

# TRAPPED:

## CHINA'S EXPANDING USE OF EXIT BANS



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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



China has been expanding its use of exit bans under Xi Jinping. Exit bans have become one of the many tools used by the Chinese Communist Party (CCP) as part of broad efforts to tighten control over all aspects of people's lives.

## Changes under Xi Jinping

- Exit ban use is rising (official data, increase in laws, anecdotal evidence)
- Supervision Law (2018) legalizes exit bans on investigation targets and by a non-judicial body; used as a tool of transnational repression on family members
- Increase in exit bans on human rights defenders and families on vague national security grounds
- Foreign journalists now threatened with exit bans

## Problems with China's exit bans

- Exit bans issued without legal justification nor proper transparency
- Laws complex, vague, ambiguous and expansive, any government body for any reason may issue an exit ban
- Often impossible to appeal
- Blanket ethnic-wide effective bans target millions of Uyghurs and Tibetans



# Introduction

*I felt that I would be banned from leaving China forever so that's why I decided to escape.*

Rights activist Xiang Li

On 2 June 2021, Chinese human rights lawyer Tang Jitian (唐吉田) was filled with anxiety as he hurried through Fuzhou Changle International Airport in eastern China to catch a flight to Japan to see his daughter who had fallen into a coma.<sup>1</sup> When he handed over his passport, to his horror, an airport border official told him that Beijing police had barred him from leaving the country on national security grounds.<sup>2</sup> Tang later told media that on hearing this he “felt nothing but sorrow” and that he was “physically and mentally exhausted”.<sup>3</sup>

A few months later, on Human Rights Day (10 December), Chinese police disappeared Tang. According to friends who had received WeChat messages from Tang, he was eventually released in January 2023, more than a year later. It appears he is still under an exit ban.<sup>4</sup>

Tang wasn't a suspect in a criminal case, nor was he a party to any ongoing judicial proceedings. He was just a human rights lawyer desperate to see his sick daughter. His case illustrates how China's practice of exit bans is unlike that of anywhere else in the world.

**Since Xi Jinping took power in 2012, China has expanded the legal landscape for exit bans and increasingly used them, sometimes outside legal justification, on everyone from activists to foreign journalists and for transnational repression and other coercive practices.**

Chen Qingan (陈庆安), a researcher at Shanghai Academy of Social Sciences Institute of Law, defined the exit ban (限制出境) in China as a “measure that requires citizens not to leave the country for a certain period of time under certain circumstances, out of the needs of safeguarding national security and interests, ensuring the smooth progress of litigation, and maintaining social and public order.”<sup>5</sup>

Chen's definition captures the expansive reach and ambiguous wording of China's legal framework governing exit bans. According to the latest count there are **at least 14 laws and scores of regulations, legal interpretations and documents that cover exit bans** in China today.

Exit bans are authorized on national security grounds, involvement in criminal or civil cases, and more recently for COVID-19 containment measures (now abandoned). Exit bans are enforced at the border (as in Tang's case), at home via the confiscation of passports, or simply by denying passport applications or renewals. Many are unaware of their exit ban **until they are at the border attempting to leave the country.**

Although China does not release complete data on exit bans, human rights groups estimated that at least **14 million people were affected by exit bans in China in 2015.**<sup>6</sup>

That number is astonishing.

Anyone may be a target – human rights defenders, businesspeople, officials and foreigners.



Tibetans and Uyghurs have long been targeted with ethnicity-based exit bans, mostly through the confiscation and denial of passports. Also, it appears to be increasingly common that relatives of those targeted with exit bans are subjected to exit bans themselves as part of a widening practice of collective punishment. Exit bans are also imposed on relatives in China of activists and so-called fugitives living overseas in order to force them to give up their activism or return to China.

In January 2023, another case came to light of a family torn apart by China's abuse of exit bans. Xie Fang (谢芳), the wife of Yu Miao (于淼), the former owner of an independent bookstore in Shanghai, has been prevented from rejoining her husband and children who are living overseas since summer 2022. After the authorities effectively closed down their store in 2018, the whole family had moved to the US. Xie had returned to China in early 2022 to visit her sick mother but when she tried to catch her flight back home that summer she was stopped at the border. Police questioned her about the kinds of things Yu had been posting online from the US and say she will only be allowed to leave once her husband returns to China.<sup>7</sup>

Even without precise data on the number of exit bans, several indicators show that under Xi Jinping, **the use of exit bans has risen significantly**:

- Exit ban mentions on the Supreme People's Court's official database rose eightfold between 2016 and 2020. Even though the number of entries does not equal the number of exit bans, this dramatic jump likely mirrors a similar trend in exit bans recorded on the database (mostly civil disputes).
- Between 2018 and 2022, **four new laws** authorizing exit bans were passed in China making **14** laws in total. One of them, the **Supervision Law**, allows exit bans to be placed on *anyone* under investigation and *anyone* connected to an investigation even if they are not a suspect.
- Anecdotal evidence from rights lawyers and human rights defenders in China indicates that the problem of politically-targeted exit bans has been growing worse over the past five years, particularly after a 2015 crackdown.

## China's illegitimate exit bans

The Chinese Communist Party uses exit bans:

- To silence activists
- To pressure family members to return to China to face investigation
- To intimidate foreign journalists
- As a tool of hostage diplomacy
- To control ethnic-religious groups

In addition, many victims struggle to appeal their ban, especially when it is enforced without legal grounds or on vaguely-defined national security grounds. The appeal process, if there is one, is neither transparent nor responsive. Many victims cannot find out who ordered the ban and why it was ordered so that it becomes virtually impossible to get it lifted.

While global media has covered China's exit bans, little attention has been directed on how its application has been widening and how that has been achieved. *Trapped: China's expanding use of exit bans* aims to fill this gap by investigating these two issues in depth.

*The first chapter will look at the kinds of people who are typically targeted by exit bans to illustrate how they differ from the kinds of people typically placed under bans in democratic countries; Chapter 2 examines data showing the expanding use of exit bans; Chapter 3 takes a deep dive into how exit bans are imposed in practice; while Chapter 4 analyses the growing number of legal tools that can be used to impose bans and how China's use of exit bans violates key international human rights norms.*

# CHAPTER 1:

## The widening *scope* of exit bans

China targets a wide range of people with exit bans. In addition to expected categories, such as criminal suspects and military personnel, China also imposes bans on political targets (human rights defenders and their families), ethnic-religious groups, foreign journalists, Party and state workers under investigation for corruption and their families, and individuals caught up in civil disputes. Most recently a blanket exit ban for all non-essential travel out of the country was ordered as part of the now abandoned Zero COVID policy.<sup>8</sup>

## Human rights defenders

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The Chinese Communist Party (CCP) often targets human rights defenders (HRDs) and their family members with exit bans on the grounds of “national security” or “national interests”. It is thought these bans are used as a means to punish HRDs for their rights defence work and also to prevent them from speaking out about the CCP’s human rights record overseas.

These kinds of exit bans have been around for decades, at least as early as the June 1989 Tiananmen Square Massacre. According to John Kamm, founder of humanitarian organization Dui Hua Foundation, in the early 1990s family members of Tiananmen Square protesters who had fled the country after June 1989 found that they were not allowed to leave China. These bans were possibly being used to force those protesters living in exile to come back and face prosecution. Kamm played a part in mediating with the Chinese authorities and some family members were eventually allowed to leave for the US.<sup>9</sup>

More recently, following the 709 Crackdown on Chinese human rights lawyers in 2015,<sup>10</sup> dozens of lawyers and their children were barred from leaving China.<sup>11</sup>

HRDs continue to be targeted on such vaguely defined national security grounds, even those who, like Tang (see page 5), have compelling reasons to be able to travel.



Guo Feixiong (left) on his way to Shanghai Pudong International Airport on 28 January 2021. Guo was prevented from flying out of China that day. To his right is human rights lawyer Liu Zhengqing (刘正清). Source: Voice of America



On 28 January 2021, activist Guo Feixiong (郭飞雄), whose real name is Yang Maodong (杨茂东), was stopped at Shanghai Pudong Airport. Guo was heading to the US, where his wife, Zhang Qing (张青), was ill with cancer. Border guards told him that he was banned from leaving on national security grounds.<sup>12</sup> The previous day, Guo had written an open letter to President Xi Jinping and Premier Li Keqiang, appealing to them to permit him to leave on legal and humanitarian grounds.<sup>13</sup> Guo suspected he would not be allowed to leave because Guangdong police had told him earlier that the Ministry of Public Security (MPS) had placed him under an exit ban.<sup>14</sup>

**“Never could I imagine the Chinese authorities were capable of such inhumane cruelty - to keep him locked up when my life is coming to an end, it’s very shocking to me.”**

Guo texted friends to tell them he had been blocked from leaving and said he would go on hunger strike to protest. But then he disappeared, just like Tang.<sup>15</sup> The next time Guo surfaced was at the end of November 2021 when he published a blog appealing to the premier to let him see his wife who was by then critically ill.<sup>16</sup>

From her hospital bed in the US, Zhang also pleaded to be able to see her husband.

“I’m in a critical condition. Things are particularly hard in these cold winter days - we, my family, need him,” she told media. “Never could I imagine the Chinese authorities were capable of such inhumane cruelty - to keep him locked up when my life is coming to an end, it’s very shocking to me.”<sup>17</sup>

Zhang died on 10 January 2022.<sup>18</sup> Two days later, Guangzhou police arrested Guo on charges of inciting subversion of state power.

Tang and Guo’s stories, widely reported among the Chinese HRD community and international media, are emblematic of the Party’s unwavering stance in persecuting critics. Tang Zhishun (唐志顺),<sup>19</sup> an HRD currently in exile in the US, and Yang Renmu (pseudonym),<sup>20</sup> a Hunan-based activist, both told Safeguard Defenders that they think the treatment of Tang and Guo was punishment for daring to speak up about their exit bans.

HRDs are also often targeted with exit bans once they are detained and then released on bail. Bail conditions require the individual to apply for permission to leave their city or county of residence in advance; such conditions are effectively an exit ban.

## Foreigners

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Foreign nationals are increasingly targeted or threatened with exit bans, even arbitrarily. Businesspeople, foreign families of Chinese “fugitives” and journalists<sup>21</sup> have all found themselves unable to leave China, sometimes for years.

## Businesspeople

A 2022 academic paper found that at least 41 foreign businesspeople had been subjected to exit bans in China because of civil business disputes between 1995 and 2019.<sup>22</sup> While that time period is long, the authors also argue that this is a significant underestimate because of the severe

limitations in acquiring accurate data and the fact that many exit ban cases concerning foreign businesspeople are not reported to governments or the press because companies involved want to resolve the issue behind the scenes.

One of the problems is that Chinese law allows a wide range of people to be placed under exit bans if involved in a civil business dispute, including “legal representatives, persons in charge, and persons subject to direct liability for affecting the performance of debts” (see page 43). Such exit bans can drag on for years.

Irish businessperson Richard O’Halloran was prevented from leaving China for **nearly three years** (2019 to 2022) because of a civil business

dispute. His employer, the Ireland-based China International Aviation Leasing Service, was convicted of illegally raising funds from Chinese investors. O’Halloran was not connected with this crime; it even took place before he started working for the company.<sup>23</sup> Even so, in 2019, he voluntarily went to China to handle the dispute. He was prevented from leaving China until January 2022 when a deal was finally struck for the company to make payments to the Chinese investors.<sup>24</sup>

**“Chinese authorities have also shown a greater willingness to threaten journalists with legal measures, proceedings that could subject them to exit bans, barring them from leaving China.”**

According to The Straits Exchange Foundation, Taiwan’s semi-official agency for handling business matters with China, in 2016 “many Taiwanese businesspeople” were placed under exit bans because of their involvement in civil disputes.<sup>25</sup>

## Journalists

In 2018, Australian journalist Matthew Carney of the Australian Broadcasting Corporation (ABC) fled China fearful he would be placed under an exit ban.<sup>26</sup> Weeks earlier, he had received a call from a Chinese official warning him that his coverage violated Chinese law. Later, when he tried to renew his journalist visa, he was again accused of making trouble with his reporting and then of violating visa regulations. Police bullied him into recording a confession along with his teenaged daughter. After one of his former interviewees then threatened to sue him, he fled the country with his family.

In 2020, two Australian journalists, ABC’s Bill Birtles and Australian Financial Review’s Michael Smith, were prohibited from leaving China for several weeks in a case that involved a tense diplomatic standoff between Beijing and Canberra. Both men were told they were “persons of interest in a case”<sup>27</sup> that involved disappeared Australian journalist Cheng Lei.

The following year, the Foreign Correspondents’ Club of China noted: “Alarming, Chinese authorities have also shown a greater willingness to threaten journalists with legal measures, proceedings that could subject them to exit bans, barring them from leaving China.”<sup>28</sup>

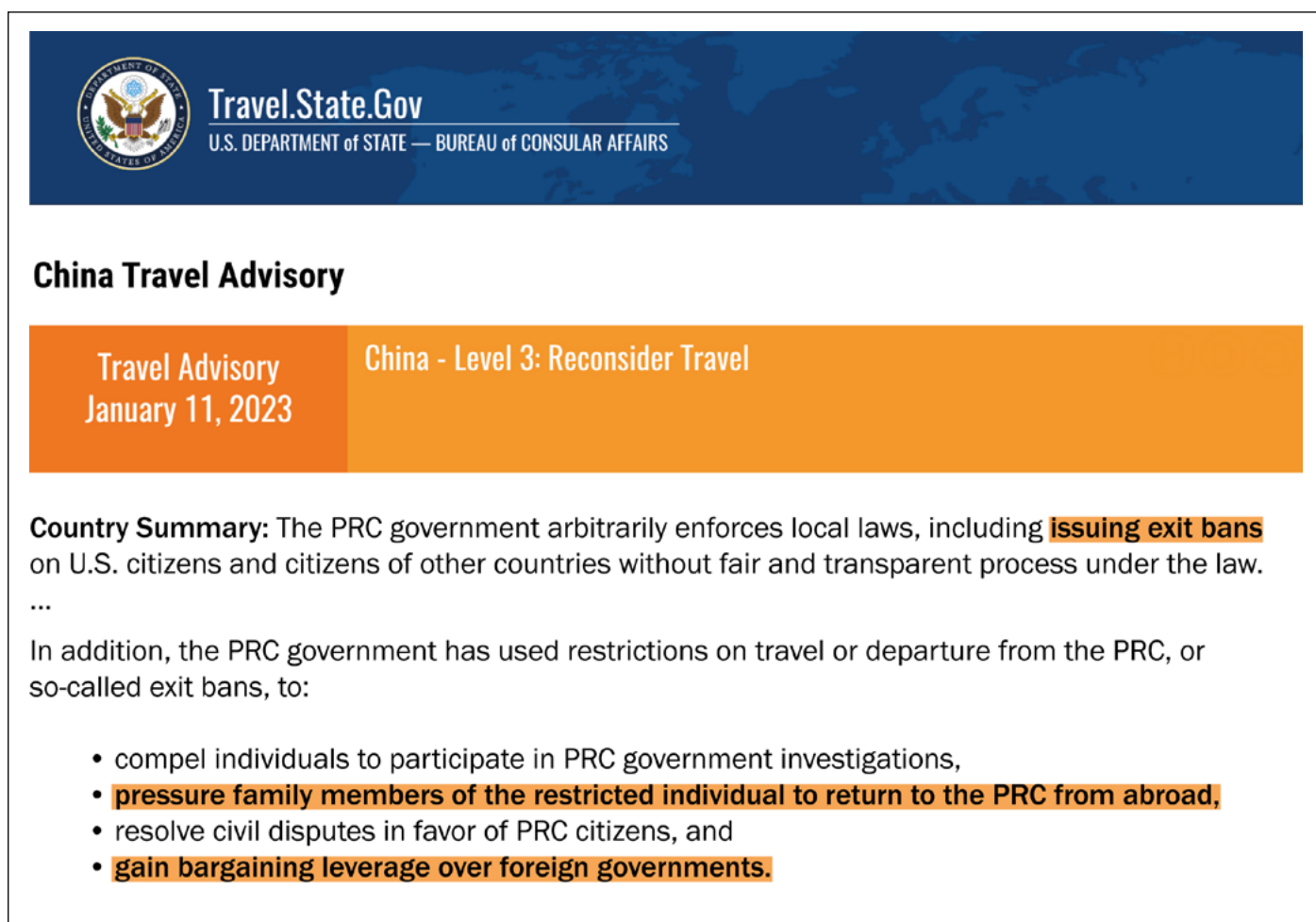
## Family members

US siblings Victor and Cynthia Liu were banned from leaving China **for three years from 2018 to 2021**. Beijing was effectively holding them hostage to pressure their father, Liu Changming (刘昌明), an alleged economic criminal, to return to China from the US.<sup>29</sup>

Another US citizen, Daniel Hsu, was unable to leave China (and was actually held in Residential Surveillance at a Designated Location<sup>30</sup> for several months) for more than four years from 2017 to 2021 for similar reasons.<sup>31</sup> His father, Xu Weiming (徐維銘), a former chairman of Shanghai Anhui Yu'an Industrial Corporation, was suspected of embezzlement and the authorities hoped that by holding Hsu hostage, they could convince his father to return from the US back to China.<sup>32</sup> Hsu and the Lius were finally allowed to leave after separate deals were struck between Beijing and Washington.

In 2020, the US bipartisan Congressional-Executive Commission on China warned that US citizens are being held hostage to force family members to return to China. "American citizens are too often being detained as de facto hostages in business disputes or to coerce family members to return to China – this is shocking and unacceptable behaviour by the Chinese government and a clear violation of international law."<sup>33</sup> Kamm estimated in 2021 that **at least two dozen US citizens had been subjected to exit bans in China** over the past two years.<sup>34</sup>

The US, Canada, Australia and UK among others have issued advisories against travel to China based on the risk of being subjected to an exit ban.<sup>35</sup> Some of the advisories also warn of an even more serious risk, that of being arbitrarily detained as part of China's hostage diplomacy.<sup>36</sup>



The image is a screenshot of a travel advisory from the US State Department. At the top left is the Department of State seal. To its right, the text reads "Travel.State.Gov" and "U.S. DEPARTMENT of STATE — BUREAU of CONSULAR AFFAIRS". Below this is the title "China Travel Advisory". A large orange banner contains the text "Travel Advisory January 11, 2023" and "China - Level 3: Reconsider Travel". The main text of the advisory begins with "Country Summary: The PRC government arbitrarily enforces local laws, including **issuing exit bans** on U.S. citizens and citizens of other countries without fair and transparent process under the law. ...". It then states "In addition, the PRC government has used restrictions on travel or departure from the PRC, or so-called exit bans, to:" followed by a bulleted list: "• compel individuals to participate in PRC government investigations," "• **pressure family members of the restricted individual to return to the PRC from abroad,**" "• resolve civil disputes in favor of PRC citizens, and" "• **gain bargaining leverage over foreign governments.**"

A mock-up of the US State Department's warning against travel to China in October 2020.<sup>37</sup>

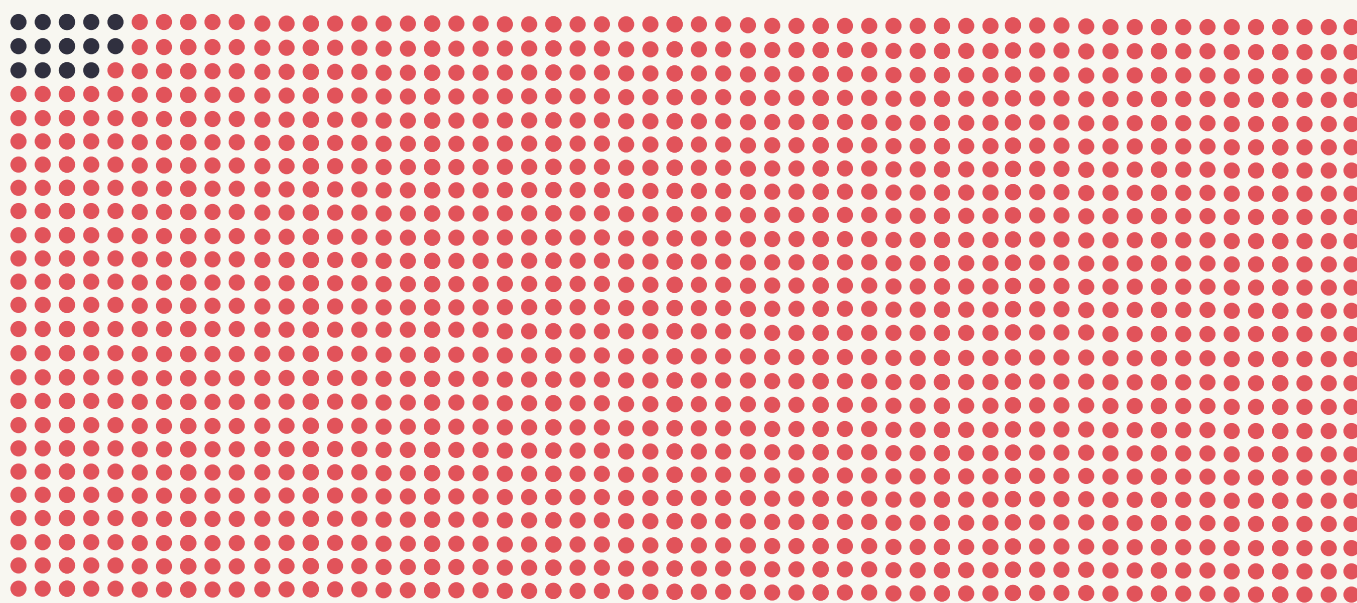
## Persons involved in civil disputes

Anyone connected to a civil dispute in China may also end up being targeted by an exit ban. **Exit bans linked to civil disputes likely make up the largest of the total number of exit bans, outside of the millions of ethnic-wide exit bans imposed on minority groups through the confiscation, cancellation or denial of issuance of passports.**

A search for “exit ban” in Chinese (限制出境) on the Supreme People’s Court’s (SPC) database China Judgments Online (CJO) conducted on 27 January 2023 for entries for the five years between 1 January 2017 and 31 December 2021 returned **126,829**, entries of which **125,575 (or 98.95%)** were related to civil proceedings.<sup>38</sup> The remainder of cases were connected to criminal, state compensation or administrative cases. Among the civil cases, there were those related to business disputes, debt issues and even divorce lawsuits.

As described earlier, this is a common reason for foreign businesspeople to be prevented from leaving China (see page 9).

## Exit ban-related legal documents by category (2017-2022)



■ Civil - 99%    ■ Criminal, Administration and Others - 1%

Source: CJO, search conducted 27 January 2023

## Ethnic groups

China has targeted marginalized ethnic groups, including Tibetans and Uyghurs, with exit bans for several decades. A 2015 Human Rights Watch report described a two-track system for issuing passports that has been in place in China since 2002.<sup>39</sup> The fast-track, predominantly used in Han majority areas, is managed by the local branch of the Exit and Entry Administration, and is tasked with handling passport applications and renewals within 15 days of application. In so-called autonomous regions, where ethnic group populations are historically higher, a second and much slower system is employed that involves several different agencies, including local village or neighbourhood committees, township or town governments, local police stations, county-level public security bureau, county-level government leaders and all the way up to prefecture-level officials. The final gatekeeper is the autonomous region's Exit and Entry Administration under the MPS. In this much more cumbersome system, passport applications could take years, that is if they are approved at all.

This discriminatory policy was partly designed to prevent travel for religious reasons. For example, stopping Tibetan Buddhists from attending teachings of the Dalai Lama in India and Muslims, such as Uyghurs and Hui, from making pilgrimages to Mecca in Saudi Arabia.<sup>40</sup>

Authorities in the Tibet Autonomous Region began confiscating the passports of all residents in the region, (over 90% being Tibetans) from as early as 2012. These passports have neither been returned nor reissued, effectively barring three million citizens from travelling abroad (except for the few who have authorization to travel on official government business).<sup>41</sup>

Likewise, the Xinjiang Uyghur Autonomous Region has also been confiscating passports from local residents. For example, in 2015, Ili Kazakh Autonomous Prefecture ordered all three million residents (of which the majority are Uyghur), to hand in their passports to their local police station.<sup>42</sup> Similarly, in 2016, Shihezi City in northern Xinjiang, ordered everyone to hand in their passports to the police for "safekeeping".<sup>43</sup>

More widespread passport recalls in Xinjiang began in 2016,<sup>44</sup> just a year before the CCP began the mass detention of mostly Uyghur people into re-education camps. A 2022 UN High Commissioner for Human Rights report concluded that up to a million people had been held in these camps and that this "arbitrary and discriminatory detention of members of Uyghur and other predominantly Muslim groups" may amount to "crimes against humanity".<sup>45</sup>

A document leaked in 2019 revealed that "applying for a passport" was one of the reasons to send someone to one of these camps.<sup>46</sup> Such ethnic or region-based exit bans are clearly racist and have no legal basis under China's domestic law.<sup>47</sup>

## Corruption suspects and families

Xi Jinping's anti-corruption campaign (反腐败斗争)<sup>48</sup>, launched in 2012, allowed for any suspect to first be targeted with an exit ban. If they have already fled the country, family members could be targeted with bans to force the "fugitive" to return. Please see an earlier Safeguard Defenders' report, *Involuntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home*, which covered this issue in depth.<sup>49</sup>





# CHAPTER 2:

## Expanding *scale* of exit bans

There is strong evidence from official data and anecdotal accounts that the CCP has massively increased the number of people placed under exit bans over the past decade.

Without official data on the number of exit bans, it is not possible to know how many people are placed under exit bans at any one time. Counting ethnicity-based exit bans, we estimate that number to be in the millions. Other kinds of exit bans likely number in the tens of thousands if not more.

## Supreme People's Court data

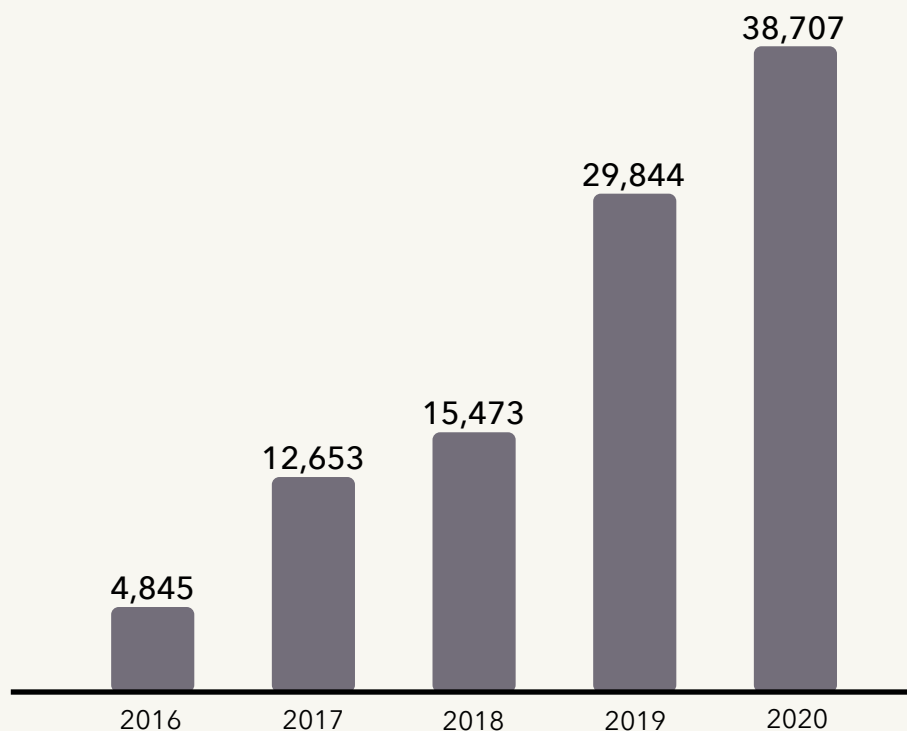
A 2019 online report on the SPC website said that between 2016 and 2018, 34,000 people who owed money and had the means to repay but refused were placed under exit bans and that number was **up 54.6%** compared with the same period three years earlier.<sup>50</sup>

Combing through data on CJO, the official database of the SPC, there is strong evidence that the number of exit bans is rising fast.

When Safeguard Defenders searched for the phrase "exit ban" in Chinese on the CJO,<sup>51</sup> results rocketed to almost **39,000 in 2020 from under 5,000 in 2016 - that's an almost eightfold increase**. Only administrative, criminal and civil case-related exit bans appear on this database; thus this figure is an underestimation of the real numbers of exit bans. It can take up to two years for data to be uploaded to the CJO, so data from 2021 and later has been ignored. Also, the number of results does not equal the number of exit bans; it equals the number of times the phrase "exit ban" is mentioned on the CJO and thus we can only conclude that changes in this number likely reflect changes in the number of exit ban issuances.

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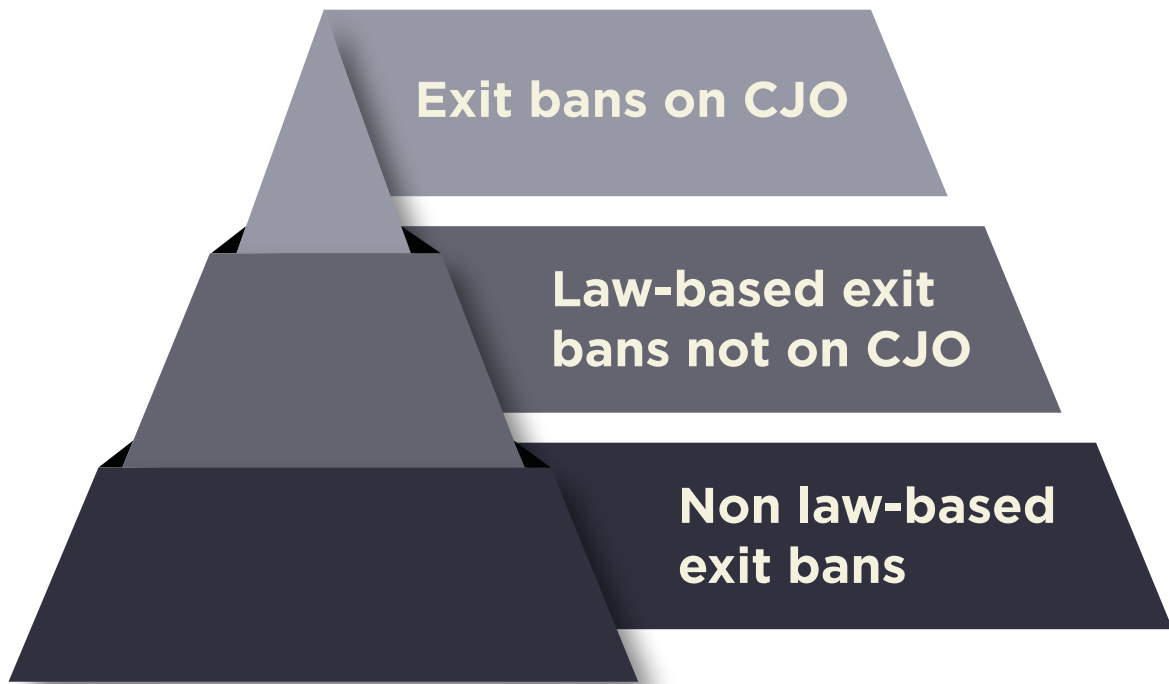
## Number of Supreme Court Database entries mentioning exit bans



### Why exit ban mentions on the CJO does not equal the number of exit ban issuances

- A single mention on the CJO may refer to more than one exit ban issuance. It may also mention an exit ban but not refer to its issuance.
- Entries are deleted from the system (missing verdicts). Sensitive cases and random mass deletions have both been reported.<sup>52, 53</sup>
- Scholars note not all verdicts that should be uploaded are actually uploaded in the system. For example, they estimate only about 60% of verdicts in criminal cases are uploaded.<sup>54</sup>
- CJO exit ban data only covers exit bans connected to administrative, criminal and civil cases. It does not include extra-legal ethnic or region-wide exit bans, arbitrarily imposed exit bans targeting HRDs, corruption investigation-related bans issued by Supervisory Commissions and blanket bans because of Covid-19 measures. And also, according to a legal interpretation,<sup>55</sup> cases related to state secrets, national interests, involving minors and divorce lawsuits are not included in the database.

So, it is not the numbers here that are important, rather it is how they are changing. **The sharp increase in the CJO data is a strong indication that the number of exit bans is also growing.**



The above pyramid represents the total number of exit bans. Those listed on the CJO are only a fraction of the whole number and are represented by the top layer of the pyramid.

It is extremely difficult to provide an estimate for the numbers of exit bans in China today. If we exclude those based on ethnicity (most of the bottom of the pyramid) - which number in the millions - a conservative estimate would be at least tens of thousands of exit bans (the top two levels of the pyramid).

One possibility behind the growth of exit ban mentions on the CJO is a nationwide measure launched in 2016 aimed at ensuring those who owe debts and refuse to pay despite having the means to do so are punished. That year, the SPC signed memorandums with more than 40 government agencies and state enterprises, agreeing to share their blacklists of debtors.<sup>56</sup> As part of this, the SPC and the MPS agreed that the police would be responsible for placing these people under exit bans.<sup>57</sup>

# Increase in exit ban laws and regulations

Safeguard Defenders has identified **14** laws that mention exit bans,<sup>58</sup> an increase of at least **four** since **2018**. These four new laws are:

1. Supervision Law (监察法) (2018)
2. Anti-organized Crime Law (反有组织犯罪法) (2022)
3. Anti-Telecom and Online Fraud Law (反电信网络诈骗法) (2022)
4. Futures and Derivatives Laws (期货和衍生品法) (2022)

A 2018 Chinese study on the legal framework for exit bans found 178 laws, regulations, administrative regulations (central and local), legal interpretations, and internal rules mentioning exit bans. It's a complicated task to find the exact number since exit bans can be called any number of different terms including 限制出境 (restricted from exiting the border), 不准出境 (not permitted to exit the border), 不准出国 (not permitted to leave the country), and 阻止其出境 (prevented from exiting the border). In terms of **laws only**, Safeguard Defenders found 10 mentioning exit bans existing in 2018.

Some Chinese scholars have called for reducing, clarifying and simplifying laws and regulations that deal with exit bans.<sup>59</sup> They argue there are too many and they are too vague, which has led to some authorities misinterpreting and abusing these laws. However, China has continued to introduce new laws and regulations on exit bans, further complicating and confusing the legal landscape.

One of these new laws, the Supervision Law (SL)<sup>60</sup> has likely played a key role in the escalating use of exit bans in China in recent years. The SL, along with its *Implementing Regulations* (2021)<sup>61</sup>, authorize local and National Supervisory Commissions (NSC) to use exit bans against suspects and anyone connected to ongoing investigations. As a non-judicial body, exit bans authorized by the NSC or a Supervisory Commission (SC), are not part of judicial proceedings, so their numbers are **not** recorded on CJO.

Article 30 of the SL<sup>62</sup> and Article 162 of the *Implementing Regulations*<sup>63</sup> empower SCs (local and national) to prevent *anyone who is under investigation and related persons* from leaving the country.

## What is the NSC?

The NSC is an expanded version of the Central Commission for Discipline Inspection (CCDI), a Party-run police force that operates outside of the judicial system and disappears suspects into a secretive system known as *shuanggui* (双规) interrogating them, routinely through the use of torture, and then releasing them into the judicial system once they have secured confessions. The NSC has an enlarged mandate - as well targeting Party members, it targets all officials and government workers, using a similar secretive system of detention called *Liuzhi* (留置).



This means that a non-judicial, non-law enforcement organ – the NSC – has the power to issue exit bans under vague accusations (economic or duty-related crimes) *without any evidence*. The ban cannot be challenged in court or appealed within the judicial system. The scope for abuse is significant.

Even before the SL was passed, the CCDI imposed exit bans on both Party and non-Party members, and even foreigners.

In January 2017, the CCDI issued *The Chinese Communist Party Discipline Inspection Authority Supervision and Enforcement Rules*.<sup>64</sup> Article 23 of those rules specified that if it was deemed necessary to place investigation targets under exit bans, central and local branches of the CCDI should review and if approved, pass them to public security for implementation.<sup>65</sup> For example, in early 2017, the wife of Xiang Junbo (项俊波), then Party Secretary of China Insurance Regulatory Commission, was placed on a border control (exit ban) list while he was under CCDI investigation.<sup>66</sup>

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Wang Hong-kai (pseudonym), a Taiwanese legal professional, who provides assistance to Taiwanese businesspeople in China, told Safeguard Defenders that several years before 2018, the CCDI imposed an exit ban on one of his clients because of his connections with a former official who was being investigated for corruption. At the time, the official was under *shuanggui*, which meant that the CCDI had not yet handed the case over to the prosecutor. “They blocked [a Taiwanese citizen] from leaving the country when the case hadn’t even been transferred to the judiciary,” he said. “They can ban you from leaving China without you being a Party member, without you being from Mainland China, and with no legal grounds.”<sup>67</sup>

# CHAPTER 3:

## Exit bans in practice

China uses exit bans in ways that are different to most democratic nations and in ways that violate the internationally-accepted right to freedom of movement. In addition to the legitimate and law-based application of exit bans, China practices the arbitrary use of exit bans on HRDs and ethnic minorities, the use of exit bans as collective punishment on family members, the threat of exit bans on foreign journalists, the use of exit bans on suspects under investigation outside of the judicial system, and an expansive application of exit bans targeting a wide and non-defined range of people in civil business disputes. Decision-making is non-transparent, notification systems non-functional and channels of remedy are often inadequate or non-existing.

## Human rights defenders and their families

### Police routinely do not inform targets they are under an exit ban

It is common for HRDs to only discover that they are banned from leaving China when they are at the border. Others find out when they apply for a new passport or travel document or when they look up their status on a National Immigration Administration app called *yiminju* (移民局) released in 2019 and see that their status has been classified “invalid”.

Of the **18** HRDs or their family members targeted by exit bans and interviewed by Safeguard Defenders for this report:

- **Eight** found out at the border
- **Four** were told when they applied for a new passport or other travel document
- **Three** found out on the app
- And, **three** were told by the police when they were released on bail or after serving their prison sentence but were still under Deprivation of Political Rights (DPR) (see page 41)



Activist Zhang Yiqiong’s search results on the National Immigration Administration APP, showing her travel documents are 已失效 or invalid.

### It is difficult to find out who ordered the ban

Officers simply say that senior levels of the police force enforced the ban and they can do nothing to help. Border guards either refuse to answer or say domestic security ordered the ban.

Activist Lu Yuyu (卢昱宇) from Guizhou province found out his passport had been cancelled via the *yiminju* app in 2021. He had been released from prison in 2020 after serving four years for writing a blog on protests in China. When he tried to find out why his passport had been cancelled, a domestic security officer in Guizhou told him the MPS had ordered the ban and there was nothing that lower-level police could do.<sup>68</sup>

When activist artist Xiang Li (向莉) was stopped at Beijing Capital Airport in 2015, she asked the officer who had ordered her exit ban. The officer replied: “I’m not going to tell you who says you can’t leave. I’m just telling you that you can’t leave.”<sup>69</sup>

In 2021, Zhang Yiqiong (张益琼), the wife of activist Huang Wenxun (黄文勋), was on her way to Singapore to start a new job when the customs officer at Chengdu Shuangliu International Airport in Sichuan province said she could not leave because her passport had been cancelled.<sup>70</sup> When she asked why, the officer said the orders probably came from local police station in Hongan, Hubei province (Zhang's hometown) or domestic security police in Huizhou, Guangdong province (Huang's hometown). Later, both Hongan and Huizhou police denied they had ordered the ban. "I think none of the police officers would tell me the truth," she said. Without knowing who ordered the ban, it is almost impossible to appeal (see page 24).

## There is often no legal basis for the ban

Without knowing who imposed the ban, it is difficult to find out the legal basis for its approval. Most HRDs believe their bans are ordered *without any legal basis* and are aimed at pressuring them and others to give up their rights defence work or to stop them openly criticizing China when they are overseas and revealing details about human rights cases. On the occasions when HRDs are told why they have been banned from leaving China, the reason is usually on "national security grounds".

Zhang Yiqiong said she believes her exit ban was imposed to stop her revealing her husband's story overseas.<sup>71</sup>

Many activists involved in the 709 Crackdown were given exits bans.<sup>72</sup> Luo Wenxi (pseudonym), an activist from Beijing, was rounded up during the crackdown and then released on bail in 2016. His bail conditions meant he was automatically subject to a ban for one year but in 2018, a Beijing domestic security officer told him that everyone, including himself, who was involved in the 709 Crackdown, had been placed under indefinite exit bans.<sup>73</sup>

Activist Su Nan (苏楠), tried three times to leave China between 2015 and 2018, but was blocked at the airport each time. She believes her exit ban stems from her work with a UK-based NGO helping victims of the 709 Crackdown.<sup>74</sup>

**"I'm not going to tell you who says you can't leave. I'm just telling you that you can't leave."**

When Xiang Li tried to leave China for the fourth time in 2017 from an airport in Kunming, in Yunnan province, the customs official told her that she should stop trying because she will never be allowed to leave. "Don't think that we don't know what you've done," he said ominously.<sup>75</sup>

Guizhou police told Lu Yuyu that "as long as you cooperate with us and stop 'talking nonsense online,' it's very likely that your exit ban will be lifted."<sup>76</sup>

Tang Zhishun, the activist living in exile in the US, said the CCP also uses exit bans on family members to increase pressure on HRDs to stay quiet. "The purpose is to destroy your life and set an example to warn others against criticizing the authorities. It is totally about deterrence!" he said.<sup>77</sup>

## Guilt by Association

In imperial China, family members of someone convicted of a crime were often also punished, even by execution. This guilt by association practice is called *zhulian* (株连) in Chinese. While there is no legal basis for *zhulian* in China's legal system today, police still harass and punish family members, including placing them under arbitrary exit bans. As human rights lawyer Sui Muqing (隋牧青) said in 2019: "*Zhulian* is not legal, but [the CCP] is so shameless [that they dare to do it]."<sup>78</sup>

Rights lawyer Qin Yongpei (覃永沛) said his family members were also given exit bans. For example, his daughter was stopped at the border with Hong Kong in 2019.<sup>79</sup> "They [the CCP] are using this measure [extending the ban to family] to threaten lawyers; it's telling them that if they choose to defend human rights, their wives and children will all be punished," said Qin.<sup>80</sup>

Li Zeyuan (李泽远), the son of rights lawyer Li Heping (李和平), imprisoned in the 709 Crackdown, has tried unsuccessfully to apply for a passport three times since 2015.<sup>81</sup> His mother, Wang Qiaoling (王峭岭), wrote on Twitter that the official at Henan Exit and Entry Administration told her that Beijing police submitted her son's exit ban to the MPS for approval and that her son was on the list of "persons under internal control" (内控人员) because of his father and so he could not leave China.<sup>82</sup>

In 2017, Bao Zhuoxuan (包卓轩), the son of rights lawyer Wang Yu (王宇), also detained as part of the 709 Crackdown, was banned from flying to Japan on "national security grounds". Border police at Beijing Capital Airport snipped off two corners of his passport.<sup>83</sup> A few months later, however, Bao did succeed in getting a passport and leaving China.<sup>84</sup>

Rights lawyer Xie Yanyi's (谢燕益) three children, aged between three and 12 years old, had their applications for passports rejected in 2019 on "national security grounds".<sup>85</sup>

In 2015, rights lawyer Liu Xiaoyuan's (刘晓原) adult son had his passport rejected, while in the same year, lawyer Yu Hejin's (于合金) son was turned back at an airport in Shanghai on his way to the US to study.<sup>86</sup>



Bao Zhuoxuan's passport with two corners cut. Source: RFA twitter account.



In April 2020, rights activist Chen Yanhui (陈燕慧) found her passport and travel documents had been cancelled at the end of 2019 according to the *yiminju* app. When she confronted the police, they told her it was to “stop you from criticizing our government. We can’t control you if you go overseas.”<sup>87</sup>

Hunan-based activist Yang Renmu (pseudonym) found out his passport had been cancelled in early 2020 after he signed an online petition calling for the protection of freedom of speech in memory of Dr Li Wenliang (李文亮), one of the early Covid-19 whistleblowers.<sup>88, 89</sup> Yang believes the CCP did not want him to speak openly about China overseas because of another human rights case he was involved in.<sup>90</sup>

## **It is difficult to appeal exit bans and get them lifted**

### **Legal tools do not work**

On paper, there are legal tools, such as administrative reconsideration and administrative litigation that can be used to appeal exit bans.

Chinese citizens have the right to request the agency that imposed the exit ban to reveal the legal grounds for the ban. They can appeal to the next level up within that agency to order its removal (an administrative reconsideration). If the result of the administrative reconsideration is that there are no legal grounds for the ban, a legal violation was committed in approving the ban, or that it was inappropriate, they will then order the exit ban to be lifted.<sup>91</sup> However, in practice, this process often does not work. Many who appeal find that their applications for disclosure of information and reconsideration are routinely ignored.

After discovering that her passport had been cancelled in 2020, Hunan activist Chen Yanhui filed an application with a county-level public security bureau in May 2021 to disclose who ordered her exit ban and why. The office refused to accept her application, with one officer telling her unofficially that she was banned from leaving to stop her from criticizing China after she left.<sup>92</sup>

**When she confronted the police, they told her it was to “stop you from criticizing our government. We can’t control you if you go overseas.”**

In 2016, Xiang Li sent an application for administrative reconsideration to the authority in charge of Beijing Capital International Airport after she was stopped from boarding an international flight. According to the Administrative Reconsideration Law, the airport must respond within 60 days of receiving the application.<sup>93</sup> Xiang never received a reply.

Two days after she was prevented from taking a flight out of China in August 2015, Su Nan filed an application for administrative reconsideration with the Beijing General Station of Exit and Entry Frontier Inspection under the MPS. Getting no response, she visited the station to apply to access her case files, but was turned away. She went on to file an administrative lawsuit against Beijing Public Security Bureau, first with the Beijing Chaoyang People’s Court and then Beijing No.2 Intermediate People’s Court, but both courts refused to take her case. Su even protested in front of the Chaoyang court. “There is no legal or administrative remedy for exit bans,” Su concluded.

Rights lawyers say they are unwilling to take on such cases because there is nothing they can do. Neither Xiang Li, Chen Yanhui nor Zhang Yiqiong could find a lawyer to represent them. Yang Renmu sought help from a commercial law firm, but also failed. Some rights lawyers told him to give up the fight in case police punished him more harshly for his efforts. “They have the ability to fabricate a crime against you and imprison you, and then you are done,” he was warned.<sup>94</sup>

Online activist Xiang Jinfeng (项锦锋) from Fujian province was stopped at a Xiamen airport when he tried to board a flight to the Philippines in May 2019. Initially, he wanted to sue Longyan city police, whom he believed had ordered the ban, but gave up after he heard about another case where the person who tried to sue the police ended up in jail himself for trying.<sup>95</sup>

## Direct appeals to police go unanswered

Those HRDs who appeal to police directly to get their ban lifted typically first approach the police officer who has been assigned to watch them.<sup>96</sup>

In 2020, after Yang Renmu asked Hunan domestic security police to help get his ban lifted, they told him that if he wrote a letter promising “not to spread rumours”, he could reapply and get a passport. Yang wrote and signed the letter, but despite applying multiple times in three provinces and two municipalities, he was unsuccessful. In one location, Yang was told to apply in his hometown because he was on a list of sensitive figures. Finally, after spending nearly RMB200,000, Yang concluded that it was impossible to get a passport.<sup>97</sup>

After trying unsuccessfully to get his ban lifted via legal channels, in early 2022 Xiang Jinfeng, approached Longyan city domestic security police. However, they told him that because of Covid-19 restrictions, only those people who could prove their travel was necessary could apply to leave China.

Safeguard Defenders is aware of two old examples where police have helped. Pressure from Taiwanese authorities and the assistance of a state security officer helped citizen journalist Zhou Shuguang (周曙光) get his ban lifted back in 2011. Mou Yanxi (牟彦希),<sup>98</sup> a rights activist and grassroots rights NGO worker from Chongqing municipality and currently in exile in the UK was able to get a new passport in 2017 after she negotiated with the domestic security police officer responsible for watching her.<sup>99</sup>

**“There is no legal or administrative remedy for exit bans”**

Zhou believes there is no space now in China under Xi Jinping for negotiating exit bans anymore. “Overwhelming pressure [from the top] has made officials lose their humanity,” said Zhou.<sup>100</sup>

## Exit bans sometimes not enforced

Rights activist Tang Zhishun was placed under RSDL<sup>101</sup> in 2015 for trying to help Bao Zhuoxuan, Wang Yu’s son, escape China. At the end of 2016, when Tang was released on bail, a police officer in Beijing told him his passport would be returned to him once the bail period expired after one year. When Tang applied for his passport’s return in 2018, the police told him he was under an exit ban and refused to hand it back.

However, when Tang applied for a new passport later, saying that his current passport had been lost, he was successful. In 2021, Tang left for the US, where he now lives in exile.<sup>102</sup>

Chen Yuzhen (陈宇镇) was detained by Chinese police in June 2020 for sharing his VPN account to help others break through the Great Firewall to access banned websites. Chen was released on bail and ordered to report to the police if he intended to leave Sanya City, Hainan province where he was living at the time. He was told he was on an exit ban until June 2021. However, he was able to fly to South Korea on a student visa in December 2020.<sup>103</sup> He too now lives in exile in the US.

## Desperate, some HRDs escape from China

With no feasible way to appeal the ban, some HRDs leave China illegally. Xiang Li escaped China in July 2017.<sup>104</sup> She found her way to Thailand where she was held at an immigration detention centre until 2018 when she was granted asylum in the US.<sup>105, 106</sup>

## Escape was the only option

*Beijing-based activist Xiang Li was detained and interrogated for eight hours in July 2015 after she had visited Wang Yu's son at his grandparents' house in Tianjin, just days after Wang was disappeared at the start of the 709 Crackdown. A few days later, Xiang was at the airport trying to board a flight out of China but was blocked. Three further attempts to leave were also thwarted. In 2017, in desperation, she escaped, crossing the border illegally and ending up in Thailand. In 2018, the US granted her asylum.*



On 16 July 2015, I tried to fly to Thailand from Beijing when I was stopped at customs. I asked them why I couldn't leave and they told me that I was banned on national security grounds. I asked for a written notice [of the ban], but they refused. When I asked who ordered it, the official said: "I'm not going to tell you who says you can't leave. I'm just telling you that you cannot leave."

On 9 August 2016, I was again blocked at the airport while trying to travel to Hong Kong. I again asked which agency had banned me. They told me they had no clue which public security branch issued the ban. On 15 August, I posted an application for administrative reconsideration to the airport. They are supposed to reply to me within 60 days according to the law but they never did. They were like thugs, blatantly ignoring the law. So, I turned to the Exit and Entry Administration under Beijing Public Security Bureau. They told me it was Tianjin Public Security Bureau so I posted this along with photos of [all my paperwork] and plane tickets on Twitter and Facebook. But nothing changed.

The third time [I tried to leave China], I was going from Shenzhen to Hong Kong via the Shatoujiao land border. This time, I was told it was Beijing Public Security Bureau that had imposed the exit ban. I called an officer of the local police station near my home in Beijing and angrily asked him why had I been banned from leaving. He said that they did not have the authority to make any decision on my exit ban. I asked, "Is there any way to remove my exit ban?" He said, "No." So, I asked: "Is it because I'm a target of the 709 Crackdown?" He just laughed.

On 23 June 2017, I made my final attempt. I tried to fly from Kunming [Yunnan province] to Hong Kong. This time the customs official got angry. "You'll never be allowed to leave. Don't think that we don't know what you've done," he told me. I knew they meant the 709 Crackdown. I felt that I would be banned forever from leaving China so that's why I decided to escape.

While I was trapped in China, [the police] monitored me for the whole two years. I didn't dare live in my own home, instead I stayed in a friend's apartment. But one day, I found [the police] watching me and taking my photo when I was in class. I immediately left and jumped on a bus, but they were still following me. I changed to the metro and changed lines many times, so I finally shook off their trail. It took me over an hour.

I hated living under such heavy surveillance. In the past, I managed an art gallery and I had many opportunities to travel worldwide to attend exhibitions and visit artists' studios. I took [that freedom] for granted. All of a sudden, I lost it. I started to feel unsafe and anxious. I was afraid to take public transport. This caused the muscles of my body to seize up, I easily lost my temper and overreacted to minor things. It took a significant toll on my work and life. I felt like I was stuck.

In the past, I always turned down my family's suggestion to move overseas. I told them there was still a lot I could do for human rights while I was living in China. But it turned out I could do nothing, so I decided to leave.

## Costs of exit bans on HRDS

Yang Renmu lost nearly RMB200,000 trying to get a new passport.<sup>107</sup> Tang Zhishun said he was unable to oversee his US property investments leading to losses of RMB1 million yuan in unfulfilled contracts because he could not leave China.<sup>108</sup> Zhang Yiqiong's exit ban prevented her from taking a well-paid job in Singapore to help pay for her son's education overseas. Without the option to study abroad, her son chose to leave high school and find a job.<sup>109</sup> Lu Yuyu received an invitation to be a visiting scholar at Cornell University in the US in May 2021. His exit ban prevented him from going.<sup>110</sup> Luo Wenxi also received an invitation to be a visiting scholar at a UK University, which he had to decline because of his exit ban. "I could have started a career as an academic if I was allowed to go to the UK. Now I feel depressed sometimes because it's a struggle to make a living [in China]."<sup>111</sup>

Name	When exit ban was first known	Where	Possible reason
Lu Yuyu	2021	Guizhou	Jailed 2016 to 2020 for writing a blog about daily protests in China
Xiang Li	2015	Beijing	709 Crackdown
Zhang Yiqiong	2021	Hubei	Husband is an activist
Luo Wenxi (pseudonym)	2016	Beijing	709 Crackdown
Su Nan	2015	Beijing	709 Crackdown
Chen Yanhui	2019	Hunan	To stop her from speaking about the CCP overseas
Tang Zhishun	2016	Beijing	Helped Wang Yu's son cross the border illegally
Yang Renmu (pseudonym)	2020	Hunan	Signed online petition calling for freedom of speech
Xiang Jinfeng	2019	Fujian	Posted anti-government comments online
Chen Yuzhen	2020	Hainan	Helped others use VPN to access banned websites



# Foreign journalists

The first known case of China threatening a foreign journalist with an exit ban was that of Matthew Carney in 2018.

## Matthew Carney

China blocked the news website of the Australian Broadcasting Corporation (ABC) in August 2018.<sup>112</sup> A few weeks later, Chinese authorities began threatening ABC's China bureau chief Matthew Carney and his family. First, Carney was called for meetings with the Ministry of Foreign Affairs on three occasions, while he was trying to renew his journalist visa. Officials scolded him for "abusing all the people and leadership of China" with his "negative" China coverage. Later, police ordered him and his then 14-year-old daughter to a police facility in north Beijing for interrogation, where they threatened to detain her at an undisclosed location for alleged visa crimes unless the two of them agreed to confess on camera. They told Carney, he could not leave China as he was under an exit ban. After the two of them recorded their confessions, they were allowed to go and shortly afterwards told they had been granted short visa extensions.<sup>113</sup>

A week later, Carney heard that a woman he had filmed for a documentary on China's social credit system was planning to sue him and the channel for defamation. Scared he would be placed under a second exit ban, the whole family fled China. Carney said he later found out that the woman's husband was a CCP member and worked for the Ministry of Justice.

Not wanting to jeopardize ABC's operations in China, Carney waited until the story about Bill Birtles and Michael Smith's exit bans broke two years later before he made his story public.

## Bill Birtles and Michael Smith

ABC journalist Bill Birtles and The Australian Financial Review reporter Michael Smith were both targeted with exit bans in 2020 in a bizarre case that indicates China is willing to weaponize exit bans as a foreign policy tool.

In early September 2020, Ministry of State Security (MSS) officers visited Birtles and Smith at their homes in Beijing and Shanghai, respectively. The two men had been warned two days earlier by Australian diplomats in China to leave as soon as possible, but both men were reluctant to do so. The MSS officers told them they were both persons of interest in a national security investigation and so temporarily would not be allowed to leave China. The two men then sought refuge, Birtles at the Australian Embassy in Beijing, and Smith at the Australian Consulate in Shanghai, while diplomats negotiated with Chinese officials to allow them to leave. After both men agreed to be interviewed by the MSS, they were allowed to depart on 7 September. The MSS asked both men about their relationship to Australian journalist Cheng Lei, who had worked for Chinese state TV channel CGTN. Cheng had been detained the previous month on what are believed to be trumped up "national security" charges.<sup>114, 115</sup>

Writing in media after their ordeals, Birtles and Smith said they believed their exit bans were acts of retaliation for a June raid on Chinese journalists in Australia by Australian secret service agents. Indeed, the timing is very suspicious. The day after the two men arrived in Australia, Chinese state media broke the story about the earlier raids on the houses of four Chinese journalists.<sup>116</sup> Smith said the only reasonable explanation for their exit bans was "because we were the last two

journalists working for Australian media companies left in China at the time."<sup>117</sup> He added that he believes the MSS interrogations in exchange for their exit bans being lifted was a face-saving measure because China regretted imposing the bans because of how it would look internationally. Birtles said: "It felt very, very political. It felt like a diplomatic tussle in a broader Australian-China relationship more than anything specific related to [Cheng Lei's] case."<sup>118</sup>

## John Sudworth

BBC reporter John Sudworth, who is from the UK, fled China for Taiwan at the end of March 2021, following months of harassment from official bodies and threats of legal action. Chinese state media and officials attacked Sudworth for his reporting - in recent years he had made several in-depth reports on the re-education camps targeting mostly Uyghurs in Xinjiang (see page 13). He had struggled with massive surveillance, "obstruction and intimidation whenever and wherever we try to film," said Sudworth.<sup>119</sup> The timing here is also interesting. A month earlier, the UK broadcaster watchdog Ofcom had revoked CGTN's license because it violated rules that no broadcaster may be controlled or owned by a political body.<sup>120</sup> "In the end we, as a family based in Beijing, along with the BBC, decided it was just too risky to carry on," Sudworth said and the family fled before they could be banned from leaving.

## Parties in a civil dispute

The largest group of people subject to law-based exit bans in China are those involved in civil cases and they include both Chinese nationals and foreigners. There are many flaws in the legal and procedural systems governing this type of exit ban that allow for an expansive interpretation for who can be targeted.

### Procedural flaws

- **Failure to notify the target**

Just as with HRDs, courts that issue exit bans as part of civil disputes routinely fail to inform the individual of their ban. According to a Chinese academic, in just one airport - Shanghai Pudong Airport - every year thousands of people are stopped at the border and told to their surprise they have been barred from leaving China because they are a party to an ongoing civil dispute.<sup>121</sup>

### Legal ambiguity

- **Vague wording**

Lawyers have argued that the wording in the Exit and Entry Administration Law ruling that anyone "involved in unsettled civil cases" can be given an exit ban is too vague.<sup>122</sup> A Taiwanese lawyer who has provided legal counsel in multiple exit ban cases for Taiwanese businesspersons in China said there is no law, regulation or legal interpretation in China that offers a clear definition of an "unsettled civil case".<sup>123</sup>

When the party that is ordered to pay a debt or damages is a company and not an individual, the Civil Procedure Law allows for a wide range of people to be subjected to an exit ban including its legal representative and "persons subject to direct liability for affecting the performance of

debts<sup>124</sup> without defining the persons subject to direct liability. Board members, supervisors, and senior managers have all been given exit bans by the courts on varying interpretations of this vague wording.<sup>125</sup>

Irish businessman Richard O'Halloran was barred from leaving China for more than three years (2019 to 2022) because the company he worked for, China International Aviation Leasing Service Ireland, was involved in a commercial dispute. Although O'Halloran was the company's representative in China, he had nothing to do with the dispute and was not even working for the firm when it started. He only flew to the country to help try to resolve the matter. His Irish lawyer said that Chinese authorities had even asked O'Halloran to pay the \$36 million debt himself "to assist with his release from China".<sup>126</sup>

O'Halloran's is not an isolated case. In a 2022 paper titled *Exit Bans when doing Business in China*,<sup>127</sup> the authors found 128 cases (of which 41 were confirmed to be business related) of foreigners subjected to exit bans in China between 1995 and 2019. The researchers concluded that the number of exit bans against foreigners during this time period was much higher than this both because of the practical difficulty in getting accurate data and also because many businesses do not report exit bans of their employees to their embassies or the press because they do not want to damage their operations in the country or simply that they believe the matter is best handled quietly. Of this 128, 44 were from Canada, 29 from the US, and 18 from Australia.

The same paper also found fault with how ill-defined conditions for imposing exit bans were in Chinese law. "Chinese exit ban laws are ambiguous and provide judges with significant discretion in deciding whether to impose an exit ban on a foreign businessperson," it concluded.

## Police corruption

There have also been cases where one party in the dispute has worked with police to accuse the other party of a criminal offence and thus prevent them from leaving China so that they have a better chance of winning their civil dispute. Police interference in civil cases is something which has been officially acknowledged. In 2020, the Supreme People's Procuratorate issued a notice ordering procuratorates nationwide to order police to drop criminal cases that had been identified as opened simply to influence ongoing civil cases.<sup>128</sup>

A senior foreign lawyer working in China said he has represented several clients involved in business disputes. These clients served as managers in Chinese companies and were placed on exit bans by the police based purely on requests from companies claiming that the other party had committed a crime.<sup>129</sup>

There have also been cases where Taiwanese entrepreneurs involved in "contract disputes" (合同纠纷) - a civil matter - in China are accused by their local business partner of "contract fraud"<sup>130</sup> (合同欺诈或合同诈骗) - a criminal matter. Police will then immediately act to confiscate travel documents.<sup>131</sup>

A Taiwanese legal scholar described this as a long-lasting legal chaos with "Chinese characteristics", where Taiwanese, foreign and domestic businesspersons are all victims.<sup>132</sup> He said that some unscrupulous businesspeople didn't want to seek exit bans through the courts because it was an "inefficient" process, they would rather use the police, who have a lot more power than the courts.

# Officials under investigation for corruption

The CCP has a long history of battling corruption and Xi Jinping is well known for his sweeping anti-corruption campaigns. Shortly after he took power, he launched Operation Fox Hunt (猎狐行动) in 2014, an effort to return fugitives overseas accused of corruption. That year, the CCP claimed that around 18,000 corrupt officials had fled abroad.<sup>133</sup> Many observers have called Xi's anti-corruption drive, at least in part, aimed at rooting out political opponents.

Exit bans are used not only to prevent those caught up in Xi's anti-corruption drive from fleeing the country but also to pressure fugitives overseas by targeting their family members in China (see page 33). The SL and its Implementing Regulations allow exit bans to be issued against individuals under suspicion and anyone associated with the case, which can include relatives, friends and acquaintances. The procuratorate also issues this type of exit ban.

Efforts to keep potential corruption suspects in China where they can be investigated was supported in 2014 with *Notice by the Organization Department of the Central Committee of the CCP on Further Strengthening the Management and Supervision of Cadres Travelling Abroad* (中共中央组织部关于进一步加强领导干部出国(境)管理监督工作的通知). Under this notice, officials' passports and travel documents are now usually kept by their Party or government personnel department. Any overseas trips need to be approved in advance and upon return to China, all travel documents must again be surrendered within 10 days or less.<sup>134, 135</sup> It is not uncommon for applications for travel to be rejected.<sup>136</sup>

In 2019, the NSC released provisions that called for the introduction of information-sharing platforms with other agencies, such as the police, to pursue targets and prevent them from fleeing the country.<sup>137</sup> The official notice calls for agents to "urgently find, report, and respond to the intention of fleeing". The wording is vague - for example it does not define who the targets are and that they first need to be under official investigation - thus giving a green light for issuing exit bans on individuals **even before an investigation is opened**.

The CCP openly boasted about this in a 2019 TV documentary *Red Notice* (红色通缉), broadcast on state media outlet CCTV, warning officials that the absence of a formal case against them did not mean they would be allowed to leave China.<sup>138</sup>

Episode five featured Guo Yongjun (郭永军), the former Deputy Director of Civil Air Defense Office of Qingtian county, Zhejiang province. Guo was blocked at the border attempting to flee the country after he got wind he *might soon be under* investigation. The Director of the International Cooperation Bureau under the NSC said: "Before the case is filed, anti-escape measures should be taken. The anti-escape measures must be taken in advance."

The NSC has enormous powers to impose exit bans on a wide range of targets and before any formal investigation is launched. And as the NSC is a non-judicial body, this is all without any judicial oversight.

# Collective Punishment: Persuade to Return

The CCP also targets family members of fugitives for exit bans to coerce the target to return to China (persuade to return). This is the subject of a previous Safeguard Defenders' investigation *Involuntary Returns: China's covert operation to force 'fugitives' overseas back home*.<sup>139</sup>

Several Persuade to Return cases have made international news because the victims are foreign nationals. For example, US citizens Cynthia and Victor Liu and Daniel Hsu (see page 10) were prevented from leaving China for years in an effort to force family members living overseas to come back and face investigation.

In the Lius' case, officials admitted their exit bans were expressly for getting their father to give himself up.<sup>140</sup> The authorities initially detained Hsu for six months under RSDL, accusing him of being a co-conspirator in the 1990s corruption case against his father. During his detention, police forced Hsu to call his father and try to persuade him to come home. After Hsu's release from RSDL, he was placed under an exit ban.<sup>141</sup> All three US citizens were finally allowed to leave following diplomatic negotiations between Washington and Beijing.<sup>142</sup>

The situation is much grimmer for Chinese nationals. Often their exit bans last until their family member gives themselves up. The ex-wife and daughter-in-law of Chu Shilin (储士林), a businessman from Shandong province accused of stealing more than RMB40 million (US\$6 million) before fleeing to Canada in 2012, were placed on exit bans in August 2015 by Chinese prosecutors until Chu finally returned in January 2016.<sup>143</sup>

To coerce Yun Jian (云健), a former tax official accused of taking bribes and who had fled to New Zealand years earlier to return to China, the Haikou Longhua People's Procuratorate banned his wife from leaving the country in April 2016. One week later, she was even arrested. When Yun still refused to come back, prosecutors then extended the exit bans to Yun's sister and brother until Yun finally gave in and returned to China in July 2016.<sup>144</sup>

Exit bans were placed on the husband-in-law, sister and mother of Guo Xin (郭欣), who was accused of taking bribes and was on China's Top 100 INTERPOL Red Notice list. Other family members and a former colleague were harassed into calling her overseas to beg her to return. In May 2016, Tang Taihua (唐太华), deputy chief of the Yunnan Procuratorate Anti-Corruption Bureau, threatened to extend the exit bans to third generation relatives of the Guo family if she continued to refuse to come back.<sup>145</sup> In October 2017, Guo finally flew back to China.<sup>146</sup>

A task force consisting of officers from the police, procuratorate and Wuhan CCDI trying to trace Li Gang (李刚), a former real estate developer living in exile in the US, detained one of Li's former business partners for half a month and then banned him from leaving China. This was done to force his wife to hire a private detective to locate Li in the US.<sup>147</sup>

## Give me the freedom to leave, let me embrace my children

Persuade to Return is not restricted to family members of corruption suspects, it is also used to force activists overseas to return as a recent case highlights.

In January 2023, a post written by Xie Fang (谢芳), the wife of a man who ran an independent bookstore in Shanghai, appeared online saying that she had been barred from leaving unless her husband, who was living in the US, returned to China.<sup>148</sup> Xie, Yu Miao (于淼), and their children had emigrated to the US in 2018 after the authorities effectively shut down Jifeng Bookstore, which sold titles on politics and law. In her post entitled "Give me the freedom to leave, let me embrace my children," Xie wrote that she had flown back to Shanghai in January 2022 to look after her sick mother, but in the summer when she had attempted to head back to the US to rejoin her family she was stopped at the airport. Border guards told her she could not leave on national security grounds. Police have questioned her several times since, asking if her husband had been posting articles online and that if she could persuade him to return, they would allow her to leave. Her post has since been deleted.<sup>149</sup>



# CHAPTER 4:

## Lawless

# Domestic law

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There are many laws and regulations that reference exit bans. These give a wide variety of agencies the power to impose bans, including state and public security, customs, the procuratorate, the courts, tax authorities and several other administrative bodies for a diverse number of reasons.<sup>150</sup> The following section looks at the legal landscape for exit bans under **five laws**:

1. Criminal Procedure Law (CPL) (中华人民共和国刑事诉讼法)
2. Civil Procedure Law (CiPL) (中华人民共和国民事诉讼法)
3. Supervision Law (SL) (中华人民共和国监察法)
4. Administrative Laws (tax and banking) (有关税收和银行业的各种行政管理法律)
5. Exit-Entry Administration Law (EEAL) (中华人民共和国出境入境管理法)

## Criminal Procedure Law (CPL)

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### Not only suspects but witnesses too may be placed under an exit ban

The CPL (Article 71, Section 1, Clause 1) stipulates that any suspect or defendant on bail must first apply for permission from public security departments if they wish to leave their **city or county** of residence.<sup>151</sup> The CPL (Article 67, Section 2) rules that the police are the only body responsible for enforcing bail, although the police, the courts and the procuratorate all have the power to approve bail or not (which body reviews bail depends on the stage the case has reached in the judicial system). The courts, the procuratorate or the police may order the person on bail to surrender their passport and other international travel documents (Article 71, Section 2).<sup>152</sup>

Although it is generally the case in most countries that anyone suspected of a crime and released on bail is not allowed to leave the country, in China this means that many HRDs who are arbitrarily detained because of their activism, also end up being punished with exit bans.

In addition to those on bail, witnesses for an ongoing case **may** also be placed under an exit ban. According to the latest *Supreme Court Interpretation on the Application of the CPL* (最高人民法院关于适用<中华人民共和国刑事诉讼法>的解释) issued in 2021 (Article 487, Section 1): “Witnesses who must appear in court for a trial may be required to defer leaving the country.”<sup>153</sup>

According to the CPL (Article 77), people placed under Residential Surveillance (house arrest), are also subject to exit bans since they may not leave their places of residence without prior permission and must surrender their passports and other travel documents. Since they are effectively in custody, an analysis of their situation is outside the scope of this report.

## Civil Procedure Law (CiPL)

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China also prevents parties engaged in civil disputes from leaving the country. The CiPL (Article 262) specifies that, for those who “fail to perform obligations determined in a legal instrument”, the courts may take measures to prevent them from leaving China.<sup>154</sup> Here, legal instrument (法律文书) refers to everything from court documents, articles of incorporation, company regulations, divorce agreements, to labour contracts.

The Supreme Court's Interpretation of *Issues Concerning the Application of the Enforcement Procedure of Legal Instruments of the CiPL* (关于适用<中华人民共和国民事诉讼法>执行程序若干问题的解释), revised December 2020, elaborated on civil dispute exit bans by ruling that they can only be ordered by a court after the opposing party requests the ban in writing (Article 23).

Article 24 of the Interpretation says that if the party subject to an exit ban is an organization, then its legal representatives (法定代表人), person in charge (主要负责人), and persons subject to direct liability for affecting the performance of debts (影响债务履行的直接责任人员) **may** all be restricted from leaving the country.<sup>155</sup> Article 25 adds that the exit ban must be lifted once all outstanding debts have been settled, or may be lifted once sufficient and effective guarantees have been provided to settle such debts, or the party that applied for the exit ban agrees to its cancellation.<sup>156</sup>

An earlier document, *Provisions of the Supreme People's Court on Several Issues concerning the Handling of Enforcement Opposition and Reconsideration Cases by People's Courts* (2015) (最高人民法院关于人民法院办理执行异议和复议案件若干问题的规定), outlined how the person subjected to a civil dispute exit ban can appeal it. They must apply to a court at the next higher level to the court that approved the ban for reconsideration **within 10 days of being notified of the ban**. That court then has **15 days after receiving the application to issue a decision**.<sup>157</sup>

## Supervision Law (SL)

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**The National Supervision Commission is not a judicial body and the powers granted to it by the SL (2018) to impose exit bans means that another non-judicial body has the power to place someone under an exit ban.**<sup>158</sup>

The SL and its Implementing Regulations (2021) empower Supervision Commissions (SCs) at all levels to impose exit bans on any target of, or individuals connected to, an investigation.

The SL (Article 30) stipulates that only SC at or above the provincial level have the authority to issue exit bans and they should be enforced by public security organs (police).<sup>159</sup> Implementing Regulations (Article 164) specifies that the duration of an exit ban must not exceed *three months*, at which point the ban should automatically expire. However, if three months is deemed insufficient, an application for an extension for a maximum period of three months, may be submitted. Implementing Regulations does not specify a limit on the number of times extensions may be granted.<sup>160</sup>

SCs have great discretionary power in deciding who to subject to an exit ban. According to guidance published by the NSC on a 2018 case, exit bans can be imposed *even before a case has been formally registered and an investigation opened*. In that particular case, Yunnan province's SC imposed an exit ban on official "A" and his wife and daughter on 24 October 2018, before any investigation had been launched. The daughter was stopped at an airport in November, after which official "A" was contacted and met with the SC. After the meeting, the SC monitored official "A" and secured approval to open an investigation.<sup>161</sup>

## Administrative Laws

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According to the Tax Collection Administration Law (Article 44)<sup>162</sup> and its Implementation Rules (Article 74)<sup>163</sup>, tax authorities may notify border control to prevent those who have outstanding tax bills and corresponding penalties or who have not provided guarantees for the outstanding tax bills and late fees, from leaving the country. No threshold amount is mentioned.

The Banking Supervision and Administration Law (Article 40)<sup>164</sup> empowers banking supervision and administration authorities to impose exit bans on the directors, senior management and other responsible persons of financial institutions that are undergoing a takeover, restructuring or closure on the order of the authorities.

The Futures and Derivatives Law (Articles 74 and 106) empower the futures regulatory agency under the State Council to impose exit bans on the directors, supervisors, senior managers and other persons in charge of futures companies when they are involved in illegal activities or in serious financial crisis.<sup>165</sup>

Regulations on the Implementation of Customs Administrative Punishment (Article 59)<sup>166</sup> stipulates that individuals and legal representatives of corporations may be subjected to exit bans if they or the companies they work for, have unpaid fines with the customs authorities.

## Exit-Entry Administration Law (EEAL)

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**The EEAL not only authorizes exit bans based on vaguely worded “national security” grounds but also adds a clause that effectively means anyone can be barred from leaving for any reason.**

The EEAL (Article 12)<sup>167</sup> lists all reasons why Chinese citizens may be prevented from leaving the country and covers much of the same ground as the laws described above.



- (1) Hold no valid exit/entry documents, or refuse or evade border inspection;
- (2) Are sentenced to criminal punishments, the execution of which have not been completed, or are suspects or defendants in criminal cases;
- (3) Are involved in unsettled civil cases and not allowed to exit China upon decision of the people's courts;
- (4) Are subject to criminal punishment for impairing border administration, or are repatriated by other countries or regions due to illegal exit from China, illegal residence or illegal employment, and the No-Exit-from-China period has not expired;
- (5) May endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council; or**
- (6) Other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations.**

Clause 5's national security grounds are most commonly used against HRDs, for example Tang Jitian and Guo Feixiong. Also note the vagueness of clause 6.

The EEAL (Article 28) contains a similar list specifically for foreigners.



The image shows the header of the National Immigration Administration website. On the left is the logo of the National Immigration Administration (国家移民管理局) with the text 'National Immigration Administration' below it. On the right, there are language options: 中文, English, Русский, Français, Español, العربية. Below these are social media icons and a search bar with the text '请输入关键词'. A '无障碍浏览' (Accessibility) icon is also present.

(1) Are sentenced to criminal punishments, the execution of which are not completed, or are suspects or defendants in criminal cases, except those who are sentenced and transferred under relevant agreements between China and foreign countries;

(2) Are involved in unsettled civil cases and are not allowed to exit China upon decision of the people's courts;

(3) Are in arrears of paying off labor remuneration and therefore are not allowed to exit by decision of the relevant departments under the State Council or of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government; or

**(4) Other circumstances in which exit shall not be allowed in accordance with laws or administrative regulations.**

Both foreigners and Chinese citizens - under the EEAL (Articles 12-6 and 28-4) - are subject to the same vague clause that allows exit bans for "other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations." There are at least 178 laws and regulations that mention exit bans, from the local to the central. This clause makes it possible to deny anyone the right to leave China for almost any reason.

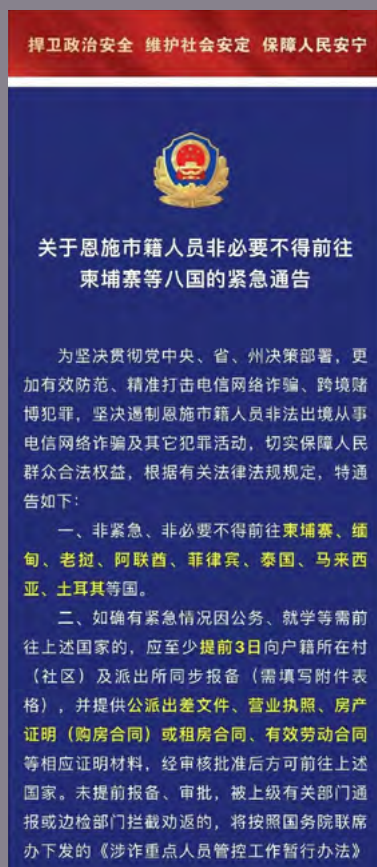
The most interesting thing to note about the list for foreigners is that there is **no national security-related clause**.

The vague wording of the EEAL (Article 12, clause 5), without defining what endangering national security or interests means and without specifying which competent departments under the State Council can make this decision, lays this legal provision wide open to abuse, according to a Taiwanese legal professional interviewed for this report. Since Taiwanese are regarded as Chinese citizens in China, they are also at risk of being placed under such bans under this law.<sup>168</sup>

**There are at least 178 laws and regulations that mention exit bans, from the local to the central. This clause makes it possible to deny anyone the right to leave China for almost any reason.**

**Apart from the EEAL, the Counter-Terrorism Law (反恐怖主义法) (Articles 53 and 61)<sup>169</sup> also reference the use of exit bans on national security grounds.**





At the end of 2021, some regions in China began to issue warnings forbidding travel to nine countries, outside of urgent or necessary reasons, such as legitimate work or study. Travel to Cambodia, the UAE, the Philippines, Thailand, Myanmar, Laos, Malaysia, Turkey and Indonesia are considered sensitive because they are typical locations where Chinese gangs operate illegal cross-border gambling and online and telecom fraud operations. Since then, such notices have been issued across the country. For example, most recently on 7 February 2023, Enshi City police in Hubei province issued a notice warning people if they wanted to travel to one of eight forbidden destinations (Indonesia was not listed), they needed to apply three days before departure for permission with documentation, such as a work contract or study visa. Anyone attempting to leave without first getting permission may have their passports confiscated at the border and be subjected to an exit ban.

## Deprivation of Political Rights (DPR)

Deprivation of Political Rights (DPR) is a supplementary punishment given to prisoners found guilty of certain crimes after they are released from jail or detention. According to the Criminal Law (CL)<sup>172</sup>, DPR may last from between one to five years, starting from the date of release from prison. However, for those placed under public surveillance (管制刑), a non-custodial penalty, DPR is served for the same period as that given for the public surveillance.

None of China's laws explicitly say that being placed under DPR also means the individual is under an exit ban. Furthermore, the CL makes no mention of any limitations to freedom of movement connected to DPR.<sup>173</sup> Article 54 defines the political rights subject to deprivation as: "The right to elect and the right to be elected; the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration; the right to hold a position in state organs; and the right to hold a leading position in a state-owned company, enterprise, or institution or people's organization (人民团体)."

The EEAL (Article 12) also says that exit bans can be imposed on anyone who has not "yet fully served their criminal sentence." There is great ambiguity about whether being under DPR qualifies as not having fully served one's sentence. Neither the EEAL nor the CL defines DPR in this way. However, at least one Taiwanese national was placed on an exit ban and told it was for this reason.<sup>174</sup>



## The case of the two Lees



Lee Ming-che (李明哲) is a Taiwanese activist who was accused by China of state subversion and in 2017 was given a five-year sentence, followed by two years of DPR. However, Lee was allowed to fly back to Taiwan in mid-April 2022 immediately after he completed his prison sentence. According to Lee, Changsha State Security police visited him in prison two months before his release to inform him that he would have to serve his DPR sentence in China once he was released from prison. Lee believes that his wife's persistent campaigning for his case meant that the CCP reconsidered and decided to send him home instead.<sup>175</sup>



Another Taiwanese activist imprisoned in China was not so lucky. Morrison Lee (李孟居), a Taiwanese businessman accused of espionage and given a 22-month sentence with two years of DPR has not been allowed to leave China despite being released from prison in 2021. He is expected to be able to return in 2023 once his DPR is over.<sup>176</sup>

Lee Ming-che (top) and Morrison Lee (bottom).

## Exit ban approvals and notices

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According to *Several Provisions on Legally Restricting the Exit of Foreigners and Chinese Citizens* issued jointly by the MPS, MSS, SPC and SPP, public or state security-requested exit bans should be approved by the same office at the provincial level. However, in practice, this approval process is not rigorous. One Chinese police officer speaking anonymously told media in 2019 that requests for exit bans are generally approved automatically.<sup>177</sup>

The *Provisions* also says that those subjected to an exit ban may be informed in writing or verbally. A much-cited 2014 paper, *Study of Restrictions on Exits*, says authorities routinely make little effort to notify the target of an exit ban. For example, someone in an unsettled civil dispute may be stopped at the airport without knowing they were subject to an exit ban because the court did not inform them nor did they provide any explanation to border guard officials, so the person under the ban may not even know why they are being targeted.<sup>178</sup>

In addition, the MPS' *Provisions on the Notification and Filing System for Persons Not Allowed to Exit China According to the Law* (1998) stipulates that all names on exit ban lists, whatever the originating agency, must be reported to public security for implementation and record-keeping.<sup>179</sup> This is supposed to prevent abuse of power,<sup>180</sup> according to research funded by the Beijing Institute for promoting Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era.<sup>181</sup> Police do not have the power to remove exit bans that originate from other agencies.

## Problems with the legal framework

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### Violates Law on Legislation

The current legal framework on exit bans is not only "chaotic" because of the large number of laws and regulations dealing with exit bans<sup>182</sup> but it also violates China's Law on Legislation (LL). The LL (Article 8, Paragraph 5) says: "Compulsory measures and penalties involving deprivation of a citizen's political rights or restriction of personal freedom shall only be governed by laws."<sup>183</sup> Exit bans should be considered as a penalty that "restricts personal freedom".

An example of this overreach is the *Interpretation on the Application of the Criminal Procedure Law of the People's Republic of China*, which stipulates that the authorities, mainly trial courts, may request witnesses in criminal cases to temporarily postpone plans to leave China. In practice, such a request is actually an order. This is despite there being no mention in the CPL that witnesses may be subject to an exit ban.

Another example is the EEAL, which allows authorities to impose exit bans for "other circumstances in which exit from China is not allowed in accordance with laws or *administrative regulations*". Administrative regulations are not laws. As early as 2005, and as recently as 2018, Chinese legal scholars began calling out this irregularity and urging for its reform.<sup>184</sup>

### Wording is ambiguous and vague

Many laws and legal documents on exit bans are worded so vaguely that authorities are able to interpret them without much restriction to justify imposing an exit ban.

For example, in civil disputes, the *Supreme People's Court of Several Issues Concerning the Enforcement Procedures in the Application of the Civil Procedure Law of the People's Republic*

*of China* allows courts to impose exit bans on those who are “persons directly responsible or persons subject to direct liability for affecting the performance of debts” when the party subject to enforcement is an organization. The courts have free rein to interpret “persons subject to direct liability” as they wish and may impose exit bans on potentially unrelated people. That may be the reason behind the exit ban on Irish businessman Richard O’Halloran who was not directly responsible for the debts his company owed (see page 31). O’Halloran was unable to leave China for more than three years.

This is one of the main weaknesses in Chinese law identified by a 2022 paper on exit bans imposed on foreign businesspeople that described the ill-defined phrase “persons directly responsible” as opening “the door to the possibility of exit bans being imposed on a wide range of a foreign company’s employees,” including project managers and sales persons.<sup>185</sup>

Under the SL, exit bans can be imposed on anyone “relevant to a case” under investigation. In practice, this means family members or even just friends of those under investigation. Furthermore, if the target of the investigation has already left China, family members have frequently been placed on an exit ban list, effectively holding them hostage to pressure the fugitive to return.<sup>186</sup>

The EEAL authorizes exit bans on anyone whom any department under the State Council decides “may endanger national security or interests”. Legal scholars<sup>187</sup> argue that this wording can be interpreted to mean that *any* government agency could decide *without any objective evidence* to impose an exit ban, opening up the potential for significant political overreach. HRDs and others have often been prevented from leaving China on the grounds of national security or interests, grounds that are so vague and undefined that they can cover anything.

## **Right to remedy is insufficient, ineffective and non-transparent**

Almost no law or regulation provides remedies for appealing against exit bans, including the two main laws in China that deal with exit bans, the EEAL and the SL.

This appears to be intentional, making an individual’s efforts to lift a ban more difficult by the absence of a clear and transparent process. The main avenue for remedy is to use the Administrative Procedure Law (APL) to sue the government agency involved or the Administrative Reconsideration Law (ARL) and apply for reconsideration of the ban. Applications are filed to the next highest level of the agency that issued the restrictive measure (the exit ban). A decision must be made within 60 days from the date an application is received.<sup>188</sup>

However, in reality, exit bans are rarely overturned. Many applications are rejected or the applicant never hears back (see page 24).

For exit bans imposed on the grounds of unpaid taxes, threats to national security or interests or at the behest of a SC, there are no corresponding remedy measures.

In addition, for exit bans imposed by the courts, since the process of imposing exit bans is highly informal - courts seldom, if ever, issue written exit ban notices - there is also no remedy.

## Key laws and regulations related to exit bans

### WHO CAN BE PLACED UNDER AN EXIT BAN?

CPL, legal interpretations	<ol style="list-style-type: none"> <li>1. Criminal suspects &amp; defendants on bail or under residential surveillance. 2. Witnesses to a crime may also be banned from leaving China.</li> </ol>
CiPL, legal interpretations	<ol style="list-style-type: none"> <li>1. Those who fail to perform obligations stipulated in a legal instrument.</li> <li>2. If target is an organization, its legal representatives, person in charge, or persons subject to direct liability for affecting the performance of debts.</li> </ol>
SL, implementing regulations	<ol style="list-style-type: none"> <li>1. Those under investigation and anyone relevant to the case.</li> <li>2. An investigation does not need to be formally open for the above to apply.</li> </ol>
EEAL	<ol style="list-style-type: none"> <li>1. Suspects &amp; defendants in criminal cases, and those who have been sentenced for a crime but have not yet completed their sentence.</li> <li>2. Persons involved in unsettled civil cases, with court approval.</li> <li>3. Those who may <b>endanger national security or interests</b> to be imposed by any authority under the State Council.</li> <li>4. Persons under unspecified circumstances where laws or regulations prohibit them from leaving.</li> </ol>
TCAL	Taxpayers who owe tax and do not provide a guarantee.
Banking Supervision Law	Directors, senior management and others with senior responsibilities of financial institutions during takeover, restructuring or forcible closure by the authorities.
Futures and Derivatives Law	Directors, supervisors, senior managers and other persons in charge of a futures company involved in illegal activities or in serious crisis.
Regulation on the Implementation of Customs Administrative Punishments	Individuals, legal representatives or principal officials of corporations that have unpaid fines from customs.
Anti-Telecom and Online Fraud Law	<ol style="list-style-type: none"> <li>1. Potentially anyone deemed suspicious and flying to a region well-known for harbouring telecom and online fraud operations.</li> <li>2. Anyone who has been sentenced earlier for telecom and online fraud crimes may be given an additional penalty of an exit ban lasting six months to three years following the completion of their sentence.</li> </ol>

# International law

International human rights law protects the right to freedom of movement. The Universal Declaration of Human Rights (UDHR), Article 13, grants that “everyone has the right to leave any country, including his own, and to return to his country.”<sup>189</sup> The International Covenant on Civil and Political Rights (ICCPR), Article 12, similarly establishes that “everyone shall be free to leave any country, including his own.”<sup>190</sup> The Convention on the Rights of the Child (CRC), Article 10, furthermore entreats States to “respect the right of the child and his or her parents to leave any country.”<sup>191</sup> Although China is not a party to the ICCPR, it has ratified the CRC and in so doing has legal responsibilities under international law to protect freedom of movement. International human rights norms provide clear guidance relating to China’s obligation to protect the freedom of movement.

Everyone is free to leave and return to their own country and may not be subjected to arbitrary restrictions on the right to freedom of movement. Article 12(3) of the ICCPR establishes the acceptable grounds on which these rights may be restricted. They must be in pursuit of a legitimate aim, enumerated as in order to “protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”

International norms generally hold that where rights are restricted based on the justification of national security they are illegitimate unless their genuine purpose and effect is to protect country’s existence or territorial integrity against the threat of force, and as such restrictions may never be permitted where they are intended rather to protect the government from embarrassment or the exposure of information.

The UN Human Rights Committee General Comment 27, on Article 12, further elaborates that restrictions must pass the so-called three-part test: prescribed by law, in pursuit of a legitimate aim, and necessary and proportionate.<sup>192</sup> Restrictions on these rights may only be imposed under strict circumstances.

Restrictions on the freedom of movement must be provided for by law, which requires that any law or policy circumscribing the freedom of movement must be precise enough to ensure any individual may regulate their conduct accordingly. State parties should “specify the legal norms upon which restrictions are founded.”<sup>193</sup> Vague or overbroad restrictions on the freedom of movement are impermissible.

Any restrictions, the Comment continues, must be necessary and proportionate, which requires that they must have a direct and immediate connection to the protected interest and they may never be overbroad. Restrictions must be specific, tailored, and the least intrusive.

International human rights norms also establish the right to effective remedy for victims of human rights abuse, including those whose right to freedom of movement has been arbitrarily infringed.

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**China’s excessive use and misuse of exit bans violate the right to freedom of movement enshrined in international human rights law. Many exit bans are imposed without legal justification, application is not transparent, recipients are not given due process, and others are simply targeted because of their family, ethnicity or profession. Many exit bans in China are used to coerce, punish, and suppress; there is no “clear, legal” basis and no arguable connection with endangering “national security, public order, public health or the rights and freedoms of others.” They are neither necessary nor proportionate.**



# Conclusion

- China uses exit bans to punish human rights defenders and their families without legal justification and proper transparency,
- China imposes exit bans on the families of suspects who have fled overseas as a tool to force suspects to return to China,
- China has instituted ethnicity-wide exit bans on groups such as Tibetans and Uyghurs in order to control them,
- China has used the threat of exit bans on foreign journalists as a foreign policy weapon and to intimidate, and,
- The vague, ambiguous, complex and expansive legal landscape covering exit bans allows any government organ or the NSC to issue an exit ban on anyone for any reason.

Under Xi Jinping, the use of exit bans in China has noticeably increased. Although it is difficult to obtain exact data, this growth is indicated by indirect evidence such as the addition of at least four new laws authorizing exit bans in the past four years and an almost eightfold rise in exit ban mentions on the Supreme People's Court's official database from 2016 to 2020. Additionally, anecdotal evidence from HRDs, especially those involved in the 709 Crackdown, points to more activists and their families targeted with bans. Also under Xi, for the first time China has begun threatening foreign journalists with exit bans, with at least four cases since 2018.

The legal framework governing exit bans is vague and complex. The EEAL allows exit bans without judicial oversight as does the SL, making it easy for exit bans to be placed arbitrarily for political or personal gain. Remedy measures are thwarted by a lack of transparency making it almost impossible for those who have been targeted for political reasons to get their ban lifted.

China's misuse and excessive use of exit bans clearly violates the internationally-accepted right to freedom of movement. The rapid expansion of exit bans in the country is a worrying trend and touches on many other human rights issues of serious concern including transnational repression, political persecution and collective punishment.

Safeguard Defenders calls on governments to:

- Consider reviewing travel advisories for China
- Call on China to urgently implement the below recommendations
- Institute a permanent coordination mechanism to adequately investigate and counter illicit practices of "persuade to return"

Safeguard Defenders calls on China to urgently:

- Simplify and clarify laws on exit bans to ensure their application strictly adheres to the principles outlined in the UDHR, the ICCPR and other international human rights treaties
- Ensure all exit bans are executed with clear legal justification and transparency
- Allow all targets of exit bans genuine remedy to appeal their ban with timely and transparent decision mechanisms
- Immediately annul all exit bans issued on the basis of ethnic group, HRD activities, family ties and for any other reason that is neither necessary nor proportionate CPR



# References

- <sup>1</sup> Huang, X., Long, Q. (2021, 2 June). *Chinese Rights Lawyer Stopped at Airport, En Route to Visit Sick Daughter*. Radio Free Asia.  
<https://www.rfa.org/english/news/china/visit-06022021112527.html>
- <sup>2</sup> Mak, Y.T. (2021, 2 June). 北京以危害国安为由 禁唐吉田赴日陪护重病女儿 「遗憾!」。Radio France Internationale. <https://www.rfi.fr/cn/%E4%B8%AD%E5%9B%BD/20210602-%E5%8C%97%E4%BA%AC%E4%BB%A5%E5%8D%B1%E5%AE%B3%E5%9B%BD%E5%AE%89%E4%B8%BA%E7%94%B1-%E7%A6%81%E5%94%90%E5%90%89%E7%94%B0%E8%B5%B4%E6%97%A5%E9%99%AA%E6%8A%A4%E9%87%8D%E7%97%85%E5%A5%B3%E5%84%BF-%E9%81%97%E6%86%BE>
- <sup>3</sup> Ibid.
- <sup>4</sup> For Tang's detention, please see: <https://www.rfa.org/english/news/china/tortured-12212021124026.html>  
and for his release, please see: <https://www.rfa.org/cantonese/news/lawyer-01162023051137.html>  
Gao, F. (2021, 21 December). 'Disappeared' rights lawyer Tang Jitian 'tortured' in incommunicado detention: friend. Radio Free Asia.  
<https://www.rfa.org/english/news/china/tortured-12212021124026.html>
- <sup>5</sup> Chen, Q. (2018, 25 November). 陈庆安: 我国限制出境措施问题研究. *Political Science and Law*, 9.  
<http://fzfyjy.cupl.edu.cn/info/1057/9647.htm>
- <sup>6</sup> Xin, L. (2015, 21 January). 被禁出境 刘沙沙为夫妻团聚偷渡越南被捕. Radio Free Asia.  
<https://www.rfa.org/mandarin/yataibaodao/renquanfazhi/xl2-01212015102144.html>
- <sup>7</sup> Ibrahim, N. (2023, 28 January). *Wife of Iconic Bookstore Owner 'Held Hostage' in China*. Daily Beast.  
<https://www.thedailybeast.com/former-jifeng-bookstore-owners-wife-held-hostage-in-shanghai-china?source=articles&via=rss>
- <sup>8</sup> China allowed outbound travel for non-essential reasons at the end of 2022. Please see: <https://edition.cnn.com/travel/article/china-covid-travel-restrictions-intl-hnk/index.html>
- <sup>9</sup> Kamm, J. (2021, June). *Dui Hua Digest, June 2021*. Dui Hua Foundation.  
<https://duihua.org/dui-hua-digest-june-2021/>
- <sup>10</sup> Starting on 9 July 2015, the CCP launched a crackdown on human rights lawyers and activists, disappearing more than 300 people over the following weeks. Many were detained in RSDL and some were later given prison sentences. It is called the 709 Crackdown, because the first person was disappeared on the 9 July (month 7).
- <sup>11</sup> Feng, Z. (2017, 2 July). 中国律师的遭遇——42名律师等人被限制出境. Feng Zhenghu's Blog.  
<https://www.fengzhenghu.net/?p=3620>
- <sup>12</sup> Voice of America. (2021, 1 February). 各界人士发联署信 呼吁各国政府促成郭飞雄尽快来美照顾病重妻子.  
<https://www.voachinese.com/a/joint-statement-calling-for-china-to-allow-guo-feixiong-to-visit-ill-wife-in-the-us/5758709.html>
- <sup>13</sup> Guo, F. (2021, 27 January). *GUO FEIXIONG: URGENT APPEAL TO HIGHEST CHINESE LEADERS*. Yibao.  
<https://yibaochina.com/?p=240415>
- <sup>14</sup> Ibid.

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- <sup>15</sup> Buckley, C. (2021, 2 February). *A Chinese Dissident Tried to Fly to His Sick Wife in the U.S. Then He Vanished*. The New York Times. <https://www.nytimes.com/2021/02/02/world/asia/china-dissident-yang-maodong.html>
- <sup>16</sup> Guo, F. (2021, 29 November). 杨茂东: “我向总理说句话”. Jian Gang Opinion. [https://jiangangpl.blogspot.com/2021/11/blog-post\\_29.html?spref=tw](https://jiangangpl.blogspot.com/2021/11/blog-post_29.html?spref=tw)
- <sup>17</sup> Davidson, H. (2022, 18 January). *Chinese activist told he could not visit dying wife is re-arrested*. The Guardian. <https://www.theguardian.com/world/2022/jan/18/chinese-activist-yang-maodong-told-he-could-not-visit-dying-wife-is-re-arrested>
- <sup>18</sup> Lau, M. (2022, 12 January). *Wife of missing Chinese activist dies in US after appeal to Beijing for reunion fails*. South China Morning Post. <https://www.scmp.com/news/china/politics/article/3163120/wife-missing-chinese-activist-dies-us-after-appeal-beijing>
- <sup>19</sup> From a Safeguard Defenders’ interview with Tang Zhishun on 31 December 2021.
- <sup>20</sup> From a Safeguard Defenders’ interview with Yang Renmu on 29 December 2021.
- <sup>21</sup> Smith, M. (2018, 4 December). *China steps up and widens use of exit bans on foreigners*. The Australian Financial Review. <https://www.afr.com/world/asia/china-steps-up-and-widens-use-of-exit-bans-on-foreigners-20181129-h18jkh>
- <sup>22</sup> Carr, C., & Wroldsen, J. (2022, 8 March). Exit bans when doing business in China. *Thunderbird International Business Review*, 64(3), 209-220. <https://onlinelibrary.wiley.com/doi/abs/10.1002/tie.22261>
- <sup>23</sup> Carswell, S. (2022, 31 January). *Chinese court declined better deal two years ago on aircraft in Richard O’Halloran case*. The Irish Times. <https://www.irishtimes.com/news/ireland/irish-news/chinese-court-declined-better-deal-two-years-ago-on-aircraft-in-richard-o-halloran-case-1.4789413>
- <sup>24</sup> ODriscoll, S. (2021, 2 October). *Our father is trapped in China: Irish family plea for help to bring dad home*. Extra.ie. <https://extra.ie/2021/02/10/news/irish-news/irish-businessman-richard-ohalloran-china>
- <sup>25</sup> Lee, Y.R. (2016, August). 大陸台商為何僅因民事債務糾紛而遭邊境控制?. *Straits Business Monthly*, 296, 53-55. <https://www.sef.org.tw/files/9823/03FD3E86-651B-448B-BB22-D64650AE0B75.pdf>
- <sup>26</sup> Carney, M. (2020, 21 September). ‘You will be put into detention’: Former ABC bureau chief tells story of fleeing China for first time. ABC News. <https://www.abc.net.au/news/2020-09-21/matthew-carney-foreign-journalist-china-intimidation-birtles/12678610>
- <sup>27</sup> Smith, M. (2020, 8 September). ‘I feared being disappeared’: Inside my escape from China. The Australian Financial Review. <https://www.afr.com/world/asia/inside-my-escape-from-china-20200908-p55ti7>
- <sup>28</sup> From a tweet by Foreign Correspondents’ Club of China [@fccchina] (2021, 31 March). <https://twitter.com/fccchina/status/1377166140334432259>
- <sup>29</sup> BBC. (2021, 28 September). *China lets US siblings return home after three years*. <https://www.bbc.com/news/world-asia-china-58674131>
- <sup>30</sup> Residential Surveillance at a Designated Location (RSDL) is a form of secret incommunicado detention without lawyer access that can be imposed for up to six months in conditions that amount to torture.
- <sup>31</sup> Kinetz, E. (2021, 24 November). *After 4 Years as Pawn in China-US Game, Seattle Man Is Home*. The Diplomat. <https://thediplomat.com/2021/11/after-4-years-as-pawn-in-china-us-game-seattle-man-is-home/>

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<sup>32</sup> Kinetz, E. (2020, 5 May). *US couple's nightmare: Held in China, away from daughter*. Associated Press. [https://www.voanews.com/a/east-asia-pacific\\_us-couples-nightmare-held-china-away-daughter/6188746.html](https://www.voanews.com/a/east-asia-pacific_us-couples-nightmare-held-china-away-daughter/6188746.html)

<sup>33</sup> Ibid.

<sup>34</sup> Kamm, J. (2021, June). *Dui Hua Digest, June 2021*. Dui Hua Foundation. <https://duihua.org/dui-hua-digest-june-2021/>

<sup>35</sup> Smith, M. (2018, 4 December). *China steps up and widens use of exit bans on foreigners*. The Australian Financial Review. <https://www.afr.com/world/asia/china-steps-up-and-widens-use-of-exit-bans-on-foreigners-20181129-h18jkh>

<sup>36</sup> In recent years several Canadians have been victims of China's hostage diplomacy prompting Ottawa to launch an initiative, Declaration Against Arbitrary Detention in State-to-State Relations, without naming China but clearly aimed at Beijing. As of writing this report almost 70 countries had signed. Please see: [https://www.international.gc.ca/world-monde/issues\\_developpement-enjeux\\_developpement/human\\_rights-droits\\_homme/arbitrary\\_detention-detention\\_arbitraire.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/arbitrary_detention-detention_arbitraire.aspx?lang=eng)

<sup>37</sup> O'Keeffe, K., & Viswanatha, A. (2020, 17 October). *China warns US it may detain Americans in response to prosecutions of Chinese scholars*. The Wall Street Journal. <https://www.wsj.com/articles/china-warns-u-s-it-may-detain-americans-in-response-to-prosecutions-of-chinese-scholars-11602960959>

<sup>38</sup> This number includes distraint, the seizure of property of someone who owes a debt.

<sup>39</sup> Human Rights Watch. (2015, 13 July). *One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others*. <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Human Rights Watch. (2016, 21 November). *China: Passports Arbitrarily Recalled in Xinjiang*. <https://www.hrw.org/news/2016/11/22/china-passports-arbitrarily-recalled-xinjiang>

<sup>44</sup> BBC. (2016, 24 November). *China confiscates passports of Xinjiang people*. <https://www.bbc.com/news/world-asia-china-38093370>

<sup>45</sup> UN OHCHR. (2022, 31 August). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>

<sup>46</sup> Uyghur Human Rights Project. (2020, February). *"Ideological Transformation": Records of Mass Detention from Qaraqash, Hotan*. [https://docs.uhrp.org/pdf/UHRP\\_QaraqashDocument.pdf](https://docs.uhrp.org/pdf/UHRP_QaraqashDocument.pdf)

<sup>47</sup> Human Rights Watch. (2016, 21 November). *China: Passports Arbitrarily Recalled in Xinjiang*. <https://www.hrw.org/news/2016/11/22/china-passports-arbitrarily-recalled-xinjiang>

<sup>48</sup> This campaign aimed to solidify Xi's personal political power, avoid in-Party factionalism and more generally instill Party discipline. Operations for chasing overseas 'fugitives' were a key element of this campaign, spearheaded by Central Commission for Discipline Inspection / National Supervisory Commission and the Ministry of Public Security.

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- <sup>49</sup> Safeguard Defenders. (2022, January). *INvoluntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home*.  
<https://safeguarddefenders.com/sites/default/files/pdf/INvoluntary%20Returns.pdf>
- <sup>50</sup> The Supreme People's Court of the People's Republic of China. (2019, 12 March). 数读最高人民法院工作报告. <https://www.court.gov.cn/zixun-xiangqing-146092.html>
- <sup>51</sup> Search was conducted on 27 January 2023.
- <sup>52</sup> Feng, C. (2022, 21 February). *China's official online database of court rulings briefly censored by glitch at search engine provider Baidu, which has fixed the problem*. South China Morning Post.  
<https://finance.yahoo.com/news/chinas-official-online-database-court-093000077.html>
- <sup>53</sup> Safeguard Defenders. (2022, 21 June). *China's missing verdicts - The demise of CJO and China's judicial transparency*.  
<https://safeguarddefenders.com/sites/default/files/pdf/China%27s%20Missing%20Verdicts.pdf>
- <sup>54</sup> Ibid.
- <sup>55</sup> The Supreme People's Court of the People's Republic of China. (2016, 31 August). 关于人民法院在互联网公布裁判文书的规定. <https://www.court.gov.cn/zixun-xiangqing-25321.html>
- <sup>56</sup> Nikkei Asia CN. (2017, 15 June). 「失信被執行人」與監控社會.  
<https://zh.cn.nikkei.com/columnviewpoint/column/25566-2017-06-15-04-51-00.html>
- <sup>57</sup> Supreme People's Court Monitor. (2016, 27 April). *Supreme People's Court & 43 Other Central Institutions Commit to Punishing Judgment Debtors*.  
<https://supremepeoplescourtmonitor.com/2016/04/27/supreme-peoples-court-43-other-central-institutions-commit-to-punishing-judgment-debtors/>
- <sup>58</sup> Exit and Entry Administration Law (入境出境管理法), Civil Procedure Law (民事诉讼法), Criminal Procedure Law (刑事诉讼法), Military Service Law (兵役法), Law on the Administration of Tax Collection (税收征收管理法), Securities Law (证券法), Counter-Terrorism Law (反恐怖主义法), National Supervision Law (监察法), Banking Supervision Law (银行业监督管理法), Passport Law (护照法), Securities Investment Fund Law (证券投资基金法), Anti-organized Crime Law (反有组织犯罪法), Futures and Derivative Law (期货和衍生品法), and Anti-Telecom and Online Fraud Law (反电信网络诈骗法).
- <sup>59</sup> Chen, Q. (2018, 25 November). 陈庆安: 我国限制出境措施问题研究. *Political Science and Law*, 9.  
<http://fzfyjy.cupl.edu.cn/info/1057/9647.htm>  
and Zhu, Q. (2005). 关于出入境管理行政强制措施探讨. *Journal of Guangxi Police College*, 69, 10-12.  
[http://www.ims.sdu.edu.cn/\\_local/E/6E/86/64533DD76F829020C59789BB0E3\\_3E663A84\\_17A16.pdf](http://www.ims.sdu.edu.cn/_local/E/6E/86/64533DD76F829020C59789BB0E3_3E663A84_17A16.pdf)
- <sup>60</sup> This report uses the English translation of Supervision Law (2018) by China Law Translate, please see: <https://www.chinalawtranslate.com/en/supervision-law-of-the-prc-2018/>
- <sup>61</sup> Please see: <http://dangjian.people.com.cn/n1/2021/0922/c117092-32232755.html>
- <sup>62</sup> This report uses the English translation of Supervision Law (2018) by China Law Translate, please see: <https://www.chinalawtranslate.com/en/supervision-law-of-the-prc-2018/>
- <sup>63</sup> Please see: <http://dangjian.people.com.cn/n1/2021/0922/c117092-32232755.html>
- <sup>64</sup> The issuance of the full-text of the Rules are released in an article, 为何中纪委监督执纪新规有“试行”二字? 王岐山这样解释, written by Wang Qishan, China's Vice President. Please see: [https://www.thepaper.cn/newsDetail\\_forward\\_1605286](https://www.thepaper.cn/newsDetail_forward_1605286)
- <sup>65</sup> Ibid.

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- <sup>66</sup> Mi, Y. (2017, 10 April). 知情人士: 项俊波在接受调查时 其前妻亦曾受到边控. IFENG.COM. [https://finance.ifeng.com/a/20170410/15293352\\_0.shtml](https://finance.ifeng.com/a/20170410/15293352_0.shtml)
- <sup>67</sup> From a Safeguard Defenders' interview with Wang Hong-kai on 7 March 2022.
- <sup>68</sup> From a Safeguard Defenders' interview with Lu Yuyu on 31 December 2021.
- <sup>69</sup> From a Safeguard Defenders' interview with Xiang Li on 21 January 2022.
- <sup>70</sup> From a Safeguard Defenders' interview with Zhang Yiqiong on 28 December 2021.
- <sup>71</sup> From a Safeguard Defenders' interview with Zhang Yiqiong on 30 December 2021.
- <sup>72</sup> Please see reference No. 10.
- <sup>73</sup> From a Safeguard Defenders' interview with Luo Wenxi 25 December, 2021.
- <sup>74</sup> From a Safeguard Defenders' interview with Su Nan on 29 November, 2021.
- <sup>75</sup> From a Safeguard Defenders' interview with Xiang Li on 21 January, 2022.
- <sup>76</sup> From a Safeguard Defenders' interview with Lu Yuyu on 31 December, 2021.
- <sup>77</sup> From a Safeguard Defenders' interview with Tang Zhishun on 31 December, 2021.
- <sup>78</sup> Ibid.
- <sup>79</sup> Radio Free Asia. (2019, 26 March 26). 709案株連家屬 謝燕益3孩子被拒發護照. <https://www.rfa.org/cantonese/news/lawyer-03262019075400.html>
- <sup>80</sup> Chang, C., Chen J., & Shi Y. (2019, 21 February). 709律師李和平兒子第3次被禁辦理護照. New Tang Dynasty TV. <https://www.ntdtv.com/gb/2019/02/21/a102516708.html>
- <sup>81</sup> Radio Free Asia. (2017, 15 November). 李和平兒子再次被禁辦護照 王峭嶺狀告北京公安局侵權. <https://www.rfa.org/mandarin/Xinwen/5-11152017112802.html>
- <sup>82</sup> 王峭嶺 [@709wangqiaoling]. (2019, February 20). 河南鄭州出入境管理處。709案之後，第三次嘗試給兒子辦護照。再一次被告知，北京市公安局第一總隊報公安部，因為李和平#####。李澤遠屬於內控人員，不予辦理護照。我拍照，錄像，出入境管理局的警察讓我刪掉。我說，你給我出個東西，把不允許我兒子辦護照的理由寫清楚，蓋上章，我能作為證據保留就行。[Tweet]. Twitter. <https://twitter.com/709wangqiaoling/status/1098055192128323587?lang=zh-Hant>
- <sup>83</sup> Xu, S. (2017, 15 November). 709律師之子包卓軒 海關受阻護照被廢. The Epoch Times. <https://www.epochtimes.com.tw/n232366/709%E5%BE%8B%E5%B8%AB%E4%B9%8B%E5%AD%90%E5%8C%85%E5%8D%93%E8%BB%92-%E6%B5%B7%E9%97%9C%E5%8F%97%E9%98%BB%E8%AD%B7%E7%85%A7%E8%A2%AB%E5%BB%A2.html>
- <sup>84</sup> Bao immediately applied for a new passport, which he successfully obtained a few weeks later. He then flew to Australia for study in January 2018. It is not known how Bao managed to get his passport approved. Please see: <https://www.rfa.org/cantonese/news/arrival-01182018055405.html>
- <sup>85</sup> Radio Free Asia. (2019, 26 March). 709案株連家屬 謝燕益3孩子被拒發護照. <https://www.rfa.org/cantonese/news/lawyer-03262019075400.html>
- <sup>86</sup> Radio France Internationale. (2015, 15 October). 劉曉原律師之子也被限制出境. <https://www.rfi.fr/tw/%E4%B8%AD%E5%9C%8B/20151015-%E5%8A%89%E6%9B%89%E5%8E%9F%E5%BE%8B%E5%B8%AB%E4%B9%8B%E5%AD%90%E4%B9%9F%E8%A2%AB%E9%99%90%E5%88%B6%E5%87%BA%E5%A2%83>



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- <sup>87</sup> From a Safeguard Defenders' interview with Chen Yanhui on 30 December, 2021.
- <sup>88</sup> The petition was launched by a group of academics, including Zhang Qianfan, a constitutional law professor at Peking University, and Guo Yuhua, a sociologist at Tsinghua University. Hundreds of people signed it. Please see: <https://www.scmp.com/news/china/politics/article/3050086/coronavirus-hundreds-chinese-sign-petition-calling-freedom>
- <sup>89</sup> Dr Li was silenced by police after he raised concerns about a Sars-like virus spreading in his hospital in early 2020. He later died from the disease, sparking a huge call within China for freedom of speech. Please see: <https://www.bbc.com/news/world-asia-china-51403795>
- <sup>90</sup> From a Safeguard Defenders' interview with Yang Renmu on 29 December 2021.
- <sup>91</sup> This report uses the English translation of the Administrative Reconsideration Law provided by [lawinfochina.com](http://lawinfochina.com). Please see: <https://www.lawinfochina.com/Display.aspx?lib=law&ID=5279>
- <sup>92</sup> From a Safeguard Defenders' interview with Chen Yanhui on 30 December 2021.
- <sup>93</sup> For Articles 17 & 31, please see: [http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/11/content\\_1383562.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/11/content_1383562.htm)
- <sup>94</sup> From a Safeguard Defenders' interview with Yang Renmu on 29 December 2021.
- <sup>95</sup> From a Safeguard Defenders' interview with Xiang Jinfeng on 6 January 2022.
- <sup>96</sup> Many HRDs in China are unofficially assigned a police officer who is responsible for their surveillance.
- <sup>97</sup> From a Safeguard Defenders' interview with Yang Renmu on 29 December 2021.
- <sup>98</sup> For full disclosure, Mou has worked with Safeguard Defender as a freelance researcher.
- <sup>99</sup> From a Safeguard Defenders' interview with Mou Yanxi on 27 December 2021.
- <sup>100</sup> From a Safeguard Defenders' interview with Zhou Shuguang on 27 December 2021.
- <sup>101</sup> Safeguard Defenders. (2017). *The People's Republic of the Disappeared*. <https://safeguarddefenders.com/en/peoples-republic-disappeared>
- <sup>102</sup> From a Safeguard Defenders' interview with Tang Zhishun on 31 December 2021.
- <sup>103</sup> From a Safeguard Defenders' interview with h Chen Yuzhen on 10 February 2022.
- <sup>104</sup> From a Safeguard Defenders' interview with Xiang Li on 21 January 2022. Xiang would not provide details of her escape to protect the people who helped her.
- <sup>105</sup> Ibid.
- <sup>106</sup> Radio Free Asia. (2018, 1 August). 专访向莉: 中共迫害异议人士延伸海外. <https://www.rfa.org/mandarin/yataibaodao/renquanfazhi/ck-08012018101044.html>
- <sup>107</sup> From a Safeguard Defenders' interview with Yang Renmu on 29 December 2021.
- <sup>108</sup> From a Safeguard Defenders' interview with Tang Zhishun on 15 April 2022.
- <sup>109</sup> From a Safeguard Defenders' interview with Zhang Yiqiong on 28 December, 2021.
- <sup>110</sup> From a Safeguard Defenders' interview with Lu Yuyu on 31 December, 2021.



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<sup>111</sup> From a Safeguard Defenders' interview with did with Luo Wenxi 25 December, 2021.

<sup>112</sup> Carney, M., & Birtles, B. (2018, 3 September). *China officially bans ABC website, claims internet is 'fully open'*. ABC News.  
<https://www.abc.net.au/news/2018-09-03/china-officially-bans-abc-website/10193158>

<sup>113</sup> Carney, M. (2020, 21 September). *'You will be put into detention': Former ABC bureau chief tells story of fleeing China for first time*. ABC News.  
<https://www.abc.net.au/news/2020-09-21/matthew-carney-foreign-journalist-china-intimidation-birtles/12678610>

<sup>114</sup> Smith, M. (2020, 8 September). *'I feared being disappeared': Inside my escape from China*. The Australian Financial Review.  
<https://www.afr.com/world/asia/inside-my-escape-from-china-20200908-p55ti7>

<sup>115</sup> Doran, M., & Dziedzic, S. (2020, 8 September). *Australian correspondents Bill Birtles and Mike Smith pulled out of China after five-day diplomatic standoff over national security case*. ABC News.  
<https://www.abc.net.au/news/2020-09-08/bill-birtles-mike-smith-evacuated-china-safety-concerns/12638786>

<sup>116</sup> Yan, L. (2020, 8 September). "白色恐怖" 在澳大利亚沉渣泛起. Xinhua Net.  
[http://www.xinhuanet.com/world/2020-09/08/c\\_1210791280.htm](http://www.xinhuanet.com/world/2020-09/08/c_1210791280.htm)

<sup>117</sup> From a Safeguard Defenders' interview with Michael Smith on 7 February 2022.

<sup>118</sup> Doran, M., & Dziedzic, S. (2020, 8 September). *Australian correspondents Bill Birtles and Mike Smith pulled out of China after five-day diplomatic standoff over national security case*. ABC News.  
<https://www.abc.net.au/news/2020-09-08/bill-birtles-mike-smith-evacuated-china-safety-concerns/12638786>

<sup>119</sup> Davis, B. (2021, 31 March). *BBC reporter John Sudworth moves family out of China after 'campaign of harassment' by ruling party*. Evening Standard.  
<https://www.standard.co.uk/news/world/bbc-china-john-sudworth-family-taiwan-ughurs-b927219.html>

<sup>120</sup> Foreign Correspondents' Club of China [@fccchina]. (2021, 31 March). The attacks against Sudworth and the BBC escalated after Britain's broadcasting regulator revoked the license of the Chinese state television channel CGTN after finding that it violated British broadcast rules. [Tweet]. Twitter. <https://twitter.com/fccchina/status/1377166396124110849>

<sup>121</sup> Chen, Q. (2018, 25 November). 陈庆安: 我国限制出境措施问题研究. *Political Science and Law*, 9.  
<http://fzfyjy.cupl.edu.cn/info/1057/9647.htm>

<sup>122</sup> Lee, Y.R. (2011, 23 March). 大陸台商對「邊控措施」的法律認識! . Y.R Lee & Partners Attorneys-at-Law.  
<http://www.law119.com.tw/newdesign/compchina/personcontent.asp?idno=6144&ktop=%A4j%B3%B0%A5x%B0%D3%B9%EF%A1u&keywords>

<sup>123</sup> Ibid.

<sup>124</sup> Article 24 of the *Interpretation of the Supreme People's Court of Several Issues concerning the Enforcement Procedures in the Application of the Civil Procedure Law of the People's Republic of China (2020 Amendment)*. Please see: <https://pfflw.com/zh-hant/fagui/chengxufa/xgmko0.html>

<sup>125</sup> Commerce & Finance Law Offices (通商律师事务所). Please see:  
<http://www.tongshang.com/news/news/3040>

- 
- <sup>126</sup> ODriscoll, S. (2021, 2 October). *Our father is trapped in China: Irish family plea for help to bring dad home*. Extra.ie.  
<https://extra.ie/2021/02/10/news/irish-news/irish-businessman-richard-ohalloran-china>
- <sup>127</sup> Carr, C., & Wroldsen, J. (2022, 8 March). Exit bans when doing business in China. *Thunderbird: International Business Review*, 64(3), 209-220.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4029043](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4029043)
- <sup>128</sup> Henan People's Procuratorate. (2020, 25 August). 检察机关办理涉民营企业案件有关法律政策问题解答.  
[http://www.ha.jcy.gov.cn/jcyw/jjfzjc/202008/t20200825\\_2925828.shtml](http://www.ha.jcy.gov.cn/jcyw/jjfzjc/202008/t20200825_2925828.shtml)
- <sup>129</sup> From a Safeguard Defenders' interview with the foreign lawyer on 17 February 2022.
- <sup>130</sup> Contract fraud is defined as the use of falsehoods, concealing the truth, or using deliberately confusing information to trick the other party into signing a contract that they would otherwise not agree to.
- <sup>131</sup> From a Safeguard Defenders' interview with Wang Hong-kai on 7 March 2022.
- <sup>132</sup> From a Safeguard Defenders' interview with the legal scholar on 27 April 2022.
- <sup>133</sup> Wu, L. (2014, 2 November). 北青报：“分享赃款”是海外追逃的理性选择. Beijing Youth Daily.  
<http://opinion.people.com.cn/n/2014/1103/c1003-25962538.html>
- <sup>134</sup> Ibid.
- <sup>135</sup> Zhu, J. (2021, July). *Out of China's Reach: Globalized Corruption Fugitives*. The China Journal.  
[https://www.researchgate.net/publication/349297035\\_Out\\_of\\_China's\\_Reach\\_Globalized\\_Corruption\\_Fugitives](https://www.researchgate.net/publication/349297035_Out_of_China's_Reach_Globalized_Corruption_Fugitives)
- <sup>136</sup> Chen, L. (2015, 16 June). 不能说走就走 领导干部出国受到哪些限制. The Beijing News.  
<http://www.bjnews.com.cn/graphic/2015/06/16/367344.html>
- <sup>137</sup> Central Commission for Discipline Inspection/National Supervisory Commission. (2020, 9 August). 防逃篱笆越扎越紧 反腐败国际追逃追赃工作系列报道之四.  
[https://www.ccdi.gov.cn/toutiao/202008/t20200809\\_223479.html](https://www.ccdi.gov.cn/toutiao/202008/t20200809_223479.html)
- <sup>138</sup> China Central Television. (2019, 14 January). 《红色通缉》第五集《筑坝》.  
<http://politics.people.com.cn/n1/2019/0115/c1001-30538549.html>
- <sup>139</sup> Safeguard Defenders. (2022, January). *INvoluntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home*.  
<https://safeguarddefenders.com/sites/default/files/pdf/INvoluntary%20Returns.pdf>
- <sup>140</sup> Wong, E., & Forthysse, M. (2018, 25 November). *China's Tactic to Catch a Fugitive Official: Hold His Two American Children*. The New York Times.  
[https://www.nytimes.com/2018/11/25/us/politics/china-exit-ban.html?smid=fb-share&fbclid=IwAR1EUFfUKrCCnn15\\_GLWo7sDzAjNcywFpGlkUGd\\_dI0M1N148KIBOR2jf9s](https://www.nytimes.com/2018/11/25/us/politics/china-exit-ban.html?smid=fb-share&fbclid=IwAR1EUFfUKrCCnn15_GLWo7sDzAjNcywFpGlkUGd_dI0M1N148KIBOR2jf9s)
- <sup>141</sup> Kinetz, E. (2020, 5 May). *US couple's nightmare: Held in China, away from daughter*. Associated Press.  
[https://www.voanews.com/a/east-asia-pacific\\_us-couples-nightmare-held-china-away-daughter/6188746.html](https://www.voanews.com/a/east-asia-pacific_us-couples-nightmare-held-china-away-daughter/6188746.html)
- <sup>142</sup> Zhong R., & Rogers, K. (2021, 22 November). *China and U.S. Quietly Released Captive Citizens Before Summit*. The New York Times.  
<https://www.nytimes.com/2021/11/19/world/asia/us-china-exit-ban-deport.html>

- 
- <sup>143</sup> Xinhua Net. (2017, 18 April). “红通”犯出逃1288天: 内外交困身体差 被律师劝服. [http://www.xinhuanet.com/politics/2017-04/18/c\\_129546335.htm](http://www.xinhuanet.com/politics/2017-04/18/c_129546335.htm)
- <sup>144</sup> Yang, S. (2016, 24 November). 敦促红通嫌疑人云健回国投案. Procuratorate Daily. [http://newspaper.jcrb.com/2016/20161124/20161124\\_011/20161124\\_011\\_5.htm](http://newspaper.jcrb.com/2016/20161124/20161124_011/20161124_011_5.htm)
- <sup>145</sup> Guo, X. (2017, 3 May). 申诉信正文最终版. <https://docs.voanews.eu/zh-CN/2017/05/02/78dd2505-72db-40dc-9439-57d425eeee24.pdf>
- <sup>146</sup> People's Daily Online. (2017, 9 October). *Another 'Red Notice' fugitive returns to China after 7 years on the run.* <http://en.people.cn/n3/2017/1009/c90000-9277250.html>
- <sup>147</sup> Safeguard Defenders. (2022, January). *INvoluntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home.* <https://safeguarddefenders.com/sites/default/files/pdf/INvoluntary%20Returns.pdf>
- <sup>148</sup> Gao, F., & Kai, D. (2023, 23 January). *China slaps exit ban on wife of shuttered Shanghai political bookstore owner.* Radio Free Asia. <https://www.rfa.org/english/news/china/bookstore-owner-01232023163316.html>
- <sup>149</sup> Xie, F. (2023, 17 January). 季风微读圈 | 给我出境自由, 让我拥抱我的儿女. China Digital Times. <https://chinadigitaltimes.net/chinese/692116.html>
- <sup>150</sup> Chen, Q. (2018, 25 November). 陈庆安: 我国限制出境措施问题研究. *Political Science and Law*, 9. <http://fzfyjy.cupl.edu.cn/info/1057/9647.htm>
- <sup>151</sup> See Article 71 of the Criminal Procedure Law, English translation from: <http://www.lawinfochina.com/display.aspx?id=29202&lib=law>
- <sup>152</sup> Ibid.
- <sup>153</sup> For Article 487, please see: <https://www.court.gov.cn/zixun-xiangqing-286491.html>
- <sup>154</sup> For Article 262, please see: <http://www.ssf.gov.cn/portal/rootfiles/2022/01/07/1643159469539952-1643159469560439.pdf>
- <sup>155</sup> For Article 24, please see: <https://pfflw.com/zh-hant/fagui/chengxufa/xgmko0.html>
- <sup>156</sup> For Article 25, please see: <https://pfflw.com/zh-hant/fagui/chengxufa/xgmko0.html>
- <sup>157</sup> Please see: <https://new.qq.com/omn/20210301/20210301A01CUL00.html>
- <sup>158</sup> The SCs are not the only non-judicial body that has the power to issue exit bans. The EEAL also allows any government agency to do so. See page 40.
- <sup>159</sup> For Article 30 of the National Supervision Law, please see: <http://www.npc.gov.cn/npc/c30834/201803/ce9c51c278f24ebab91b2178a4498404.shtml>
- <sup>160</sup> For Article 164 of the SL's Implementing Regulations, please see: <http://dangjian.people.com.cn/n1/2021/0922/c117092-32232755.html>
- <sup>161</sup> Central Commission for Discipline Inspection/National Supervisory Commission. (2020, 8 April). 用好限制出境措施 助力案件突破. [https://www.ccdi.gov.cn/yaowen/202004/t20200408\\_214966.html](https://www.ccdi.gov.cn/yaowen/202004/t20200408_214966.html)
- <sup>162</sup> For Article 44, please see: <http://www.chinatax.gov.cn/chinatax/n810341/n810825/c101434/c12223115/content.html>

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<sup>163</sup> For Article 74, please see:

<http://www.chinatax.gov.cn/chinatax/n810341/n810825/c101434/c12223116/content.html>

<sup>164</sup> For Article 40, please see: [http://www.gov.cn/jrzq/2006-10/31/content\\_429279.htm](http://www.gov.cn/jrzq/2006-10/31/content_429279.htm)

<sup>165</sup> For Articles 74 & 106, please see: [http://www.gov.cn/xinwen/2022-04/21/content\\_5686377.htm](http://www.gov.cn/xinwen/2022-04/21/content_5686377.htm)

<sup>166</sup> Article 59, please see: <http://www.customs.gov.cn/customs/302249/302266/302267/356578/index.html>

<sup>167</sup> Article 12, please see: <https://www.nia.gov.cn/n741440/n741547/c757592/content.html>

<sup>168</sup> Ibid.

<sup>169</sup> For Articles 53 and 61, please see: <https://www.chinalawtranslate.com/en/counter-terrorism-law-2015/>

<sup>170</sup> Safeguard Defenders. (2022). 110 Overseas: Chinese Transnational Policing Gone Wild. <https://safeguarddefenders.com/sites/default/files/pdf/110%20Overseas%20%28v5%29>

<sup>171</sup> Please see: <https://bit.ly/424XCw9>

<sup>172</sup> For Article 55, please see: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf>

<sup>173</sup> In Article 54, political rights include “the right to elect and the right to be elected; the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration; the right to hold a position in state organs; and the right to hold a leading position in a state-owned company, enterprise, or institution or people’s organization.” Please see: <https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>

<sup>174</sup> From a Safeguard Defenders’ interview with Wang Hong-kai on 21 February 2022.

<sup>175</sup> From a Safeguard Defenders’ interview with Lee Ming-che on 14 July 2022.

<sup>176</sup> Safeguard Defenders. (2022, 27 April). China is preventing Taiwanese from leaving with exit bans. <https://safeguarddefenders.com/en/blog/china-preventing-taiwanese-leaving-exit-bans>

<sup>177</sup> Zhou, C. (2019, August 5). China’s mysterious ‘Bian Kong’ system that can bar anyone from entering or leaving the country. South China Morning Post. <https://www.scmp.com/economy/china-economy/article/3021406/chinas-mysterious-bian-kong-system-can-bar-anyone-entering-or>

<sup>178</sup> You, D. (2014, October). 限制出境适用探析 [Master’s thesis]. Soochow University. <http://cdmd.cnki.com.cn/Article/CDMD-10285-1015538934.htm>

<sup>179</sup> For Article 2, please see <https://sfj.wuhu.gov.cn/stj/zcfg/8067136.html>

<sup>180</sup> According to research funded by Beijing Institute for Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era making the supervisory commissions work with the police to impose exit bans is supposed to act as a kind of “restriction of process” and “balance of powers”. Please see: Wu, G., & Shen, S. (2021, 25 May). On the Supervision and Restriction of the Supervisory Committee (论对监察委员会的监督与制约). Journal of Beijing University of Aeronautics and Astronautics Social Science Edition, 34, (3), 58-64. [https://bhxb.buaa.edu.cn/Jwk3\\_bhsk/CN/10.13766/j.bhsk.1008-2204.2021.0063](https://bhxb.buaa.edu.cn/Jwk3_bhsk/CN/10.13766/j.bhsk.1008-2204.2021.0063)

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<sup>181</sup> At least 18 institutes have been established nationwide since 2017 under a campaign promoting the Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, basically for the purposes of brainwashing and propaganda. They are tasked with “researching on, interpreting, and elaborating Xi Jinping Thought”. The Beijing Institute is one of them. Please see: <http://politics.people.com.cn/BIG5/n1/2021/0627/c1001-32141553.html>

<sup>182</sup> Please see: <http://fzfyjy.cupl.edu.cn/info/1057/9647.htm>

<sup>183</sup> For Article 8, please see: <http://lawinfochina.com/display.aspx?id=19023&lib=law>

<sup>184</sup> These include Chen Qingan (2018), Ai Ming (艾明) (2017), You Dongjin (尤东进) (2014) and Zhu Qiliang (朱其良) (2005).

<sup>185</sup> Carr, C., & Wroldsen, J. (2022, 8 March). Exit bans when doing business in China. Thunderbird: International Business Review, 64(3), 209-220.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4029043](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4029043)

<sup>186</sup> Safeguard Defenders. (2022, January). INvoluntary Returns: China’s Covert Operation to Force ‘Fugitives’ Overseas Back Home.  
<https://safeguarddefenders.com/sites/default/files/pdf/INvoluntary%20Returns.pdf>

<sup>187</sup> Ibid.

<sup>188</sup> For Articles 6 & 31, please see:  
[http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/11/content\\_1383562.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/11/content_1383562.htm)

<sup>189</sup> United Nations. (1948, 10 December). The Universal Declaration of Human Rights.  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>190</sup> United Nations. (1966, 16 December). International Covenant on Civil and Political Rights.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>191</sup> United Nations. (1989, 20 November). Convention on the Rights of the Child.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>192</sup> UN Human Rights Committee. (1999, 2 November). CCPR General Comment No. 27: Article 12 (Freedom of Movement). <https://www.refworld.org/pdfid/45139c394.pdf>

<sup>193</sup> Ibid.