、稳定和人权的宗旨。正如联合国人权

事务高级专员所警示：“最坏的冒犯者对人权的无视和蔑视终将毁灭我们所有人。我们决不能允许这种事情发生。”⁴¹

建议

给中国的建议

26. 中国政府必须与联合国人权机制进行更为有效的合作，包括在第三轮普遍定期审议之前、之间和之后考虑和采取下列措施：
- 将具体指标和基准等系统性评估信息纳入中国的第三轮普遍定期审议国别报告中，以使评估能够有意义地进行并推动进展。
 - 利用中国先进且规模可观的技术实力，广泛散播以下信息，以提高公众意识和促进更广泛的参与：
 - 在各个有关国家和地方政府部门及群众组织的官方网站上，介绍中国的国际人权义务和每轮普遍定期审议的结果；以及
 - 民间社会建言、监督和参与中国第三轮普遍定期审议及即将展开的条约机构（消除对妇女歧视委员会、禁止酷刑委员会，以及消除种族歧视委员会）审议的机会，包括远程监督和参与的机会。
 - 审视《国家人权行动计划（2016-2020年）》，以确保其符合国际人权框架，并采取和落实具体措施，确保民间社会全面参与监督中国已经或行将接受的普遍定期审议建议的落实情况 and 进展情况。

给各成员国的建议

27. 国际社会务必利用中国第三轮普遍定期审议的机会，对中国制度性侵犯人权和中国政府一直免遭惩处的根本原因作出更为有效的应对。**中国人权**敦促各成员国在采取以下有效举措的基础上，保持明确的、有原则的立场，包括：
- 通过联合和单一政府举措，继续对人权捍卫者展示和提供更多高级别的政治和具体支持，包括将以权利为本的框架在双边往来、技术支持和交流项目纳入主流。
 - 对中国政府为强制统一意识形态和实行全面社会控制，在国内推行相关政策和做法而致使的侵犯人权行为作出谴责，并对民间社会所需的安全有利的环境提供具体支持。

- 敦促中国政府审视其一系列国家安全和网络安全法律和规定，以促进其遵守有关合法性的国际标准，并确保对基本自由和权利的任何限制都必须是必要的、范围适当的，且合乎政府正当利益的。
- 采取包括建设性批评和具体建议在内的明确的、有原则的回应，以反击国际上任何试图用中国式的发展、人权和治国理念和模式取代国际准则的行为。
- 在第三轮普遍定期审议明确将落实情况列为重点考察内容的基础上，敦促中国在《国家人权行动计划（2016-2020年）》到期前承诺批准《公民权利和政治权利国际公约》，并给出具体时间表。

¹ U.N. Office of the High Commissioner for Human Rights, “Universal Periodic Review,” <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>, accessed March 26, 2018.

² U.N. Human Rights Council, “Institution-Building of the United Nations Human Rights Council,” U.N. Doc. A/HRC/RES/5/1 (June 18, 2007), pp. 12, http://ap.ohchr.org/Documents/dpage_e.aspx?b=10&se=68&t=11.

³ Information Office of the State Council of the People’s Republic of China, *National Human Rights Action Plan of China (2016-2020)* (国家人权行动计划(2016-2020年)), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934.htm [English translation: http://news.xinhuanet.com/english/2016-09/29/c_135722183.htm].

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Office of the High Commissioner for Human Rights, “China: UN Experts Concerned About Health of Jailed Rights Lawyer Jiang Tianyong,” March 23, 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>; Office of the High Commissioner for Human Rights, “China: UN Experts Condemn Jailing of Human Rights Lawyer Jiang Tianyong,” November 23, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22437&LangID=E>; Office of the High Commissioner for Human Rights, “UN Experts Urge China to Release Lawyer Jiang Tianyong Currently on Trial for Subversion,” September 6, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028&LangID=E>; Office of the High Commissioner for Human Rights, “UN Experts Urge China to Investigate Disappearance of Human Rights Lawyer Jiang Tianyong,” December 6, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987&LangID=E>; Office of the High Commissioner for Human Rights, “Comment by the UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein on the Death of Liu Xiaobo,” July 13, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21870>; Office of the High Commissioner for Human Rights, “Press Briefing Note on Turkey, China, and Cambodia,” July 7, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21852&LangID=E> (“We are very concerned at reports that Liu Xiaobo’s health has seriously deteriorated over the past 24 hours. As you know, we have been engaging with the Chinese authorities about the situation of Liu Xiaobo and his wife, Liu Xia. However, we have received no further information from the Chinese Government regarding them for more than 24 hours. The welcome request for medical support for Liu Xiaobo should be responded to urgently, and amid these latest reports of the deterioration of his health, we believe the UN should be granted access to both Liu Xiaobo and Liu Xia. The High Commissioner, given the urgency and seriousness of the situation, will continue to follow developments regarding Liu Xiaobo and Liu Xia closely.”); Office of the High Commissioner for Human Rights, “Deep Concerns Over Crackdown on Human Rights Defenders Since Liu Xiaobo Was Awarded the Nobel Peace Prize,” December 13, 2010, <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10599&LangID=E>; Office of the High Commissioner for Human Rights, “UN Human Rights Chief Deeply Concerned by Extremely Harsh Sentencing of Liu Xiaobo,” December 25, 2009, <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9702&LangID=E>; “The Cases of Nobel Laureate Liu Xiaobo and Lee Ming-Che” (P8_TA(2017)0308), European Parliament Resolution of 6 July 2017 on the Cases of Nobel Laureate Liu Xiaobo and Lee Ming-Che (2017/2754(RSP)), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0308&language=EN>; Government of Canada, “Statement by Ambassador McCallum on Nobel Prize Laureate Liu Xiaobo,” June 28, 2017, <http://www.canadainternational.gc.ca/china-chine/highlights-faits/2017/2017-06-28a.aspx?lang=en> (“Canada calls on China to ensure Nobel prize laureate Liu Xiaobo receives suitable medical care and is reunited with his family. Canada calls on China to uphold its international human rights obligations, including freedom of expression, and to release those imprisoned for exercising those rights.”); Office of the White House of the United States of America, “Press Briefing by Principal Deputy Press Secretary Sarah Sander,” July 12, 2017, <https://www.whitehouse.gov/briefings-statements/press-briefing-principal-deputy-press-secretary-sarah-sanders-071217/> (“Finally, and lastly, we understand the Chinese hospital treating Nobel Peace Prize laureate and writer, Liu Xiaobo, has invited U.S., German medical experts to China for medical consultations. We remain concerned that both Mr.

Liu and his family are unable to communicate with the outside world and that he is not free to seek the medical treatment of his choosing. We continue to call on the Chinese authorities to grant him full parole and to release his wife from house arrest and provide them the protections and freedoms, such as freedom of movement and access to appropriate medical care consistent with Chinese constitution, legal system, and international commitments.”); Neil Connor, “Britain Calls for ‘Critical’ Chinese Nobel Laureate Liu Xiaobo to Be Allowed to Travel Abroad for Treatment,” *Telegraph UK*, July 10, 2017, <https://www.telegraph.co.uk/news/2017/07/10/britain-calls-critical-chinese-nobel-laureate-liu-xiaobo-allowed/>.

⁷ Office of the High Commissioner for Human Rights, “China: UN Experts Concerned About Health of Jailed Rights Lawyer Jiang Tianyong,” March 23, 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>; Office of the High Commissioner for Human Rights, “Press Briefing Note on Turkey, China, and Cambodia,” July 7, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21852&LangID=E> (“We are very concerned at reports that Liu Xiaobo’s health has seriously deteriorated over the past 24 hours. As you know, we have been engaging with the Chinese authorities about the situation of Liu Xiaobo and his wife, Liu Xia. However, we have received no further information from the Chinese Government regarding them for more than 24 hours. The welcome request for medical support for Liu Xiaobo should be responded to urgently, and amid these latest reports of the deterioration of his health, we believe the UN should be granted access to both Liu Xiaobo and Liu Xia. The High Commissioner, given the urgency and seriousness of the situation, will continue to follow developments regarding Liu Xiaobo and Liu Xia closely.”).

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⁹ See International Service for Human Rights, *Human Rights Defenders and Lawyers in China: A Mid-Term Assessment of Implementation During the UPR Second Cycle, 2016*, <http://www.ishr.ch/news/human-rights-defenders-and-lawyers-china-assessing-upr-progress>; Chinese Human Rights Defenders, *Too Risky to Call Ourselves Defenders*, 2015 Chinese Human Rights Defenders Annual Report on the Situation of Human Rights Defenders in China, <https://www.nchrd.org/2016/02/too-risky-to-call-ourselves-defenders-chrds-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; Leitner Center for International Law and Justice at Fordham Law School at New York City, *Plight and Prospect: The Landscape for Cause Lawyers in China*, 2015, http://www.leitnercenter.org/files/Plight%20and%20Prospects_FULL%20FOR%20WEB.pdf; Amnesty International, “China: End Relentless Repression Against Human Rights Lawyers on First Anniversary of Crackdown,” July 7, 2016, <http://www.amnestyusa.org/news/press-releases/china-end-relentless-repression-against-human-rights-lawyers-on-first-anniversary-of-crackdown>; International Federation for Human Rights, “China: Massive Crackdown on Human Rights Lawyers Continues,” July 16, 2015, <https://www.fidh.org/en/region/asia/china/china-massive-crackdown-of-human-rights-lawyers-continues>; Human Rights Watch, “China’s Human Rights Crackdown Punishes Families, Too,” August 15, 2016, <https://www.hrw.org/news/2016/08/15/chinas-human-rights-crackdown-punishes-families-too>. See also, China Human Rights Lawyers Concern Group for extensive reporting on the crackdown, <http://www.chrlawyers.hk/en/content/%E9%A6%96%E9%A0%81> and Human Rights in China, *Mass Crackdown on Chinese Lawyers and Defenders*, <http://www.hrichina.org/en/mass-crackdown-chinese-lawyers-and-defenders>.

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¹⁵ U.N. Human Rights Council, “Report of the Working Group on the Universal Periodic Review: China,” U.N. Doc. A/HRC/25/5/Add.1 (February 27, 2014), <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx>.

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¹⁷ See U.N. Human Rights Council, “Civil Society Space,” U.N. Doc. A/HRC/32/L.29 (June 27, 2016), p. 1, 3, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.29; U.N. Human Rights Council, Report of the U.N. High Commissioner for Human Rights, “Practical Recommendations for the Creation and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learned,” U.N. Doc. A/HRC/32/20 (April 11, 2016), http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/20.

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²⁰ Cyberspace Administration of China, *Report on China Internet Development 2017 Overview* (December 2017), <http://www.wuzhenwic.org/download/ReportonChinaInternetDevelopment2017overview.pdf>; Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era” (speech, Beijing, China, October 18, 2017), keynote delivered at the 19th National Congress of the Communist Party of China.

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²⁷ 《中华人民共和国国家安全法》 National Security Law, promulgated by the Standing Committee of the 12th National People’s Congress (Jul. 1, 2015), effective Jul. 2, 2015, [English translation by China Law Translate, <http://www.chinalawtranslate.com/2015nsl/?lang=en>]; 《中华人民共和国网络安全法》 Cybersecurity Law of the People’s Republic of China, promulgated by the Meeting 24 of the 12th Standing Committee of the People’s Republic of China (Nov. 7, 2016), effective June 1, 2017 [English translation by China Law Translate, <http://www.chinalawtranslate.com/cybersecuritylaw/?lang=en>]; 《互联网跟帖评论服务管理规定》 Provisions on the Management of Internet Post Comments Services, promulgated by the Cyberspace Administration of China (Aug. 25, 2017), effective Oct. 1, 2017 [English translation by China Law Translate, <http://bit.ly/2CGhR6h>]; 《互联网群组信息服务管理规定》 Internet Group Information Service Management Provisions, promulgated by the Cyberspace Administration of China (Sep. 7, 2017), effective Oct. 8, 2017 [English translation by China Law Translate, <http://bit.ly/2hNFcdS>]; 《互联网新闻信息服务单位内容管理从业人员管理办法》 Measures for the Administration of Content Management Practitioners in Internet News Information Service Providers, promulgated by the Cyberspace Administration of the People’s Republic of China (Oct. 30, 2017), effective Dec. 1, 2017 [English translation by Law Info China, <http://www.lawinfochina.com/display.aspx?id=27090&lib=law>].

²⁸ Foreign Correspondents’ Club of China, *Access Denied: Surveillance, Harassment and Intimidation as Reporting Conditions in China Deteriorate* (2017).

²⁹ 《中华人民共和国境外非政府组织境内活动管理法》 People's Republic of China Law on the Management of Overseas Non-Governmental Organizations' Activities within Mainland China, promulgated at the 20th meeting of the Standing Committee of the 12th National People's Congress (Apr. 28, 2016), effective Jan. 1, 2017 [English translation by China Law Translate, <http://chinalawtranslate.com/bilingual-fngo-law/?lang=en>].

³⁰ As of January 2018, 322 representative offices have been established, with over 160 engaged in work described as “trade,” and over 80 as “education.” The next highest categories include international relations, youth, health, and disaster relief. During this same period, 543 temporary activity permits were approved (240 in education, 90 in youth, and over 50 in health categories) Jessica Batke, “Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities,” *ChinaFile*, March 2, 2018, <http://www.chinafile.com/ngo/analysis/visually-understanding-data-foreign-ngo-representative-offices-and-temporary-activities>.

³¹ Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era” (speech, Beijing, China, October 18, 2017), keynote delivered at the 19th National Congress of the Communist Party of China. See also Sharon Hom, “The 14 ‘Upholds’ of China’s ‘New Era’ of Socialism Have Something Missing: Human Rights,” *Hong Kong Free Press* (Oct. 29, 2017), <https://www.hongkongfp.com/2017/10/29/14-upholds-chinas-new-era-socialism-something-missing-human-rights/>.

³² These are: Ensure Party leadership over all work (坚持党对一切工作的领导); continue to comprehensively deepen reform (坚持全面深化改革); Exercise full and rigorous governance over the Party (坚持全面从严治党); Ensure that the people run the country as masters of the country (坚持人民当家作主); Ensure every dimension of governance is law-based (坚持全面依法治国); and Uphold core socialist values (坚持社会主义核心价值观体系).

³³ The Universal Declaration of Human Rights guarantees “the right [of everyone] to take part in the government of his country, directly or through freely chosen representatives.” U.N. General Assembly, “Universal Declaration of Human Rights” (December 10, 1948), Art. 21.

³⁴ Office of the High Commissioner for Human Rights, “End-of-Mission Statement on China, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights,” August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.

³⁵ U.N. General Assembly, “Universal Declaration of Human Rights” (December 10, 1948); U.N. General Assembly, “Vienna Declaration and Programme of Action” (July 12, 1993).

³⁶ 俞声 (Yu Sheng), 《亮剑错误思潮维护司法公正》 (“Reveal the Sword to Resist Erroneous Influence and Defend Justice”), *Xinhua Net* (January 16, 2017), http://www.xinhuanet.com/comments/2017-01/16/c_1120323438.htm; Michael Forsythe, “China’s Chief Justice Rejects an Independent Judiciary, and Reformers Wince,” *New York Times* (January 18, 2017), <https://www.nytimes.com/2017/01/18/world/asia/china-chief-justice-courts-zhou-qiang.html>.

³⁷ Wang Yi, “Advance the Global Human Rights Cause and Build a Community with a Shared Future for Mankind” (speech, Beijing, China, December 7, 2017), Opening Ceremony of the First South-South Human Rights Forum, p. 6, http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/P020171211565335323921.pdf.

³⁸ Office of the High Commissioner for Human Rights, “List of All Adopted Draft Proposals with Their Final Numbers,” <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/Resolutions.aspx>, last accessed March 26, 2018 (Draft resolution A/HRC/31/L.28 and proposed amendments).

³⁹ U.N. General Assembly, “Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” U.N. Doc. A/HRC/37/L.36 (March 19, 2018).

⁴⁰ U.N. General Assembly, “Result of the Vote: L.36 as Orally Revised—Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” March 23, 2018, https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/37thSession/Resolutions/A_HRC_37_L.36/Result%20of%20the%20vote.pdf. Some states (United States, Australia, Slovakia on behalf of the European Union, Japan, Switzerland, and the Republic of Korea) delivered oral statements against the resolution and cited concerns about the resolution’s undefined and vague terms, its overemphasis on states at the expense of individuals, and that the proposed approach would ultimately fail to hold states accountable.

⁴¹ Pointing to accumulating human rights abuses generally (and specific abuses in El Salvador, Turkey, and Myanmar) and highlighting the task of the human rights community is “to name or single out offenders publicly.” Zeid Ra’ad Al Hussein, “Opening Statement By U.N. High Commissioner for Human Rights” (speech, Geneva, Switzerland, February 26, 2018), Opening of the 37th Session of the Human Rights Council, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22702&LangID=E>.