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THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication [AL CHN 10/2025], has the honor to transmit herewith the reply of the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA



Receipt is hereby acknowledged of communication AL CHN 10/2025 from a special procedure mandate holder of the United Nations Human Rights Council, to which the Government of China submits the following reply:

I. Case concerning ██████████ Firm

China is a State governed by the rule of law. It encourages and supports the work of legal professionals to safeguard the legitimate rights and interests of the parties concerned in accordance with the law. ██████████ ██████████ as a platform to engage in the criminal activity of inciting subversion of State power. The judicial authorities dealt with ██████████ ██████████ in accordance with the law. The facts were clear, the evidence was conclusive and lawful procedures were followed. At the same time, during the investigation and trial of the cases of Xu Zhiyong, ██████████ the judicial authorities performed their duties in strict accordance with the law, fully protecting the criminal suspects' legitimate rights, such as their right to have a physical examination, meet with their lawyers and receive visits from family members. There were no situations of "arbitrary detention", "torture and ill-treatment", "repression", "secret trials" or the like.

II. China ensures lawyers' right to practise in accordance with the law

China has always attached great importance to safeguarding lawyers' right to practise. The Criminal Procedure Law of the People's Republic of China contains provisions safeguarding the lawful practice of the legal profession, and the Law of the People's Republic of China on Lawyers clearly stipulates that: "The legal practice of lawyers in accordance with the law shall be protected by law. No entity or individual shall infringe the lawful rights and interests of lawyers."

The Chinese Government has always supported the participation of lawyers in economic, social and cultural activities in accordance with the law and has ensured that they are fully able to play their important role in promoting the strengthening of the rule of law. There have been no situations in which so-called "human rights lawyers" have been subjected to repression or retaliation. The vast majority of lawyers in China are able to practise in accordance with laws and regulations, but there are also some lawyers who violate professional ethics and rules of conduct and even commit crimes. As in the vast majority of other countries in the world, in China the relevant authorities can and should impose penalties, in accordance with the law, on lawyers who violate laws and regulations.

The so-called "pattern of repression" alleged in the communication is a false accusation against China based on untrue and one-sided information. China is a State governed by the rule of law; no one anywhere is above the law. Article 33 of the Constitution of the People's Republic of China provides that: "All citizens of the People's Republic of China are equal before the law. The State shall respect and protect human rights." Article 4 of the Criminal Law of the People's Republic of China provides that: "The law shall be applied equally to any person who commits a crime. No one shall have privileges that transcend the law." Some lawyers have been detained, arrested and

even prosecuted and put on trial, not because of their identity but because they committed violations of Chinese law and transgressed the bounds of the law. Such individuals' illegal and criminal acts are dealt with in accordance with the law. This fully reflects the rule of law principle that everyone is equal before the law.

III. China lawfully safeguards the right of criminal suspects and defendants to retain defence counsel

The Criminal Procedure Law provides that a criminal suspect has the right to retain a defender from the day when the suspect is interrogated by the investigating authority for the first time or from the day when a coercive measure is taken against the suspect. A defendant has the right to retain a defender at any time; for a criminal suspect or defendant in custody, his or her guardian or close relative may also retain a defender on his or her behalf. According to the provisions of the Legal Aid Law of the People's Republic of China, if criminal suspects or defendants meet the conditions for legal aid, legal aid institutions will provide them with free defence counsel or legal assistance from duty lawyers.

IV. Specific measures taken by China to ensure lawyers' right to practise in accordance with the Basic Principles on the Role of Lawyers

China adheres strictly to the requirements of the Basic Principles on the Role of Lawyers. By developing a sound legal system, it has ensured that citizens receive legal assistance and legal services and that lawyers can perform their duties in accordance with the law. The Basic Principles are thus implemented and refined in judicial practice.

A. Measures to ensure that criminal suspects and defendants receive prompt and effective assistance from lawyers

1. The authority handling the case immediately informs the criminal suspect or defendant of the right to obtain legal assistance. The Criminal Procedure Law provides that criminal suspects and defendants may retain lawyers as defenders. When the investigating authority interrogates a criminal suspect for the first time or takes a coercive measure against the suspect, a people's procuratorate must, within three days after receiving the case file transferred for examination and prosecution, inform the criminal suspect of his or her right to retain a defender. A people's court must, within three days after accepting a case, inform the defendant of his or her right to retain a defender. These provisions ensure that criminal suspects and defendants can obtain the prompt assistance of a lawyer as a defender, thus protecting their procedural rights.

2. Development and improvement of the legal aid system: In addition to the retention of defenders, the Criminal Procedure Law provides for a legal aid system. Under article 35 of the Criminal Procedure Law, where a criminal suspect or defendant has not retained a defender because of financial hardship or other reasons, he or she or his or her close relative may file an application with a legal aid institution. In addition, China is currently piloting a full-coverage system of defence services in criminal cases and has created a criminal defence system in which duty lawyers, legal aid lawyers and individually retained lawyers are interlinked and mutually complementary.

B. People's courts effectively ensure that lawyers can practise in accordance with the law

In recent years, people's courts at all levels in China have taken a series of measures to strengthen the protection of lawyers' right to practise and optimize the environment in which they practise.

1. Optimizing litigation services and enhancing lawyers' efficiency in performing their duties

(a) Information technology is being used to develop innovative service models. In December 2020, the Supreme People's Court and the Ministry of Justice jointly issued a set of opinions on the provision of one-stop litigation services for lawyers, requiring the people's courts to provide lawyers with intensive, efficient, intelligent and convenient one-stop litigation services. At the beginning of 2021, the Supreme People's Court officially launched an online service platform for lawyers, offering 35 types of litigation services to lawyers and featuring one-time verification, nationwide access and all-network access. This has further improved service functions and facilitated lawyers' participation in proceedings.

(b) The authorities have continued to take a problem-oriented approach to enhancing service efficiency. In March 2024, the Supreme People's Court, the Ministry of Justice and the All China Lawyers Association jointly issued a notice on the publication of standardized, comprehensive model texts of complaints and answers for 11 types of common and frequently occurring civil cases such as those involving bank loans, private lending and labour disputes. In July 2025, the Supreme People's Court, together with the Ministry of Justice and the All China Lawyers Association, issued model texts of 67 types of complaints and answers and promoted them nationwide. The purpose is to ensure detailed preparation for proceedings at the outset, strengthen the protection of the parties' procedural rights and help improve the quality and efficiency of the legal services provided by lawyers.

2. Ensuring that lawyers' rights are protected during the trial phase

(a) On the basis of judicial functions, measures to protect lawyers' right to practise are being refined. In April 2018, the Supreme People's Court and the Ministry of Justice jointly issued a notice on the lawful protection of lawyers' rights in proceedings and the regulation of lawyers' participation in trial activities, requiring the people's courts at all levels to respect and protect lawyers' rights in proceedings and not to arbitrarily interrupt or stop lawyers' normal questioning, cross-examination or arguments in defence.

(b) Rules on the handling of cases have been improved and steps have been taken to strengthen the protection of lawyers' right to practise throughout the entire process. The protection of defence lawyers' right to practise is the central theme running through the "Interpretations concerning the application of the Criminal Procedure Law of the People's Republic of China", published in January 2021. This document states that defence lawyers are allowed to review audio and video recordings submitted as

evidence to the people's court and specifies that lawyers may bring an assistant to participate in court proceedings.

(c) Measures are being taken to ensure unimpeded access to legal remedies and effectively safeguard lawyers' right to defend their clients in accordance with the law. In April 2017, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice and the All China Lawyers Association jointly issued a notice on the establishment and enhancement of a coordinated rapid response mechanism to safeguard lawyers' right to practise. The purpose was to improve the protection of lawyers' right to practise through a mechanism for the prompt receipt and coordinated processing of applications for the protection of lawyers' professional rights and the provision of timely feedback, ensuring that such applications are accepted, processed and responded to immediately upon submission. This will enhance the timeliness and effectiveness of measures to safeguard lawyers' professional rights.

V. Residential surveillance at a designated location

A. Legal basis for residential surveillance at a designated location

No criminal suspect or defendant may be deemed guilty of a crime unless lawfully convicted by a people's court. However, to ensure that criminal suspects and defendants appear for arraignment and trial in a timely fashion; prevent them from destroying or falsifying evidence, interfering with witnesses' testimony or retaliating against victims, informants or accusers; and ensure the normal conduct of criminal proceedings, it is necessary to take certain coercive measures against criminal suspects and defendants in respect of whom such measures are warranted. Residential surveillance is one of the coercive measures provided for in the Criminal Procedure Law. It is a coercive measure under which criminal suspects and defendants are not taken into custody, but are required not to leave their residence or other designated location, and their freedom of movement is monitored. The Criminal Procedure Law provides that: "A people's court, a people's procuratorate or a public security organ may, according to the circumstances of the case, compel the appearance of, grant release on bail to, or impose residential surveillance on a criminal suspect or defendant."

Article 75 of the Criminal Procedure Law concerns the execution of residential surveillance, providing that: "Residential surveillance shall be executed at the residence of a criminal suspect or defendant, or may be executed at a designated location if the criminal suspect or defendant has no fixed residence. Where residential surveillance at the residence of a criminal suspect or defendant suspected of compromising national security or engaging in terrorist activities may obstruct the investigation, it may be executed at a designated location with the approval of the public security organ at the next higher level. However, residential surveillance may not be executed at a place of custody or a place specially used for handling cases."

Regarding the notification of family members in the event of residential surveillance at a designated location and the retention of defenders for criminal suspects and defendants under residential surveillance at a designated location, the second and

third paragraphs of article 75 of the Criminal Procedure Law specify that: “If residential surveillance is executed at a designated location, the family of the person under residential surveillance shall be notified within 24 hours after residential surveillance is executed, unless such notification is impossible.”

B. Residential surveillance at a designated location is subject to judicial oversight

Article 75, fourth paragraph, of the Criminal Procedure Law provides that: “People’s procuratorates shall oversee the legality of decisions and execution of residential surveillance at a designated location.” Under the Constitution of China, procuratorial organs are the bodies responsible for judicial oversight in the country. They exercise procuratorial power independently in accordance with the law and are not subject to interference by administrative agencies, social groups or individuals. The people’s procuratorates exercise judicial oversight of criminal proceedings. They are an important judicial institution in China endowed with significant authority under the law. To ensure that residential surveillance at a designated location is executed in accordance with the law, the Criminal Procedure Law specifies that people’s procuratorates are to oversee the legality of decisions and execution of residential surveillance at a designated location.

C. Legal remedies

Article 96 of the Criminal Procedure Law provides that: “Where a people’s court, a people’s procuratorate or a public security organ discovers that a coercive measure taken against a criminal suspect or defendant is inappropriate, the measure shall be promptly revoked or modified. A public security organ that releases an arrested person or replaces arrest with another measure shall notify the people’s procuratorate having originally approved the arrest.” Article 97 provides that: “A criminal suspect or defendant or his or her legal representative, close relative or defender shall have the right to apply for a change in a coercive measure. A people’s court, people’s procuratorate or public security organ shall make a decision within three days after receiving such an application and, if a decision not to approve it is made, the applicant shall be informed of the decision and the reasons for non-approval.” Accordingly, criminal suspects or defendants under residential surveillance at a designated location and their legal representatives, close relatives or defenders have the right to apply to a public security organ, people’s procuratorate or people’s court to request a change in the coercive measure. The relevant authority must make a decision within three days after receiving such an application. If the people’s court, people’s procuratorate or public security organ does not approve a change in the coercive measure, it must so inform the applicant and explain the reasons for non-approval. In addition, the Criminal Procedure Law specifies the process whereby defenders and legal representatives can file appeals and complaints against public security organs, people’s procuratorates, people’s courts and their staff members for obstruction of their exercise of procedural rights: “A defender or legal representative who believes that a public security organ, a people’s procuratorate, a people’s court or any staff member thereof has impeded his or her lawful exercise of procedural rights shall have the right to file an appeal or complaint with the people’s

procuratorate at the same level or at the next higher level. The people's procuratorate shall promptly examine the appeal or complaint and, if it is well founded, shall direct the relevant authority to take corrective action."

VI. Individual cases referred to in the communication

A. Mr. Xu Zhiyong, born in March 1973 in Minquan County, Henan Province, is a former lecturer at Beijing University of Posts and Telecommunications. In February 2020, a criminal coercive measure was lawfully imposed on him by the Beijing municipal public security organ on suspicion of subversion of State power. In May 2020, the case was transferred to the public security organ of Shandong Province for investigation under designated jurisdiction. In April 2023, the Linyi Municipal Intermediate People's Court in Shandong Province sentenced him to 14 years' imprisonment and 4 years' deprivation of political rights for the crime of subversion of State power. Mr. Xu filed an appeal. In November 2023, the Higher People's Court of Shandong Province upheld the original judgment on appeal, and Mr. Xu is currently serving his sentence.

B. Mr. Ding Jiayi was born in Beijing in August 1967. In December 2019, a criminal coercive measure was lawfully imposed on him by the public security organ of Shandong Province on suspicion of subversion of State power. In April 2023, the Linyi Municipal Intermediate People's Court in Shandong Province sentenced him to 12 years' imprisonment and 3 years' deprivation of political rights for the crime of subversion of State power. Mr. Ding filed an appeal. In November 2023, the Higher People's Court of Shandong Province upheld the original judgment on appeal, and Mr. Ding is currently serving his sentence.

C. Mr. Yu Wensheng was born in Beijing in November 1967. In April 2023, criminal coercive measures were lawfully imposed on him and [REDACTED] by the Beijing municipal public security organ on suspicion of picking quarrels and provoking trouble. The case was transferred to the public security organ of Jiangsu Province for investigation under designated jurisdiction. In October 2023, it was transferred to the procuratorial organ for examination and prosecution. In August 2024, the Suzhou Municipal Intermediate People's Court held separate hearings in the cases of Mr. Yu and [REDACTED], who were suspected of inciting subversion of State power. In October 2024, Mr. Yu was sentenced to imprisonment for 3 years and deprivation of political rights for 3 years, 10 months and 15 days, and [REDACTED]. Mr. Yu filed an appeal. On 6 January 2025, the Higher People's Court of Jiangsu Province upheld the original judgment on appeal, and Mr. Yu is currently serving his sentence. [REDACTED]

D. Mr. Xie Yang, born in Changsha, Hunan Province, in February 1972, is a former lawyer with the [REDACTED]. In January 2022, he was lawfully taken into criminal custody by the Changsha municipal public security organ in Hunan Province on suspicion of inciting subversion of State power. With the approval of the procuratorial organ, the period of investigative detention was extended twice. In July 2022, the Changsha municipal public security organ transferred the case to the Changsha

municipal people's procuratorate for examination and prosecution. On 23 August 2022, the Changsha municipal people's procuratorate brought legal proceedings before the Changsha Municipal Intermediate People's Court. The Changsha Municipal Intermediate People's Court accepted the case but has not yet held any hearings. At present, Mr. Xie is being held in Changsha Municipal Detention Centre No. 1.

E. Mr. Lu Siwei, born in Chengdu, Sichuan Province, in January 1973, is a former lawyer with the [REDACTED]. On 13 July 2023, he left China, illegally crossing the border from Yunnan Province. On 28 July he was apprehended by border inspection authorities of the [REDACTED] for using forged entry and exit stamps. On 23 September, he was repatriated and handed over to the Chinese authorities by the [REDACTED] authorities in accordance with the bilateral cooperation mechanism between China and the [REDACTED]. Subsequently, the public security organ of Sichuan Province lawfully opened an investigation for suspected illegal border crossing and imposed a coercive measure consisting of release on bail pending trial. The authorities later confirmed the suspected offence of illegal border crossing, obtained solid and sufficient evidence and on 10 October 2024 placed him under arrest, in accordance with the law. On 18 April 2025, the Chenghua District People's Court in Chengdu lawfully sentenced Mr. Lu to 11 months' imprisonment and a fine of 10,000 yuan for the crime of illegally crossing the national border. After the sentencing, Mr. Lu filed an appeal. After trying the case in accordance with the law, the Chengdu Municipal Intermediate People's Court issued its judgment at second instance on 16 July 2025, rejecting the appeal and upholding the original judgment. On 5 August 2025, Mr. Lu was released after serving his sentence.

F. The people's courts try cases in strict accordance with the law, fully protecting all the procedural rights of defendants and their defence counsel.

G. In the Chinese prison system, great importance is attached to the protection of human rights and of prisoners' rights to correspondence and visits in accordance with the law. Under the relevant laws and regulations, prisoners serving sentences are allowed to meet with relatives and guardians and to communicate with others. Prisoners' rights to life and health are protected in accordance with the law; prisoners receive regular physical examinations, prompt treatment of illnesses and comprehensive medical services.

The Government of China has consistently upheld the prohibition of torture. There is no so-called torture problem in Chinese prisons. The prohibition of torture is clearly specified in the law. It is strictly prohibited for prison police to extract confessions through torture or to subject prisoners to corporal punishment, ill-treatment or humiliation. It is also strictly forbidden to assault prisoners or to allow others to do so.