

FAMILIES IN FEAR:

Collective Punishment in 21st Century China



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DEFENDERS

FAMILIES IN FEAR: Collective Punishment in 21st Century China

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About Safeguard Defenders

Safeguard Defenders is a human rights NGO founded in late 2016. It 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.

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Executive summary

The **Chinese Communist Party** (CCP) is using **collective punishment** as a **political tool** to target human rights defenders and their families. This feudal practice is now being employed to **punish loved ones from toddlers to pensioners**. Anecdotal accounts indicate the CCP has been expanding this illegal practice under Xi Jinping in terms of victim numbers, frequency of use and type of punishment. Collective punishment is used to **coerce confessions, frighten family members from advocacy and silence overseas critics**. It is also increasingly adopted as a **tool of transnational repression** in "persuade to return" operations to coerce overseas targets, including telecom fraud suspects, to go back to China.



Collective punishment / kə'lek.tɪv 'pʌn.ɪʃ.mənt / noun A state-sanctioned punishment or threat to punish an individual based entirely on their relationship (usually familial) to someone suspected of a crime, found guilty of a crime, or a political target. Collective punishment is an arbitrary punishment. Also known as family punishment, kin punishment or guilt by association.

CHINA'S SIX MAIN TYPES OF COLLECTIVE PUNISHMENT

LOSS OF FREEDOM

Prison, enforced disappearance, detention, involuntary psychiatric commitment, house arrest



LOSS OF INCOME

Loss of job, demotion, freezing of bank account, freezing of social welfare payments



LOSS OF EDUCATION

Children kicked out of school, new school applications denied, even kindergarten



LOSS OF SHELTER

Home eviction, even mothers with young children



EXIT BAN

Blocked at the border, confiscation of passport, denial of passport application



PHYSICAL VIOLENCE

Beating, kicking, threats, even death



Introduction

When Dong Jianbiao's (董建彪) family came to collect his body from the prison morgue in September 2022 they were horrified to find he was covered in wounds and had blood stains around his anus. Police said Dong, who was only in his 50s, died from "diabetes" but this is disputed by the family, who requested an autopsy. Police refused, instead they rushed through the cremation.¹

A miner from China's Hunan province, Dong had attracted police attention in 2018 after his daughter, Dong Yaoqiong (董瑶琼), more popularly known as "Ink Girl", was sent to an illegal form of psychiatric detention. She had angered authorities by live-tweeting herself defacing a poster of Chinese Communist Party (CCP) Chairman Xi Jinping. Police harassed Dong senior at his workplace, detained him several times, placed him under house arrest and eventually sent him to prison in 2021 for three years after he argued with his ex-wife over his daughter's incarceration in psychiatric wards.²

Before his release, this middle-aged father, who had only wanted to protect his daughter, died in prison with injuries consistent with being beaten to death.

Dong was ultimately a victim of the CCP's practice of collective punishment. This is an informal and wholly illegal system where family and friends of those who are suspected or found guilty of a "crime" are also punished based purely on relationship ties.

Collective punishment has a long cultural history in China. During certain dynasties in imperial times, family members of a convicted criminal would also be held responsible and punished. In some cases, even executed. Guilt by association practices were outlawed more than a century ago yet **the CCP routinely and informally employs collective punishment as an added means of control on top of law enforcement.** Loved ones of human rights defenders are common targets, but anyone can be a victim.

An example of how culturally embedded the practice is in today's China can be seen in a video that went viral shot during Shanghai's strict six-week Covid-19 lockdown in the first half of 2022. The footage shows police officers clad in personal protective equipment ordering a couple to leave their home for a centralized quarantine facility. When they continue to resist, one of the officers threatens that they will be punished to the extent that their "family for the next three generations" will be affected. It wasn't the threat of collective punishment that caused the clip to go viral in China—the concept has become so normalized that it was not surprising to viewers—but rather the reply of the man. He dismissed the threat by saying: "We are the last generation," expressing their lack of desire for having children in today's China.³

The focus of this report is on how the CPP uses collective punishment as a political tool against human rights defenders. It also looks at how it is used in "persuade to return" operations against criminal suspects. Within the human rights defenders' community, police use it to coerce confessions, frighten people away from advocacy, silence overseas critics and force them to return to China. In the words of one lawyer, China's modern-day collective punishment creates an "atmosphere of fear so that even just the threat of family members suffering is enough to act as a deterrent."⁴

Anecdotal evidence from human rights defenders in China also indicates that they are increasingly being targeted with collective punishment since Xi Jinping took power in 2012. Many point to the 709 Crackdown in 2015, when hundreds of human rights lawyers and rights activists were disappeared by the CCP, as a watershed moment. Family members, desperate to find out where their loved ones

were being secretly detained, began to work together to raise awareness, attracting international media attention. The CCP viewed this development as particularly threatening, prompting them to begin to focus more on family members.

“There is no doubt that in fact, not in formal law, the Chinese Government has been resorting to collective punishment of the family members of those it regards as political offenders,” legal scholar Jerome Cohen wrote in 2016,⁵ highlighting its use as a coercive means to get detainees to confess. “The authorities evidently think it is an effective tool, since it can transform even the most courageous dissident into the Communist Party’s compliant victim,” he added.

Through interviews with victims and their families and online research we identified six major types of collective punishment happening in China today:

- 1. Loss of freedom:** Prison, enforced disappearance, detention, involuntary psychiatric commitment, house arrest;
- 2. Loss of income:** Loss of job, freezing of bank account, forced business closure, cancelled social welfare payments;
- 3. Loss of education:** Children kicked out of school, new school applications denied, even kindergarten;
- 4. Loss of shelter:** Home eviction, even mothers with young children;
- 5. Exit ban:** Blocked at the border, confiscation of passport, denial of passport application;
- 6. Physical violence:** Beating, kicking, threats, even death.

There are scores of examples in media in just the past few years.

Businessman Sun Dawu (孙大午), also a vocal critic of the CCP and a close friend of imprisoned activist Xu Zhiyong (许志永), was sentenced to 18 years in prison in 2021 for a list of “crimes” focused on his online posts. When he was disappeared into secret detention in late 2020, some of his family members, including his wife and daughters-in-law, who had nothing to do with his alleged crimes, were also placed under criminal detention.⁶

Rights activist Ou Biaofeng’s (欧彪峰) wife Wei Huanhuan (魏欢欢) lost her job at a school in Zhuzhou in central Hunan province after he was detained for his rights work in 2020, which included supporting the call for the release of “Ink Girl” Dong Yaoqiong.⁷

Families with young children are also routinely targeted. In 2020, activist Liu Sifang (劉四仿), who was part of the Xiamen Gathering⁸ and now lives in exile in the US, said that his wife and eight-year-old son had been kicked out of their apartment in southern China and that his son was also barred from going to school at one point. They had tried to leave the country to join him but were prevented from doing so, presumably to punish Liu, dissuade him from speaking out and to force him to return. Happily, at the end of 2022 his wife and son were able to finally leave, and the family were reunited.⁹

Collective punishment has no basis in Chinese law and violates basic international human rights standards. In General Comments on the Universal Declaration of Human Rights (Article 9), it says “no one shall be subjected to arbitrary arrest, detention or exile,” specifically mentioning collective punishment as an “egregious example” of arbitrary detention.

This short report uses interviews with human rights defenders in China to expose how the CCP continues to use the outdated, illegal and wholly unfair system of collective punishment on family members of political targets. Chapter One provides an overview of the practice, breaking it down into six common types of collective punishment. Chapter Two focuses on the story of Dong Jianbiao, whose collective punishment was the loss of his life. Chapter Three introduces six case studies built from interviews and media research that illustrate each type. Chapter Four reviews how collective punishment has expanded into China's creeping transnational repression practices, where the threat of collective punishment against family members is used to silence political targets overseas and 'persuade' thousands of criminal suspects abroad to return. Finally, Chapter Five offers a brief analysis of the domestic and international laws that are violated by China's collective punishment practices.

Chapter 1: Collective punishment in Xi Jinping's China

Collective punishment is seen as normal, like the sun rising from the east and setting in the west.

Xinran, Chinese author¹⁰

Collective punishment

For the purposes of this report, collective punishment, as practiced in today's China by the CCP, is defined as a state-sanctioned punishment or threat to punish an individual based entirely on the person's relationship to a third party and not because they themselves are suspected of any crime. The third party is an individual who is either suspected of a crime, found guilty of a crime, or who is a political target of the CCP. The most common relationship is family member, such as parent, spouse or child, but close friends are also caught up in this illegal practice. Collective punishment can take both formal and informal forms, such as arrest, physical violence, eviction from one's home, denial of schooling for children and, increasingly, exit bans. It is also known by the terms family punishment, kin punishment and guilt by association.

Guilt by association's centuries-long history in China and continued illegal use by the CCP has ensured that the culture of collective punishment remains deeply ingrained in Chinese society.

In imperial China, stretching back thousands of years, different dynasties practiced different forms of collective punishment. Penalties, including capital punishment, could extend down the family line, and also include friends, neighbours, members of the same community, and even members of the same ethnic group. Collective punishment was given various names, including zuzhu (族诛) yuanzuo (缘坐), lianzuo (连坐) and zhulian (株连). Today, the terms lianzuo and zhulian are commonly used to refer to collective punishment in China.

While this report focuses on the heightened campaign of guilt by association directed against the families of human rights defenders, collective punishment influences everything from the practice of political screening to "persuade to return" operations directed at so-called overseas fugitives and their family back in China.

Political screening



In China, family members of convicted criminals are commonly disqualified from taking certain official jobs or positions, such as joining the CCP, working for the government, studying at some universities or joining the military. This is based purely on the family relationship.¹¹ In Chinese, this is called “一人犯罪，影响三代” or “one person’s crime affecting the next three generations”.

Any procedure that involves political screening (政审) typically enforces this quasi-official policy. Although not written into any law, such “guilt by association” restrictions sometimes feature in official notices and internal regulations for certain official bodies.

For example, every March, official posts¹² circulate online to highlight the criminalization of petitioning activities in Beijing during China’s annual “two sessions” (两会) – when the two top political bodies meet and announce decisions including new legislation. Would-be petitioners would have to wrestle with the guilt of jeopardising their children’s and grandchildren’s future if they were caught and convicted of petitioning during this sensitive time.

Caption: A notice from the Political and Legal Affairs Commission of Chongzuo City, Guangxi in southern China. The headline warns that petitioning in Beijing during the annual two sessions is illegal and that children will also be impacted.

Types of collective punishment

By combing through media reports on collective punishment cases since 2015 and interviewing more than a dozen human rights defenders in China, we identified six major types of the **most common collective punishments**, totalling around **50 cases** (2015 to 2022). This represents only a small snapshot of the true number of cases because of limitations, including the number and type of sources available (media reports and interviews), our focus on human rights defenders, and the fact that collective punishment is an illegal practice, so there are no official figures.

Mothers, fathers, sons, daughters, sisters, brothers, girlfriends and friends have all been victims of the CCP’s collective punishment. They include all ages from toddlers to pensioners.

The six main types of the most commonly-occurring collective punishments are:

1. Loss of freedom

Includes: house arrest, enforced disappearance, involuntary commitment in a psychiatric hospital with no medical justification, detention, formal arrest and prison sentence.

Example: During 2016 and 2017, Xu Xiaoshun (徐孝顺), the elderly father of then detained activist Wu Gan (吴淦), was repeatedly detained himself on trumped up charges for a total of two years until those charges were dropped.¹³ Xu believes that since his son was not guilty of a crime, his own punishment cannot be considered “guilt by association”.

“Discerning eyes can see that I was imprisoned altogether for

Mothers, fathers, sons, daughters, sisters, brothers, girlfriends and friends have all been victims of the CCP’s collective punishment. They include all ages from toddlers to pensioners.

My son Wu Gan has committed no crime. I was arrested, but only as a hostage to blackmail my son into pleading guilty.

more than two years because of my son Wu Gan's human rights defense activities. I've suffered hardship, but have never blamed him. What he's done isn't wrong—I'm somewhat educated and I understand right and wrong. Some say that I have suffered guilt by association, but I have a different view... my son Wu Gan has committed no crime. I was arrested, but only as a hostage to blackmail my son into pleading guilty. I believe this interpretation is easier for people to understand."¹⁴

2. Loss of income

Includes: freezing of bank account, demotion, termination of employment, cancellation of social security payments.

Example: One month after police arrested activist Xiao Yuhui (肖育辉) in 2017, his mother lost her *dibao* (低保) or welfare payments of 600 yuan (about US\$82) a month, which was her only income at the time.¹⁵

3. Loss of education

Includes: rejection of school application, expulsion from school. Affects kindergarteners to high school students. Because families are often forced to move by the police (loss of shelter, see below), their children frequently have to change school.

Example: The eight-year-old son of activist Liu Sifang, who now lives in exile in the US, was faced with being kicked out of school in 2020. "The school called my wife in to discuss this last month, and while they [the school] didn't say anything directly, the meaning was pretty clear: that our child won't be allowed to carry on as a pupil at the school," Liu told media.¹⁶ "I am now in the United States, and the authorities hate that I have not been arrested and brought to justice, so they are retaliating against my family instead."

4. Loss of shelter

Includes: eviction, even mothers with young children.

Example: Yuan Shanshan (原珊珊), the wife of rights lawyer Xie Yanyi (谢燕益), and their three children, one of whom was just a baby, were repeatedly forced from their home in 2015 to 2017 when Xie was behind bars and also again after Xie was released and came home. In 2020, Yuan won limited damages in court for her eviction the previous year, in which her landlord admitted that the urban management police (城管, *chengguan*) had asked her to kick the whole family out of the apartment.¹⁷

5. Exit ban

Includes: prevention of border crossing and international flight boarding, confiscation of passport, denial of new passport or passport renewal application.

Example: In 2022, Xie Fang (谢芳), the wife of Yu Miao (于淼), who ran a Shanghai bookstore that sold political titles and was closed down several years earlier, returned to China to visit her sick mother. The family had moved to the US in 2018 following the closure of the bookstore. After a few months in China, Xie tried to leave but was stopped at the airport. Police later told her that she would only be allowed to leave China if her husband flew back. They suspected him of posting articles online critical of the CCP from the US.¹⁸ Nine months later, in May 2023, Xie was finally allowed to return to the US, without Yu having to go back to China.¹⁹

Exit bans have also become one of the CCP's favoured tools in "persuade to return" operations, where the family member is held hostage with an exit ban inside China until the target overseas agrees to return. Safeguard Defenders' earlier report [Trapped: China's Increasing Use of Exit Bans](#) (2023) examines China's exit bans in depth.

6. Physical violence


Includes: beatings, threats and death (please see page 14).


Examples: In 2019, police hit and kicked the 74-year-old mother of then detained pastor Wang Yi (王怡) of Early Rain Covenant Church after she refused to tell them her bank account password.²⁰ While her husband, rights lawyer Wang Quanzhang (王全璋) was disappeared, Li Wenzu (李文足) said she received frequent death threats from plainclothes police.²¹


Other types of collective punishments

We also found a small number of other types of collective punishments, including one case of loss of access to medical care. Liu Ermin (刘二敏), wife of activist Zhai Yanmin (翟岩民), needed surgery to remove gallstones but was prevented from travelling for treatment by police in 2017. The delay meant Liu had to undergo a much more invasive operation later.²²

CHINA'S 6 MAIN TYPES OF COLLECTIVE PUNISHMENT

LOSS OF FREEDOM  After the founder of China Human Rights Watch Qin Yongmin was arrested in 2015, police disappeared his wife, Zhao Suli, for three years.	LOSS OF INCOME  Wife of activist Ou Biaofeng Wei Huanhuan lost her job as a teacher shortly after he was detained in late 2020.	LOSS OF EDUCATION  Rights lawyer Chen Jiangang's six-year old son was denied entry to primary school in 2017 after Chen exposed the torture of one of his clients.
LOSS OF SHELTER  The wife and eight-year-old son of activist Liu Sifang were kicked out of their apartment in 2020. Liu had fled to the US because he had taken part in the Xiamen Gathering.	EXIT BAN  Authorities have repeatedly refused to issue the teenaged son of rights lawyer Li Heping a passport. The latest refusal was in 2019. Lawyer Li was imprisoned as part of the 709 Crackdown.	PHYSICAL VIOLENCE  The 74-year-old mother of imprisoned pastor Wang Yi was beaten to the ground in 2019 by police when she refused to disclose her bank card PIN number. She suffered from chest pains and vomiting afterwards.





The family agony of Liu Xia



An emblematic case of China's modern collective punishment and one that has lasted for well over a decade is that of late activist Liu Xiaobo's (刘晓波) wife Liu Xia (刘霞) and her brother. Liu Xia was kept under house arrest from 2010, the year her imprisoned husband was awarded the Nobel Peace Prize, until 2018, when she was finally allowed to leave China for Germany.²³ Throughout, Liu Xia was never accused of any crime. In 2013, her brother Liu Hui (刘晖) was given an 11-year sentence for fraud in a sham trial that was seen as an attempt to intimidate her into keeping quiet about her husband's situation.²⁴ Liu Hui was released on medical parole a year later following his sister's cooperation in maintaining her silence. Even when Liu Xiaobo died in 2017 in a prison hospital, his wife remained under house arrest. Finally, after much international protest she was allowed to travel to Germany in 2018, where she now lives in exile.²⁵ She

has continued to stay silent about what happened to her and her husband, most likely because her brother is still in China. She knows if she was to speak out, he would almost certainly be punished. "Liu Xia is now physically free but still enslaved mentally since her brother Liu Hui has been intentionally kept hostage," Cohen wrote in 2018,²⁶ noting that the conditions of her brother's medical parole "can be revoked by the authorities at any time". In June 2023, Liu Xia visited the Dalai Lama in India, where she again politely turned down media invitations to talk.²⁷

Difficult to prove

There is no legal basis to guilt by association in China, making it hard to prove. In a minority of cases, police will verbally admit to their actions being collective punishment. For example, in 2020 after independent journalist Gao Yu (高瑜) tweeted about the Covid pandemic, her son was fired from his job. His employer told him that the police ordered them to fire him because of the actions of his mother.²⁸ In most cases, however, collective punishment is apparent only from the family relationship and the experiences of those being punished.

CCP's collective punishment goals

Because collective punishment is an informal system, the reasons why the CCP continues to employ it can only be inferred from the context. When a rights defender is detained or imprisoned, collective punishment or the threat of collective punishment is likely **aimed at getting them to confess or discouraging advocacy** by family members on their behalf. After their release, any collective punishment is most likely **aimed at forcing them to give up their rights defence work**. When a rights defender has moved abroad, collective punishment is likely **aimed at either forcing them into returning to China or to silence them overseas**. Guilt and fear about the safety and freedom of loved ones is a powerful coercive force, as the CCP well knows. This has been extensively documented with Uyghurs living in exile.²⁹

Lawyers interviewed for this report and quoted in the media have suggested similar reasons for the CCP's continued use of collective punishment. Lawyer Qin Yongpei (覃永沛), who is now in prison himself, said he believed police were punishing family members to ensure rights defenders stayed silent.³⁰ Activist and writer Wen Kejian (温克坚) said preventing rights lawyer Chen Jiangang's (陈建刚) child from going to school was revenge for Chen exposing the torture of his client in detention.³¹

Collective punishment and the 709 Crackdown

The families of lawyers and activists who were disappeared by Chinese police in the 709 Crackdown have been widely targeted with collective punishment. The 709 Crackdown, so called because it began on the 9 July 2015, was a mass roundup of hundreds of human rights lawyers and activists aimed at destroying China's human rights lawyers' movement. Many ended up with prison sentences after spending months in secret incommunicado detention called [Residential Surveillance at a Designated Location](#) (RSDL). Meanwhile, wives and children were evicted from their homes, kicked out of school, lost their jobs, and were prevented from leaving China. In several cases, officials told them they were not eligible for a passport or not allowed to leave China because they were "persons under internal control" (内控人员). For some, the harassment was too much. The wife of rights lawyer Xie Yang (谢阳), Chen Guiqu (陈桂秋) smuggled herself and two young daughters to Thailand in order to escape the persecution in 2017.³²

Chapter 2: Dong Jianbiao: a case of collective death punishment



In photos, Dong Jianbiao was a slim man in his fifties, a miner by trade. His hair still black but beginning to recede a little, his skin tanned. He wore jeans, white t-shirts and simple puffer jackets. In China, he looked unremarkable. But Dong Jianbiao was a most remarkable man.

In 2018 his daughter, Dong Yaoqiong, live tweeted herself throwing ink over a poster of Xi Jinping in Shanghai. She disappeared the same day. Later it emerged that police had [illegally locked her up in a psychiatric institute](#) in her home province of Hunan. She was tied up and force-fed drugs for more than a year.

Worried about his daughter, Jianbiao found the courage to speak up for her. Wearing black-framed glasses and stumbling over words, he recorded a video calling for her release.³³ He hired a lawyer to help him as he tried to persuade the hospital to let him see his daughter and set her free.

Police responded by harassing him. They detained him for a while, put him under house arrest and caused trouble at his work. Yaoqiong was released from hospital for brief periods. She had put on weight, had night terrors and appeared withdrawn.

In February 2021, Jianbiao was furious after he learned that his ex-wife had cooperated with police to send Yaoqiong back to psychiatric hospital for a third time. He threatened to burn down her house unless she tried to get their daughter out of hospital. His ex-wife called the police, and Dong was arrested.

Although he had not hurt anyone nor damaged any property, Jianbiao was given a three-year prison sentence. And then, on 23 September 2022, his family received a phone call. Jianbiao had died. Police said the cause of death was diabetes. He was 55 years old.

When his family arrived at the morgue, his body was covered in bruises. Blood was crusted around his backside. His eyes were still open. The police did not allow them to take photos and then hurried them out of the room.

Staff said his body would be cremated in five days. The family asked the village chief to help them locate Yaoqiong so that she might have a chance to say goodbye to her father, but they never heard anything back.

One family member said: "This is so unjust. His death is so mysterious... we hadn't visited him before because we weren't even told where he was being held."

At the time of writing this report, no one knows where Yaoqiong is or even if she knows that her father is dead.³⁴

Chapter 3: Stories of collective punishment

Type 1: Loss of freedom



Wang Zang's wife³⁵



Wang Zang (王藏) is a poet who advocates for freedom of speech and democracy through his writing and art performance. Following his detention in May 2020, Wang was finally sentenced on 11 November 2022 to four years for inciting subversion of state power.

Less than three weeks after his initial detention, his wife Wang Liqin (王利芹) (seen here on the left, and with her husband and children on the right) was also detained. She had tweeted and given media interviews about her husband's arrest. While the couple were in custody, police put their four young children, who were then in their grandmother's care, under surveillance. Many of their relatives were threatened, harassed and briefly detained.

In November 2022, Liqin was sentenced to two and a half years for inciting subversion of state power. The following month she was released because of time served. She and her family continue to be harassed by police until this day.

Police chase, phones seized

Wang Zang was detained by Chuxiong Public Security Bureau [in Yunnan province] on 31 May 2020. Police took him away in handcuffs and a black hood. They also detained me, only releasing me at about 4am the next morning. When I got home, I learned that Wang Zang's brother, three cousins and the boss of one of the cousins had all been taken from their workplace and held at our home for five or six hours. They were not allowed to go until after 11pm that night. There were probably about 20 police officers watching them.

When I arrived home, four police officers were waiting there – they said they were watching our children. Police cars were parked at both entrances to our compound. They even replaced the security guards with policemen. A dozen police officers were guarding the hallways and exits around our home.

Police confiscated almost everything we had – our phones, bank cards, ID cards, household registration book and many other letters and postcards. I still haven't had any of that returned to me.

I wanted to tell my friends about Wang Zang's arrest, but I wasn't allowed to go out and buy a new phone. Police followed me when I tried to leave home and wouldn't let me take a taxi. If I needed transport, they said they would take me in their car; and if I walked, they would follow me by motorcycle or on foot.

Around the third day, I managed to lose them so I tried to buy a mobile phone and SIM card but the storekeeper refused when he tried to register the SIM with my ID number.

I took my young daughter with me to the home of one of [my husband's] distant relatives. I asked her to help me register a SIM card and she kindly bought me one. I hid in her house and used it to contact my friends to tell them about our situation and asked them to speak up for us. The police quickly found us. My daughter and I hadn't eaten anything that day because we hadn't had any time. At some point my daughter couldn't walk anymore, so I had carried her on my back. I had no strength left.

Police forced [the relative who helped me get the SIM card] to cancel the number by threatening to arrest her. Later, they learned about this phone and summoned me to the station for questioning and demanded I hand it over. They said they would arrest me if I didn't or if they found out I was posting stuff online. They also threatened to go harder on Wang Zang. I was under so much pressure and I fainted. The next thing I knew I was in hospital.

Later, Wang Zang's brother gave me an old phone, but when the police found out, they said they would arrest us both if we posted anything online.

I felt really helpless and I didn't know what to do. I hoped some of our friends would speak up for us and Wang Zang. I think the police were afraid I would find some way of getting information out so they decided to take me in too.

Arrested for talking to foreign media

Around noon on 17 June, police called Wang Zang's brother. They told him we both needed to go to the station to deal with a report we had filed earlier about our delivery packages being taken away by the guards. When we got there an hour later, more than a dozen officers were waiting for us. We were taken into separate interrogation rooms. There were seven or eight officers in my room; I had my son in my arms and a phone in my hand. They snatched both him and my phone off me even though I was holding onto him as tightly as I could. My son was crying so hard he almost choked. I can't describe how painful it was when I saw them take my boy away.

They handcuffed me into a tiger chair and began interrogating me. They told me that I was suspected of inciting subversion of state power and that I was under arrest. They wanted to know how I had gotten hold of a phone and that I had broken the law by talking to foreign media. The police said Wang Zang and I were traitors. I fainted again during the interrogation and I was sent back to hospital. When I woke up it was 11pm. At that point they took me back to Chuxiong Detention Centre.

Wang Zang's brother was detained for seven days just because he helped me get an old phone. He was released on the guarantee of a relative who worked for the government.

With both me and my husband arrested, I worried so much about the psychological toll it would take on my children to have both their parents gone.

Police continue to harass family

Several of my cousins are civil servants. When my mother-in-law tried to get an official statement about what had happened to us, the police threatened they would get these cousins sacked unless she stopped.

My mother-in-law and my children were placed under 24-hour police guard and were not allowed to leave home. My oldest son couldn't even go out to play basketball with his friends. Two of my

sons also fell sick and the police did not allow them to see a doctor. They did not allow relatives and friends to come to our house. They cut off the Internet at my mother-in-law's home and confiscated her phone from June to September that year, so she was isolated from the outside world. She had no financial resources because everything [like bank cards] had been taken away by the police. She only had 2,500 yuan [about US\$340] given to her by a relative. Later, when they were allowed out, police followed them everywhere. Relatives were afraid to come to our house, and still are.

Finally in September, police allowed my mother-in-law to use a basic phone to make calls, but it was not connected to the Internet. It was also the time when my sister came to Chuxiong to find me and learned I had been arrested. Police detained her for questioning for two days without showing her any official notice.

Many of my friends did not know I had been arrested, they just thought I had gone offline because the police had silenced me. They mailed things to my home, such as stuff for the children, like books, stationary, toys and food. My mother-in-law didn't get any of it; the police confiscated it all.

My son was crying so hard he almost choked. I can't describe how painful it was when I saw [the police] take my boy away.

III health in custody

When I was in detention, I was always in poor health. I found it hard to remember things. During the first six months, I often walked holding on to the wall and fainted several times. Police shouted at me and accused me of faking it. I am anaemic and I was often sick. They made fun of me for walking too slowly, asking me if I was disabled.

During my detention, I was interrogated about 14 times. They told me it was illegal to go online and give interviews to foreign media. They asked me many questions about what activities Wang Zang had participated in, his friends, and what his poems were about.

Police showed me photos of my children and told me they missed me. They told me that if I wanted to get out early, I had to cooperate and that I should think of my children's welfare. They told my mother-in-law not to deposit money for me or Wang Zang in prison because we were selfish and the crimes we had committed were worse than smuggling 10kg of heroin.

Traumatised children

After I was released from prison, my relatives told me that the police had threatened to detain me again, punish Wang Zang further and send my children to an orphanage if I went online.

I noticed that my children had changed a lot. My older son sometimes hurts himself, while my older daughter gets depressed. She often runs into my room to hide and cry when she misses me. My younger daughter won't leave her grandmother's side and is afraid to play alone. And my youngest son has stopped talking. He cries a lot but without tears and hides when he sees people. My mother-in-law's health has also gotten worse.

I believe I was arrested to stop me from speaking about my husband's case to the international community. They wanted to stop me from having any contact with the outside world. All our family members have had their lives restricted. Many people in China are victims of collective punishment, especially the families of political prisoners. I'm a mother and a housewife. It is unbelievable that the police accused me of political crimes.



Yang Zhanqing's father³⁶



Yang Zhanqing (杨占青) (pictured above) is a veteran anti-discrimination campaigner. He started his activist career in 2008 focusing on workplace prejudice against people living with disabilities and Hepatitis B. His work with civil rights organization Yirenping (益仁平) led to his detention and torture at police hands for a month in 2015. A year later, he helped co-found the anti-discrimination NGO, Changsha Funeng (长沙富能), but went into exile in the US in 2017, fearing for his safety in China. After he left, his father lost his job and was repeatedly harassed by State Security officers. Yang continues his rights work from his home in New York.

Chinese authorities continue to monitor me even now because I have kept exposing and criticizing China's human rights record and also providing a service to victims back in China. For example, I advocated for detained human rights defenders, such as the Changsha Three³⁷ in 2019 and I also formed a lawyers' group to help victims of COVID-19 fight for state compensation.

Beginning in April 2020, Henan province State Security repeatedly approached my father, aunt and cousin, asking them about me. They asked where I was living in the US, which school I go to, how many people in my family are here with me, and when I will go back to China.

My cousin was too afraid to tell me what questions the officers asked him. He just told me that he had been down to the police station twice. He said that they asked questions about my "situation"; he made a statement and then they asked him to sign a non-disclosure agreement. I did not push him to say any more, but I saw from his social media posts later that he had been summoned another two times after that.

[The police] asked my father and aunt to persuade me to stop posting stuff online about China and getting involved with trying to help [people back in China]. They were not only trying to intimidate them by saying that my actions were illegal and that I could be sent back and arrested at any time, but they also threatened them that [as punishment] their grandchildren would not be allowed to go to college in the future. State Security police accompanied by community and township officials

visited my father and my aunt at their homes. And then the company my father works for fired him in October 2020.

He was working for a property development company in Nanyang City in Henan. He was a cleaner and security guard for the buildings after construction was completed but before residents had moved in. He made sure that none of the construction tools were stolen and that the buildings were looked after. The company took care of his food and accommodation. He also grew a lot of vegetables [on the grounds] for himself. A few days before he was fired, he told me that residents wouldn't start moving in until the following year. But a few days later, his boss told him he had 24 hours to pack up his belongings and go home. All the vegetables he had planted would have to be abandoned.

My father's home village was nearby but his house there was uninhabitable because he hadn't been living in it for about five or six years. The sudden loss of his job also meant he had no place to live and had to spend extra money to repair his old home. Initially, he went to live with my aunt, but State Security police followed him there and continued harassing him.

My father is 70 years old. None of my family, including my father, ever spoke up about my case. They don't even know what I do. They just know that it's something to do with legal aid.

In the beginning, State Security played good cop with my father as they tried to get as much information about me from him. It was only later on that they started to threaten him, telling him that I was anti-China. My aunt told me: "State Security have been to our hometown to ask questions about you. Now everyone knows that you are a traitor."

Activists get used to this after being subjected to it so many times, but for people like my father, to them it's like the world is ending.

This harassment caused my family to live in constant fear. My father's health has suffered badly. He never used to get sick and since 2020, he's been hospitalized several times for heart problems. He has nightmares that I will be captured and brought back from the US. All the brainwashing from State Security means that my father and aunt also think that what I am doing must be illegal. They keep passing on messages to me from State Security and they feel very resentful for all the trouble I am causing them. This makes it really difficult to talk to them normally and our relationship is now very bad.

Guilt by association is totally illegal and inhumane. State Security personnel are given free rein to act outside the law, outside any supervision, adding to the climate of terror at home and abroad.

It is common to see posts on Twitter by Chinese overseas activists talking about their family members being harassed and threatened back home. This has forced many to stop using their real name [to protect their families]. I have friends overseas who haven't dared provide their real names when talking to the media about the Changsha Three and the Sophia Huang (黄雪琴) case.³⁸

Such threats and harassment inflict great mental pressure on people who have never had to deal with the police or State Security before. It's very frightening. It's like the state is a machine crushing ants underneath it.

Activists get used to this after being subjected to it so many times, but for people like my father, to them it's like the world is ending.



Wang Quanzhang's young son³⁹



Chinese police disappeared human rights lawyer Wang Quanzhang for three years in 2015 as part of the 709 Crackdown. Wang was first kept in RSDL and then under a [fake name in detention](#), so that he could not be traced by his family or lawyers. During this time, his wife Li Wenzu, campaigned bravely for her husband. Li and their young son Quanquan (泉泉), who was only a toddler at the time, were evicted from their home, he was kicked out of school, they were denied passports and closely monitored by the police. The family was finally reunited in April 2020. (pictured above)

I began looking for a kindergarten for my [then] three-year-old son, Quanquan, in August 2016. Since Wang Quanzhang disappeared a year earlier, I had been busy advocating for his release, and I hadn't had time to [properly] take care of my child. I felt very guilty about this. However, I had to do everything in my power to seek justice for [my husband] and hope that he could return home and be with us again. That was the best thing I could do for my child at the time.

I kept delaying my son's enrolment in school until September was approaching. I searched around for schools everywhere. Since I was late applying, almost all of them were already full. Finally, I found one that had an open spot.

I took my son there to complete the enrolment. The police followed us the whole way. One officer even got into the taxi with us. I worried that the police officer might cause trouble but I thought, surely even they wouldn't go to such extremes and hurt my son.

After signing the paperwork and paying the fees, the reception teacher assigned my son to his class and introduced us to the homeroom teacher. They also gave us his bedding and he carried it about with him, so excited.

Suddenly, the reception teacher looked panicked and called me aside. She said that the school's security guard had told the principal that four people had said something [about me] and now they were scared. I told her that I was a law-abiding citizen and we were no threat to the school, but she responded that she had to protect the children because they were vulnerable and told me to sort out my business first. They wouldn't accept my son.

I was furious and ran outside to confront those sadistic police officers. While I was arguing with them, I turned around and saw my son standing at the school gate, staring at us, still carrying his little bedding. I didn't know if he understood that he had lost the chance to go to this school. I didn't know if he understood what those bad guys following us about were doing. I didn't know if he understood that we were being punished because the police had taken his dad.

I turned around and saw my son standing at the school gate, staring at us, still carrying his little bedding... I didn't know if he understood that we were being punished because the police had taken his dad.

That year, the police in Shijingshan District [in Beijing] ordered all kindergartens and even early education centres to reject my son. My son couldn't go to school [for two years] and had to stay home until May 2018. That year, by chance, I found a private school that would accept him and my son was finally able to go to kindergarten.

My son was very excited. On the first day of school, he woke up at 6am. We waited by the side of the road for more than an hour for the school bus to arrive. He was a little worried and kept asking me: "Mum, are you sure we should wait for the school bus here?" I think only children who were stopped from going to school could look forward to it so much. I thought all our school troubles were over.

On 2 September 2019, he started elementary school but after four days, the police went to the school to pressure them to kick him out and my son lost his chance to go to school again.

When I found out, it was like I had lost all my strength. We struggled home and I tried really hard not to cry in front of Quanquan's grandfather because he was ill, but I couldn't stop myself and I began to weep.

Why were they doing this? Why did they disappear an innocent lawyer and keep him isolated for four years? Why did they hold a secret trial without someone to represent him? Why did they stop me, his wife, from visiting him in prison? And now, why were they making a fuss about a six-year-old child going to school?

After he realised that he couldn't go back to school, Quanquan said: "I'm the captain of my martial arts team. They'll be learning lots of new moves and I don't know them. What can I do?" He didn't want to accept that he couldn't go back to school and he kept asking to go back. I dried my tears, smiled at him and said we would find another school, as good as this one, for him.

I felt sad, hurt and desperate when Quanquan was stopped from going to school. I didn't want to accept it. It took me a long time to control my emotions. The experience taught me to be more aware of what was happening in China. It also inspired me to think about what I can do and what I have to do. It made me more determined to fight against abuses of power. It also made me more aware of public education in China. By missing out on school, my son wasn't brainwashed and for that, we feel grateful.

Quanquan is still worried about losing his place in [his new] school as he has been stopped from going so many times. Whenever inspectors come to the school, he gets nervous. He would come home and tell us about it and ask us if it means that he's going to have to change school again. He finds it hard to accept new things and he is afraid of rejection.

While [my husband] was locked up, the police also forced our landlords to evict us from our homes, we couldn't get passports, and we were forced to go to the police station several times. When important things were happening in China, for example big meetings, foreign leaders' visits to China, and other sensitive times, we were followed and monitored. Sometimes we couldn't leave our home. Many of our relatives were also threatened or summoned.

I think all this would still have happened even if I hadn't advocated for my husband but maybe not as badly. I think they punish families to stop them from protesting or fighting for their rights.

In April 2023, Beijing police forced the family once more from their home. Since their new apartment was more than 40km from Quanquan's school, yet again the young boy was forced to change his place of study. They applied for him to go to Beijing Xin Fuxue International Academy as a boarder and even though he was accepted, on his first day, the school sent him home, saying he could not study there. Even though the family protested and asked why, they have not been given any response. They now plan to sue both the school and the Education Ministry.



Xie Yanyi's wife, two young sons and baby daughter ⁴⁰



Human rights lawyer Xie Yanyi was disappeared into RSDL as part of the 709 Crackdown in July 2015 and formally arrested in January 2016. His wife Yuan Shanshan and their two sons, then aged eight and 10, were evicted from their accommodation twice during this time under police pressure after she publicly protested on behalf of her husband and other disappeared legal activists. While Xie was behind bars, Yuan gave birth to their daughter.

We had been living in Miyun district, Beijing, for many years before my husband was taken by police in July 2015. But after that we were forced to move many times.

The first time was in June 2016, when our daughter was just three months old. I had no idea where my husband Xie Yanyi was. I had been trying to find out where he was being held for the past year. Police had repeatedly harassed our landlord, asking him to kick us out. They also tasked the leader of our Neighbourhood Committee to ask our landlord to provide information on us. They told him that Xie had been arrested for a serious crime, that he had been in contact with overseas forces and I was a traitor. Although my landlord was very understanding, he had no choice but to give into police demands and we lost our home.

The second time was in July 2016, just three days after we moved into a new flat. My landlord came to my house at 11am, saying the Neighbourhood Committee had called her three times to harass her. They told her that the police wanted to talk to her about me, that I had broken the law but didn't tell her what law I had violated. The landlord told me that she really wanted to rent me the house because we are both women and she understood how difficult it was to take care of three children alone, but the police were causing her too much trouble and she wanted to live a peaceful life. She said she hoped that I would understand.

We agreed that if the police hassled her again, I would leave, but if they left her alone from now on, I could stay. That afternoon she called me to say the police and Neighbourhood Committee had gone to her office to find her. As a civil servant, this kind of interference was a big problem for her. I told her I was sorry. She was getting ill with all the pressure and so I had to leave.

After that, I spent the next month wandering around Beijing with my baby daughter. We stayed in a different place each night.

Often, I couldn't sleep from fear. I was too scared to even undress because I was afraid someone might break in and take me away. So I lay down next to my daughter, fully clothed, with all our belongings packed. Various strategies and emergency plans would cycle through my head. I would listen carefully for any noise, my body would go tense if I heard anything, especially footsteps. I would try to figure out how many people there were, how fast they were moving. If they were also talking, I would relax, but if I heard the sound of people running, I would feel a sense of dread. Sometimes, I would spend the whole night waiting by the phone, tormented by anxiety.

People like us can't escape collective punishment. All we can do is keep quiet, not hire a lawyer nor contact family members for help.

Throughout the time Xie was in custody, our children were followed to and from school. Their school moved their classes so their classrooms were closer to the main office so that they could be monitored more easily. Once I asked for medical leave for one of my sons because he needed some minor surgery. The teacher asked his brother to check if this was true.

[Being constantly evicted] has made me fearful every time my landlord calls me and every time my rental contract needs to be renewed. I'm afraid of losing my home again and of the psychological impacts on our children of having to keep moving all the time.

I can no longer find work. In July 2020, I applied for a job with a food delivery company but they asked me about whether I had a criminal record. [She did not get that job].

People like us can't escape collective punishment. All we can do is keep quiet, not hire a lawyer nor contact family members for help.



James Lin's 12-year-old daughter⁴¹



James Lin (whose Chinese name is Lin Shengliang 林生亮) is a Chinese rights activist who now lives in exile in the Netherlands. A former businessman, Lin's first brush with rights defence began in 2009 when he joined hundreds of shop owners to petition the local government over a dispute with landlords over business licenses. In subsequent years, he was imprisoned twice for his rights defence work, spending some three years behind bars. After he was freed from his second spell in prison in August 2020, he continued to help other rights defenders file freedom of information requests and post online petitions. Because of heavy police surveillance and constant harassment, he left China with his elder daughter (who is now 15 years old) in August 2021. In 2023, he made plans for his younger daughter (pictured above with her grandmother), aged 12, to join them.

On 25 July, my sister and my younger daughter, Lin Yujun (林钰筠), tried to cross into Hong Kong twice, first from Shenzhen Bay Port and then from Shekou Port.

In the morning, they headed to the Shenzhen Bay crossing. My sister was able to get through but my daughter was stopped. She was taken into a small room and was kept there for two hours with police officers guarding the door. It looked like they were waiting for orders. Around six or seven officers came in and questioned my daughter about why she was going to Hong Kong and who she

was going to meet there. After two hours, they released her back into my sister's care, saying that my daughter would not be allowed to leave China according to orders from their superiors. They gave my sister the phone number for an officer called Huang and told her to call him if she had any questions. We tried to call, but no one picked up the phone.

In the afternoon, they tried to cross the border at Shekou Port. The officers there were very rude and also put my daughter in a room for more than two hours. Police searched both of their bags and went through their phones. During the search, they got my sister to call me on speaker mode to ask me my Chinese ID number. They must have been trying to confirm my identity, but they said they were only asking because my daughter was not accompanied by either of her parents. They wanted to know all the details about their travel plans and who would be taking care of my daughter in Hong Kong. I called my sister back a bit later. By then she and my daughter were already on their way home. That time, police had told her that my daughter was being blocked from leaving China on "national security" grounds.

[My 12-year-old daughter] said her mind goes blank whenever she thinks back to what happened that day at the border. She was very scared and confused to be treated like a criminal and surrounded by so many police officers.

We knew there might be a chance that my daughter would be blocked at the border because my mother's application to cross into Hong Kong hadn't been issued on time. She was due to get it on 24 July but had been told by phone that her application was delayed because of some confusion with names. On 1 August, my mother received a phone call from the Exit and Entry Administration; they told her that she didn't get her travel pass on police orders. By now I guess all my family members are banned from exiting the country.

I had bought a ticket for my daughter to fly from Hong Kong to the Netherlands for 30 July. The plan was for them to have few days in Hong Kong for sightseeing before coming here. My [youngest] daughter is now stuck at home in Shenzhen, where she lives with her grandparents, mother and younger brother. She said her mind goes blank whenever she thinks

back to what happened that day at the border. She was very scared and confused to be treated like a criminal and surrounded by so many police officers. The small room where she was kept was heavily air conditioned and it was freezing cold. None of the officers helped her when they saw her shivering. After she got home, she caught a cold.

I think [in this case] the CCP authorities have openly violated international conventions on the protection of women and children and their own laws. How can a 12-year-old child endanger national security? This shows just how evil and weak this regime is.

It saddened me greatly to learn that I wasn't going to be able to reunite with my daughter. I couldn't sleep for several nights afterwards. By blocking my daughter from leaving, [the CCP] is using her as a hostage. They are trying to get me to stop criticizing the Chinese government. If I don't, they will use their powerful state machinery to crush me mentally and physically.

Guilt by association dates back to feudal times and is something that the CCP has carried on. Now, with technological advances, guilt by association practices are even more diversified, more deceptive and more covert. I believe things will only get worse.



Wang Yu's son⁴²



Human rights lawyer Wang Yu (王宇) and her husband Bao Longjun (包龙军) were among the first human rights defenders taken by police during the 709 Crackdown in 2015. Even though their teenaged son Bao Zhuoxuan (包卓轩) was still a minor and had nothing to do with his parents' human rights work, police limited his freedom of movement and physically attacked him, while his parents were disappeared behind bars.

On the morning of 9 July 2015, our family of three was arrested. My son and husband were detained at the airport in Beijing, and I was taken from our home. After my son was arrested, he was kept in a hotel room in Tianjin for three or four days. Police got violent when he tried to leave; they threw him onto the ground. My son was small and skinny, and the well-built police were easily able to throw him about.

Around the end of September or early October 2015, because [me and my husband] had been detained, our son became a victim of collective punishment. The authorities confiscated his passport so that he could not go and study in Australia. Since he was still legally a minor, police forced him to go and live with my sister in Ulanhot [in Inner Mongolia region]. Police escorted him to and from school every day. Facial recognition cameras were set up at the entrance to my sister's house. Police officers lived in the flat opposite so that they could monitor him around the clock.

Then, my son tried to flee to Myanmar with two friends. They intended to cross over into Thailand and then onto the US. But the police found them after about four days in Myanmar. Chinese police were wearing Myanmar military uniforms when they arrested my son. After they returned to China, they changed back into Chinese police uniforms. Obviously, they had crossed the border just to detain him.

The police beat him. After we were released, he wouldn't talk about it much. My mother and mother-in-law had seen red marks on his face, and he told them that the police had slapped him. He told my mother-in-law that the police had forced him to sign a statement admitting that he had crossed the border with the help of others. My son tried to argue with them, but that made the officers angry and they beat him all over the top half of his body. They said that if he did not write what they wanted him

My son tried to argue with them, but that made the officers angry and they beat him all over the top half of his body. They said that if he did not write what they wanted him to write then they would beat him to death. He was just a child at the time.

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He was kept locked up in a secret location for about 10 days.

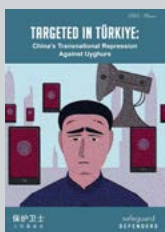
This really impacted my family, especially my mother. It was traumatic for her and she was so afraid that it would happen again. It affects her to this day and as for myself, it has made me feel very resentful towards the police.

China's collective punishment now reaches all aspects of our lives. In Shanghai, when the Covid control officer threatened the couple with consequences that would affect "the next three generations" (please see page 5) -

Chapter 4: Collective punishment as transnational repression

Collective punishment is a threat that hangs over the heads of many Chinese people who live overseas. The knowledge that the CCP has the power to punish, and often does punish, family members, has forced many into publicly cutting ties or giving up their activism on Chinese human rights.

As the cases of both Yang Zhangqing and James Lin in Chapter 2 illustrate (please see pages 18 and 25), living overseas as an activist frequently means the CCP will target your family back in China as a means to control you. This includes both threats to harm or punish, or actual harm or punishment, to family members—who typically have nothing to do with human rights work and, too often, include children—if you refuse to comply with police demands. Such demands can include refraining from activism and staying silent about the CCP’s human rights abuses, spying on other members of the diaspora, or even returning to China to potentially face trial. Such practices are increasingly being studied and documented by NGOs and researchers, including Safeguard Defenders. Reports released within the last year or so by this organization covering transnational repression issues are:



[Targeted in Türkiye: China's Transnational Repression Against Uyghurs](#) was a guest investigation released in 2023 that employs surveys of diaspora members to reveal how Chinese police and state agents are using threats to harm or detain family members back home to coerce Uyghurs overseas into spying, making pro-CCP propaganda or keeping silent about rights abuses in Xinjiang.



[Trapped: China's Expanding Use of Exit Bans](#), also published in 2023, includes an analysis of the use of exit bans on family members of human rights defenders both inside and outside China. Typically, “national security grounds” are used to deny exit for family members, even for young children (as in the case of James Lin’s 12-year-old daughter, see page 25). The report also describes cases where family members, who live outside China but who return for a visit, are barred from leaving, essentially held as a hostage until the target—who may be wanted for political reasons or because they are suspected of financial wrongdoing—returns to China.



[110 Overseas: Chinese Transnational Policing Gone Wild](#), released in the second half of 2022, includes links to official notices outlining how police warned they would punish family of wanted fugitives who did not return.

Frightened, the choice becomes staying silent or publicly cutting ties

Silencing activists overseas has become a priority of the CCP. Previously, it was not uncommon for Beijing to allow activists to leave, based on the belief that they would be unable to “cause trouble” for China once they were overseas.⁴³ Indeed, in the 1990s, China kept lists of exiled activists on whom it imposed **entry bans**.⁴⁴ But under Xi Jinping, China is increasingly unwilling to allow political targets to leave the country, slapping them and their families with exit bans, and using transnational repression methods to control the ones who make it out.

But under Xi Jinping, China is increasingly unwilling to allow political targets to leave the country, slapping them and their families with exit bans, and using transnational repression methods to control the ones who make it out.

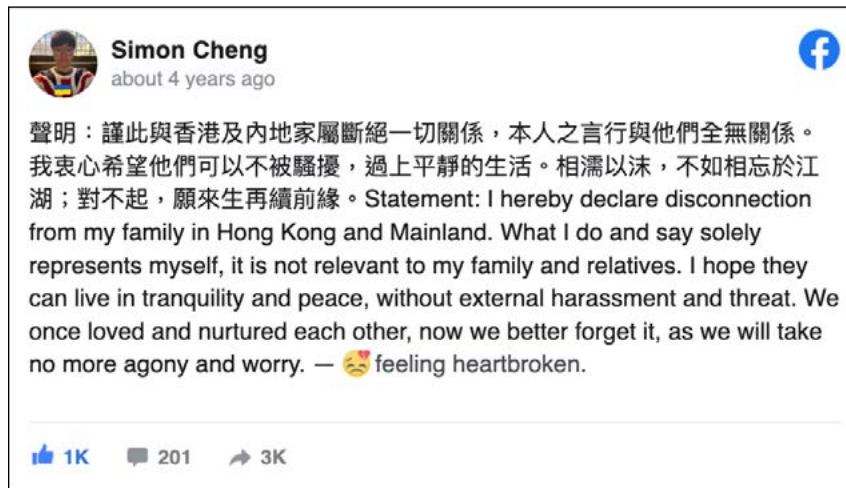
Overseas activists who speak out or simply post comments critical of China report that police harass their family members in an effort to get them to stop. The stories made public are generally those few for whom the intimidation does not work. Countless others, frightened for their families, will stay silent. It is a very effective mechanism of long-arm control over diaspora groups worldwide.

In 2018, it was reported that Chinese police in Xinjiang detained at least nine family members of four reporters with Radio Free Asia’s Uyghur service.⁴⁵ The four journalists, all based overseas, were **Shohret Hoshur, Gulchehra Hoja, Mamatjan Juma and Kurban Niyaz**. Among those taken into custody were the elderly parents and brother of Hoja. Her father is partially paralyzed and was in hospital when they last had contact.

A young Chinese activist based in Australia who goes by the name of **Horror Zoo**—or Dongwuyuan (洞物员)—says that in early 2020, in response to her online account parodying Xi Jinping, police in China began summoning her father to the police station on a “weekly basis”. On at least two occasions police contacted her via video call with her father present to warn her against continuing her activism overseas.⁴⁶ “I felt very angry and very worried about my safety here and my parents’ safety,” she said.

China-born Australian journalist **Vicky Xu** (许秀中) said that police interrogated her father back in China and got him fired from one of his positions in a Party-linked organization because of her writing and research, which has exposed CCP rights abuses.⁴⁷ A close college friend in Australia, who returned to China, was interrogated by State Security police about a dozen times and her phone was scraped for all information about Xu, including personal information such as her sexual history, friends and medical history. Police threatened to arrest the friend on trumped up charges of spying if she did not cooperate. To protect her friends and family, Xu says she has had to cut off all contact with everyone back in China. “Other Chinese activists living in exile had told me when I first started. They said you need to make a decision... you can’t have both – [a journalism career] and your family back in China. And they were right. I’ve had to let my family go.”

Hongkonger **Simon Cheng** (郑文杰) was disappeared by China in 2019 on a trip to the mainland and tortured, interrogated and forced to give a televised confession. After he was released a few weeks later, he went into exile. In 2020, he announced online that he was publicly cutting ties with family members in the city and in China to protect them.⁴⁸ “What I do and say solely represents myself, it is not relevant to my family and relatives,” he wrote. “I hope they can live in tranquillity and peace, without external harassment and threat.”



More recently, in December 2022, police went after the family of a Chinese artist living in Italy who runs an X account called 李老师不是你老师 (**Teacher Li is not your Teacher**).⁴⁹ Teacher Li had been posting video and photos of the protests that took place in China against Covid lockdowns, sent to him by people back in China who knew any posts there would be quickly scrubbed from the Internet by censors. It didn't take the police long to find out his real identity. Li said they called his parents and then went to their house at midnight, demanding they get their son to stop posting.

He hasn't.

"I'm mentally prepared, even if authorities won't let me see my parents again," he told media. In April, his bank accounts in China were frozen without warning, which meant he lost access to his savings. Shortly afterwards, he lost his job at a school in Italy after a rumour was started that alleged he had stolen money. Something he strongly denies.⁵⁰

Collective punishment in Hong Kong?

Despite the CCP's pledge for one country, two systems under the Sino-British Joint Declaration that promised non-interference in Hong Kong politics for at least 50 years after the handover from the UK in 1997, freedoms in the former UK territory have been rapidly eroding. The imposition of the National Security Law by Beijing in mid-2020 has rapidly accelerated this negative trend. Much of the CCP's toolkit to harass human rights defenders has been exported to the city, including, it seems, collective punishment. In 2023, in a story about a Hong Kong police raid on the home of exiled activist and former lawmaker Nathan Law's family, a UK media outlet wrote: "Many observers have noted that Hong Kong authorities are increasingly using tactics similar to those employed by security forces in mainland China to intimidate critics overseas. Harassing the families of dissidents is one such method."⁵¹

While it is outside the scope of this report to analyze this in depth, below are some recent examples where Hong Kong police appear to be going after family members of targeted human rights defenders in exile by raiding their homes and taking them in for questioning. This is despite the fact that those living in exile may have not seen their family for several years and in some cases have publicly cut ties with them for their safety.

In July 2023, just days after the Hong Kong government issued a HK\$1 million (about US\$125,000) bounty each on eight pro-democracy activists living in exile wanted on "national security" charges, Hong Kong police descended on the homes of family members, taking them in for questioning. In some cases, police said they were suspected of "assisting persons wanted by Police."⁵²









As of writing this report, Hong Kong police had targeted family members of **six of the eight** on the bounty list.

- Activist **Nathan Law's** (罗冠聪) **parents, brother** and, several weeks later, his sister-in-law. Law told media that he had cut ties with his family in 2020. "Three years ago, when I left Hong Kong I issued a public statement saying I am severing my ties with them because I knew that Hong Kong would eventually take up these steps like mainland China... That is what the Chinese government want... they want to threaten you by going after your family so [you will] stop criticizing them."^{53, 54}
- Former legislator **Dennis Kwok's** (郭荣铿) **parents, brother and sister-in-law**.⁵⁵
- Former trade unionist **Mung Siu-tat's** (蒙兆达) **brother, sister-in-law and nephew**.⁵⁶
- Activist **Anna Kwok's** (郭凤仪) **parents** were questioned about whether they were in contact with their daughter or whether they had sent her any money,⁵⁷ as were her **two older brothers** several weeks later.⁵⁸
- Activist **Elmer Yuen's** (袁弓夷) **daughter, son and daughter-in-law** and then his **ex-wife, and son and daughter** from that marriage.^{59, 60}
- And most recently in September, former lawmaker **Ted Hui's** (许智峯) **parents-in-law and brother-in-law**.⁶¹

While none of the family members have as yet been formally arrested, the raids appear to be aimed at intimidating pro-democracy activists overseas. Samuel Bickett, a former corporate lawyer based in Hong Kong, who now lives in the US, told media: "It's essentially hostage-taking, sending a message to activists and potential activists abroad that if you stand up to the Hong Kong government they'll go after your family."⁶²

Wanted Persons and Reward Notices of National Security Cases

Public Appeals

 <p>Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>	 <p>1. Incitement to secession 2. Incitement to subversion 3. Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>
 <p>1. Collusion with a foreign country or with external elements to endanger national security 2. Subversion (Reward: HK\$1,000,000)</p>	 <p>Incitement to secession (Reward: HK\$1,000,000)</p>
 <p>Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>	 <p>Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>
 <p>Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>	 <p>1. Incitement to secession 2. Collusion with a foreign country or with external elements to endanger national security (Reward: HK\$1,000,000)</p>

Credit: Hong Kong Police Force website. The eight pro-democracy activists living in exile wanted on "national security" charges.

Collective punishment in ‘persuade to return’ ops

In efforts to target suspected Chinese telecom fraudsters who operate overseas—most often from some Southeast Asian and Middle Eastern countries—local governments in China have been issuing “persuade to return” announcements. Many of these include clauses that authorize penalties on family members living in China if they don’t help to force suspects back, or even if the suspects stay overseas. At this point in the investigation, not only are **family members not suspects**, but the overseas target **has not been tried in a court of law**. Such announcements began appearing around 2021, and have continued into 2023.

For example, in July 2022, Wenchang city in Hainan province ordered all local Chinese people living illegally in Myanmar to return and report to a local police station by 10 August. If they failed to do so they would be punished with a number of penalties including the following:

- (1) Their parents, spouse and children would be suspended from certain welfare benefits including some kinds of medical insurance;
- (2) Their children could encounter problems in enrolling for school; and,
- (3) Immediate family would not be able to apply to join the Party or the military or government jobs.⁶³

A more recent notice, this one from city-level Xian police in Shaanxi province, dated 4 August 2023 and posted on their official Weibo account,⁶⁴ said that **the families** of anyone overseas who was suspected to be involved in telecom or online fraud **would be punished if they did not cooperate with police in persuade to return efforts**. The threats included the freezing of bank and phone accounts and the imposition of an exit ban as outlined in Clause 3 circled in blue in the image to the right.



Credit: Xian police official Weibo account

Chapter 5: Lawless

Domestic law

Collective punishment has a long history dating back to imperial times in China, where it was, at various times, written into laws. In today's China, you will not find collective punishment described in any of the country's legislation, however, as an authoritarian state with the primary goal of maintaining the CCP's monopoly on power, modern day China still widely practices collective punishment.

When the form of collective punishment falls under the realm of judicial or administrative oversight, such as a criminal detention or an exit ban, there are two key channels via which the state carries out the punitive action. The first is an overly broad interpretation of laws that are ambiguously worded. The second, is an illegal action or trumped-up charge initiated by the police.⁶⁵

The vague wording and ambiguity of several domestic laws allow them to be exploited for collective punishment. For example, the Exit-Entry Administration Law (EEAL)⁶⁶ and the Supervision Law (SL)⁶⁷ outline penalties, including exit bans on vague national security or investigation grounds, which can easily be extended to family members with no just cause. The former has been used on many family members of human rights lawyers, even children seeking to travel overseas for schooling. This ambiguity leaves ample room for the CCP, police, prosecutors and Supervision Commissions to arbitrarily abuse them.

The EEAL not only authorizes exit bans based on vaguely worded "national security" grounds, but also adds a clause (Article 12) that effectively means anyone can be barred from leaving for any reason. Exit bans can be imposed on persons who "may endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council" (effectively any government office) or under the sweeping "other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations".

The SL (Article 30) authorizes the use of exit bans on "persons connected to the person under investigation". Here "connected to" (相关) is a broad enough term to be interpreted as widely as the Supervision Commissions wish—anyone from work colleagues, family members to friends and beyond.

When criminal action is taken against a family member, the CCP generally uses trumped-up charges (such as Liu Xia's brother, see page 12) or twists lawful behaviour into criminal behaviour (such as Wang Liqin's efforts to draw attention to her husband Wang Zang's detention, see page 15).

Acts of state-sanctioned collective punishment violate China's own Constitution and domestic laws. The Constitution (Article 37) states that: "The personal freedom of citizens of the People's Republic of China shall not be violated."⁶⁸ In addition, China's Criminal Procedure Law (Article 2) rules that: "The mission of the PRC Criminal Procedure Law is to... guarantee that innocent people are not criminally prosecuted... respect and guarantee human rights, protect citizens' rights in their person, their property and their democratic rights."⁶⁹

Other collective punishments, such as home evictions, beatings, school entry denials, and loss of job, may originate from police or government pressure, but this is hard to prove because they take place outside of the official law enforcement sphere, although in some cases this has been confirmed by people involved, such as landlords and employers (please see 10 and 12).

International law

Much of what the UN human rights treaties have to say about collective punishment refers to group punishment inflicted in conflict zones. In contrast, this report deals with family punishment practised primarily for political control. This type of collective punishment is an arbitrary punishment—punishment not based on legal grounds, but rather on the relationship to another person.

General comment No. 35 on Article 9 of the Universal Declaration of Human Rights (UDHR),⁷⁰ says “no one shall be subjected to arbitrary arrest, detention or exile.” It specifically mentions collective punishment as an “egregious example” of arbitrary detention. According to Paragraph 16 of that General comment: “Egregious examples of arbitrary detention include detaining family members of an alleged criminal who are not themselves accused of any wrongdoing.”

The prohibition against arbitrary detention is echoed in the International Covenant on Civil and Political Rights (ICCPR) (Article 9) that says: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”⁷¹ The Working Group on Arbitrary Detention further defines several conditions that would qualify for arbitrary detention, including, “when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.”⁷² China has signed but not yet ratified the ICCPR.

Not all collective punishment in China involves detention.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) (Article 13) establishes the right of everyone to education,⁷³ which is reiterated in the Convention on the Rights of the Child (CRC) (Article 28).⁷⁴ This conveys a requirement for equal opportunity to education and both conventions call upon States to ensure that primary education is compulsory and available free to all, and that secondary education is available and accessible to all, while offering either free education or financial assistance.

The CRC (Article 16) reinforces that no child shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence or to attacks on their honour or reputation, and (Article 37) that no child shall be deprived arbitrarily or unlawfully of their liberty. This conveys both a protection against arbitrary detention and other arbitrary restrictions of fundamental rights such as on freedom of movement or expression.

In its General Comment No. 13 on the right to education, the Committee on Economic, Social, and Cultural Rights holds that “education is both a human right in itself and an indispensable means of realizing other human rights.”⁷⁵ The Committee further stresses that the right to education must exhibit the following interrelated and fundamental conditions: availability, accessibility, acceptability and adaptability. It elaborates that to be effectively accessible, “education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination.” The arbitrary denial of the right to education or discrimination based on collective punishment is therefore clearly a violation of the right to education as outlined in the ICESCR and the CRC.

The ICESCR (Article 11) lays out the right of everyone to an adequate standard of living, which includes adequate housing, which the Committee on Economic, Social, and Cultural Rights explains is itself “a central importance for the enjoyment of all economic, social and cultural rights.”⁷⁶ The Committee clarifies that this right means more than that everyone merely has a roof over their head, the right to housing should properly be interpreted as the “right to live somewhere in security, peace and dignity.”

The protection of the right to housing means that everyone should possess minimum security and legal protection against forced or coerced eviction, harassment, and other threats, and as a cornerstone

of international law, the right to remedy. The right to choose where one lives and have freedom of movement, as enshrined in Article 12 of the ICCPR, are further related to the right to housing. The Committee holds that "forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law."

The Committee also holds that the right to adequate housing is associated with the enjoyment of civil and political rights, such as the right to freedom of expression and association, including the right to form tenancy and community-based groups, and the right to participate in public decision-making. The right to adequate housing is likewise interrelated to the fundamental prohibition against discrimination and the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence found in the ICCPR. Article 17 stipulates that one cannot be arbitrarily denied or discriminated against in seeking or obtaining shelter.

The right to work, and freely choose one's employment is established in the UDHR (Article 23) and elaborated in ICESCR (Article 7), and relate to collective punishment when human rights defenders or their family face arbitrary restrictions on their employment.

The right to employment relates to the ability to earn or hold income and savings or maintain social security, as outlined in UDHR (Articles 22 and 23). This entails the right to access benefits without discrimination to ensure protection against the loss of livelihood from unemployment, workplace illness, disability, death of a family member or other eventualities, and to support access for other rights such as adequate mental and physical health.

Collective punishment that results in arbitrary employment termination is a violation of the right to employment as is the seizure of income or denial of social security, which is furthermore a violation of the prohibition against arbitrary interference in one's privacy.

Conclusions

The CCP's continued practice of collective punishment in 21st century China is an inhumane, unfair and extralegal system that punishes innocent people simply because of their relationship to another individual. From its feudal roots in imperial China, collective punishment was enthusiastically embraced by the CCP as a political tool from its earliest days in power. Today, threats or punishments levelled at loved ones are proving to be an effective measure to crush dissent, coerce confessions and scare people into silence. In more recent years, the CCP has also extended it into a powerful tool of transnational repression to control Chinese people overseas. Families back in China are held hostage in order to force fugitives to return or activists to refrain from criticizing the CCP's human rights practices, among other demands.

In collecting data and testimonies for this report, multiple sources confirmed that under Xi Jinping the CCP has stepped up its use of collective punishment on human rights defenders and their families, not only in terms of frequency, but also by adopting more varied types of collective punishment. We identified six major types of collective punishment aimed at family members commonly practised in China today:

- 1. Loss of freedom:** Prison, enforced disappearance, detention, involuntary psychiatric commitment, house arrest;
- 2. Loss of income:** Loss of job, freezing of bank account, forced business closure, discontinued social welfare payments;
- 3. Loss of education:** Children kicked out of school, new school applications denied;
- 4. Loss of shelter:** Home eviction, even mothers with young children;
- 5. Exit ban:** Blocked at the border, confiscation of passport, denial of passport application;
- 6. Physical violence:** Beating, kicking, threats, even death.

These arbitrary and often cruel punishments impact people of all ages from toddlers being thrown out of kindergarten to elderly parents unable to claim welfare payments. Collective punishment in China can mean a mother with a young baby are kicked out of their family home, or a father is sent to prison where he dies under suspicious circumstances.

The CCP has often called for China's story to be told to the world.⁷⁷ This report, *Families in Fear*, documents one of those stories that needs to be told – that of the **CCP's practice of collective punishment as a political tool in 21st Century China**.

In view of China's upcoming Universal Periodic Review in early 2024, Safeguard Defenders calls on third nations and UN Human Rights Procedures to urge the People's Republic of China to:

- 1)** Immediately halt its illegal and feudal practice of collective punishment;
- 2)** Lift or reverse all forms of collective punishment, official and unofficial, including but not limited to jail sentences, involuntary commitments, detentions, RSDL or home arrest, exit bans, frozen bank accounts and welfare payments, denial of schooling, exit bans, and lost employment.
- 3)** To make timely and fair compensation to all those who have been impacted by the CCP's illegal and arbitrary system of collective punishment.

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- ⁶⁴ The threat is spelled out in Clause 3: “三、滞留境外人员在限定期限内不主动回国投案自首或滞留境外人员家属不配合公安机关进行劝返工作的，公安机关将联合主管部门依法采取列管列控、“两卡”管控、法定不准出境等相关限制措施,” available at: <https://weibo.com/1903747781/Nd9bg6Jyi>
- ⁶⁵ A Chinese legal scholar, who wishes to remain anonymous to avoid being punished by Chinese authorities, contributed his thoughts on the issue of collective punishment in China. This section on domestic law is adapted from his analysis
- ⁶⁶ The English translation of the Exit and Entry Administration Law can be found on the National Immigration Administration’s website, available at: www.nia.gov.cn/n741440/n741547/c757592/content.html
- ⁶⁷ The English translation of the Supervision Law can be found on the China Law Translate website, available at: www.chinalawtranslate.com/en/supervision-law-of-the-prc-2018/
- ⁶⁸ The English translation of the Constitution can be found on the State Council’s website, available at: https://english.www.gov.cn/archive/lawsregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html
- ⁶⁹ The English translation of the Criminal Procedure Law can be found on the China Law Translate website, available at: www.chinalawtranslate.com/en/criminal-procedure-law-2018/
- ⁷⁰ The text of the Universal Declaration of Human Rights is available at: www.un.org/en/about-us/universal-declaration-of-human-rights, while a link to download General comment No. 35, Article 9 is available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11
- ⁷¹ The text of the International Convention on Civil and Political Rights can be download as a PDF, available at: <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>
- ⁷² The Working Group on Arbitrary Detention’s definition of arbitrary detention is available at: www.ohchr.org/en/about-arbitrary-detention
- ⁷³ The text of the International Convention on Economic, Social and Cultural Rights is available at: www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights
- ⁷⁴ The text of the Convention on the Rights of the Child is available at: www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
- ⁷⁵ The text of General comment No. 13 is available at: www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999
- ⁷⁶ The text of General comment No. 4 on The Right to Adequate Housing can be downloaded as a PDF, available at: www.refworld.org/pdfid/47a7079a1.pdf
- ⁷⁷ For example, please see: www.reuters.com/article/us-china-media-idUSKCN0VS1IF