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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2017

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

OCTOBER 5, 2017

Printed for the use of the Congressional-Executive Commission on China

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I. Executive Summary

STATEMENT FROM THE CHAIRS

Seventeen years after the establishment of the Congressional-Executive Commission on China, the Commission's mandate to monitor human rights and the development of the rule of law in China remains wholly relevant and urgently necessary.

China has benefited immensely from the international rules-based order in driving its growth and lifting millions out of poverty, but the political reform many believed would accompany China's economic transformation and accession to the World Trade Organization has failed to materialize. Chinese government claims of global leadership in areas such as trade, environmental protection, and the building of international institutions—as expressed by President and Communist Party Secretary Xi Jinping at several high-profile international forums this past year—are belied by the reality of the Chinese government's actions, which are not that of a responsible stakeholder.

While China stresses the need for global connectivity and openness, it continues to strengthen the world's most sophisticated system of Internet control and press censorship and forges ahead with what it calls "Internet sovereignty," the notion that nations should have total control over the Internet within their borders. The Chinese government's expansive notion of sovereignty gives officials license to decry international criticism of their human rights record as one country interfering in the affairs of another. All the while, the Chinese government extends its own "long arm" to threaten and intimidate political and religious dissidents and critics living abroad; establishes Confucius Institutes at colleges and universities around the world, influencing these academic environments with its political agenda; and invests heavily in overseas media, exporting state propaganda and exercising soft power to shape movie production and other cultural media. Moreover, Chinese officials' complaints of other nations' "interference" into China's affairs fail to take into account that the Chinese government is obligated to respect the fundamental rights of its citizens under its own constitution, and under international conventions it has willingly signed.

The Commission is mandated to document cases of political prisoners in China—individuals who were detained or imprisoned by the Chinese government for exercising their civil, religious, and political rights. Steadfast advocacy on behalf of individual political and religious prisoners, more than 1,400 of whom are active cases in the Commission's far from exhaustive Political Prisoner Database, remains vital. These men and women, whose "crimes" intersect with nearly every issue area covered in the Commission's Annual Report, represent the human toll exacted by China's repressive and authoritarian one-party system. The death from liver cancer in July 2017 of Liu Xiaobo—a Chinese intellectual and 2010 Nobel Peace Prize laureate who was serving an 11-year sentence for "inciting subversion of state power" in connection with his pro-democracy work—brought renewed attention to the government and Party's shameful treatment of political prisoners. In his last days, authorities repeatedly denied Liu Xiaobo medical treatment abroad, counter to his wishes and those of his wife, Liu Xia.

During this reporting year, we were inspired by the outspoken bravery of several of the wives of Chinese lawyers and rights defenders detained during the sweeping July 2015 crackdown on human rights advocates. In case after case, these women took up the mantle of their husbands' plight, often at great risk to themselves and their children. By their own telling, many of these women had not previously been involved in their husbands' efforts to pursue justice and accountability from their own government. However, as Chinese authorities conspired against them and their families—as their spouses' unjust detentions grew from days to weeks to months—they became advocates in their own right. Their personal accounts of intimidation, harassment, and social marginalization stemming from official pressure—landlords refusing them housing, their children being denied entry to local schools, their lives under constant surveillance and movement restricted—coupled with their compelling public defense of their husbands' innocence, have, in the words of one scholar, opened up a "new line of struggle that we have not seen before in China." [1]

Chinese government repression may temporarily satisfy the Communist Party's desire to control its citizenry and maintain its grip on power, but as these women have shown, such measures often have the unintended consequence of stoking resentment and prompting activism in individuals who may have otherwise chosen not to engage. Even as the Commission's reporting documents a continued downward trajectory in human rights protections since Xi Jinping's ascent to power, there are other stories that demand telling: As the Chinese government suppresses authentic religious expression, the number of religious adherents multiplies; as the government censors the Internet, circumvention tools proliferate; as they brutally repress rights lawyers, their loved ones open up a "new line of struggle."

Change in China will ultimately arise from within. However, the United States and other like-minded nations have a responsibility and a legitimate national interest in pressing the Chinese government to uphold human rights norms, respect the rule of law, and comply with its international commitments. **It is in this context that we, as Chairman and Cochairman of the Congressional-Executive Commission on China, submit the Commission's 2017 Annual Report.**

Senator Marco Rubio
Chair

Congressman Christopher H. Smith
Cochair

INTRODUCTION

The 19th National Congress of the Chinese Communist Party is expected to convene around the time of the release of the Commission's 2017 Annual Report. In advance of the Party Congress, a twice-per-decade event, President and Communist Party General Secretary Xi Jinping has worked to consolidate power, as demonstrated by the formalization of his role as the "core" (*hexin*) leader of the Party in guiding key policy sectors including the economy, domestic reform, and national defense. The anticorruption campaign against Party and government officials, Xi's signature domestic initiative, has effectively eliminated many of his potential political rivals, and in the process has destabilized patronage networks and certain political factions ahead of this gathering of Party elites. Yet, the campaign has failed to instill accountability, such as disclosure of officials' financial assets or meaningful institutional checks on political power. The composition of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) that emerges from the 19th Party Congress will provide insight into the extent to which Xi may be able to further influence politics beyond his presumed second term as Party General Secretary.

As Xi has centralized power, he has simultaneously demanded stricter ideological discipline within the Party and within organizations under the Party's umbrella. The Party continued to stress ideological conformity and discipline from media outlets and journalists, in particular that the media must function as a "mouthpiece" for the Party to shape "public opinion" with uncritical, positive news. Speaking in October 2016 before a gathering of the heads of China's largest state companies, Xi stressed that "Party leadership and building the role of the Party are the root and the soul for state-owned enterprises." Similarly, in remarks at a December 2016 meeting focused on the ideological work of China's universities, Xi reminded senior Party members and academic officials that "China's higher education institutions are under the leadership of the CCP, and are socialist universities with Chinese characteristics, so higher education must be guided by Marxism, and the Party's policies in education must be fully carried out."

With the release of China's National Human Rights Action Plan (2016–2020) in September 2016, the government continued to subordinate human rights policy to the ideological guidance of the Party, which diverges from international standards including the Universal Declaration of Human Rights. The UN Special Rapporteur on extreme poverty and human rights, Philip Alston, described this reality in his report on his August 2016 mission to China: "The greatest challenge . . . is to understand how the leading role of the Communist Party can coexist with the recognition of individual rights and the provision of meaningful accountability mechanisms . . .." The Special Rapporteur, furthermore, described intrusive government control of his schedule and surveillance of his movements in China in his report, giving further weight to the critiques of human rights organizations that the Chinese government has "a poor record in engaging with UN human rights mechanisms in a constructive and cooperative fashion."

During the Commission's 2017 reporting year, the Chinese Communist Party continued to restrict the already limited space for expression, religious activity, and peaceful assembly. In addition to harassing and detaining government critics, Chinese authorities also targeted those promoting workers' rights, the rights of dispossessed villagers, and environmental protection. Chinese authorities intensified crackdowns on foreign aid workers, Christian churches, and non-governmental organizations that play a crucial role in assisting and facilitating the movement of North Korean refugees outside the Democratic People's Republic of Korea. Official censorship contributed to the shrinking space for journalism and public debate. Citizen journalists, such as Liu Feiyue and Huang Qi, whose human rights websites are a key source of information on grassroots protests and other rights defense efforts, were criminally detained and as of September 2017 are awaiting prosecution. In August 2017, authorities in Yunnan province sentenced Lu Yuyu, the founder of "Not the News"—a blog that published information on mass incidents relating primarily to labor protests—to four years in prison.

Hopes surrounding positive legislative and policy developments this reporting year, including further reforms to the household registration (*hukou*) system, were tempered by continued problems with implementing reforms and uneven enforcement of laws and regulations. Implementation of the PRC Mental Health Law was marred by reports that government authorities continued to forcibly commit individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for activities deemed "troublemaking" or politically "sensitive." While the Party's General Office launched a nationwide initiative to reform the Party-affiliated All-China Women's Federation, independent women's rights organizations were prevented from raising awareness of sexual harassment and the government continued to target individual women's rights advocates with criminal prosecution and harassment.

Chinese authorities continued to implement a "universal two-child policy" and persisted in actively promoting coercive population control policies that violate international standards. Tellingly, the family planning bureaucratic apparatus remains intact. The Chinese government's population control policies have contributed to the country's demographic challenges, including a rapidly aging population and shrinking workforce that threaten to further slow China's economic growth.

The Chinese government's lack of transparency affected many of the areas that the Commission monitors. Chinese authorities continued to consider pollution-related data to be sensitive and censored reporting on the environment. For outside observers, transparency concerns were at the forefront of China's Belt and Road Initiative, a far-reaching economic and political agenda aimed in part at shaping new global norms on development and trade, and thereby growing China's influence. The May 2017 Belt and Road forum culminated with the signing of a communiqué in which the heads of state present committed themselves to ". . . democracy, good governance, the rule of law, human rights, gender equality and women empowerment." Meanwhile Chinese authorities detained dozens of petitioners and rights advocates in and around the

gathering in Beijing municipality. In the Xinjiang Uyghur Autonomous Region (XUAR), which Chinese officials have promoted as an important center for Belt and Road development projects, authorities reportedly heightened security controls over Uyghurs and other ethnic minorities who live there, and imposed severe restrictions on Internet access. In this same region, authorities began expediting the collection of residents' DNA on a massive scale, in many cases without consent, prompting transparency concerns regarding the purpose of collecting such information. An international rights group reported that the DNA collection was in connection with China's "stability maintenance" measures.

The subsequent chapters of this report document these and other human rights and rule of law developments in China during the Commission's 2017 reporting year which spans, roughly, September 2016 through September 2017. Each chapter examines different aspects of the Chinese government's obligations to protect human rights as defined in the Universal Declaration of Human Rights and key human rights conventions, as well as in China's Constitution. General themes and key developments covered in the body of this report are outlined below.

OVERVIEW

Over the Commission's 2017 reporting year, the following general themes and key developments emerged:

1. The government and Party continue to use the law as an instrument of repression to expand control over Chinese society.
2. The criminalization of China's human rights lawyers and advocates is ongoing, including credible reports of torture in detention.
3. Restrictions on religious freedom are intensifying, particularly in the Xinjiang Uyghur Autonomous Region and Tibetan autonomous areas.
4. Twenty years after the handover, the long-term viability of the "one country, two systems" model in Hong Kong is increasingly uncertain given central government interference.

The Law as an Instrument of Repression

The Commission observed that authorities continued to use the law as an instrument of repression to expand control over Chinese society, while outwardly providing the veneer of a system guided by the rule of law.

The PRC Law on the Management of Overseas Non-Governmental Organizations' (NGOs) Activities took effect on January 1, 2017. The government provided limited guidance for international NGOs attempting to comply with the law, creating an uncertain operating environment for these NGOs as well as their local Chinese partners. Moreover, as many of China's grassroots NGOs rely on funding from abroad, these groups now face new administrative hurdles, increased government scrutiny, and the potential loss of funding. This comes at a time when the space for civil society, particularly any form of rights advocacy, is already fraught following high-profile crackdowns on NGOs and rights advocates in recent years.

Similar realities emerged surrounding the PRC Cybersecurity Law, with foreign companies expressing concern over data localization requirements, compromised security, privacy safeguards, and discriminatory treatment. While the full implications of the law are still unclear, provisions within the law could give the Chinese government unprecedented access to the technology and data of foreign companies, in part through requiring companies to store their data on mainland Chinese servers, an alarming proposition for businesses given the Chinese government's track record of ineffective protection of intellectual property rights. Chinese citizens, too, will feel the impact of the law, as it lacks any guarantee to protect the right to freedom of expression, and requires real-name registration and storage of personal information, making users more vulnerable to censorship and prosecution. As written, the law could result in foreign companies being forced to choose between aiding Chinese security agencies in their repression and breaking the law.

Rights Lawyers Tortured and Criminalized

In a March 2017 annual report, Zhou Qiang, President of the Supreme People's Court (SPC), touted the conviction and sentencing of prominent rights lawyer Zhou Shifeng as a key achievement of the Chinese judiciary in 2016. Zhou Shifeng and other lawyers from the Fengrui Law Firm, including Wang Quanzhang and Wang Yu, were the focus of the government's July 2015 crackdown on human rights lawyers and advocates. These lawyers and advocates were involved in cases which the Party deemed sensitive, representing practitioners of the Falun Gong spiritual movement, ethnic rights advocates, and individuals detained for alleged speech crimes. In the March report, the SPC President urged high court presidents across China to "draw your sword" (*liangjian*) against Western principles of "constitutional democracy, separation of powers, and judicial independence." This language is consistent with broader Party efforts to fuel nationalist sentiment with an undercurrent of anti-Western hostility spurred by propaganda campaigns against "foreign forces" and increasing official rhetoric characterizing rights lawyers as "enemies of the state."

Authorities used vague state security provisions in the PRC Criminal Law to deny due process rights, including access to independent legal counsel, in prosecuting several of the rights lawyers detained in connection with the July 2015 crackdown. Many of these lawyers were initially held under a relatively new form of de facto incommunicado detention—"residential surveillance at a designated location"—which allows for detention in a secret location without access to a lawyer for up to six months, leaving detainees at risk of torture. Reports of severe mistreatment emerged in connection with several of these cases, including forced ingestion of unknown medications and the use of electric shock. Some rights lawyers preemptively recorded or authored statements of denial of forced or coerced confessions, in what observers described as an astute tactic to recapture the narrative from their accusers. In a January 2017 written statement, prominent human rights lawyer Xie Yang said: "If, one day in the future, I do confess—whether in writing or on camera or on tape—that will not be the true expression of my own mind. It may be because I've been subjected to pro-

longed torture, or because I've been offered the chance to be released on bail . . .."[2]

Chinese government and Communist Party officials use various other methods to restrict and punish lawyers who take on cases officials deem "sensitive." When lawyers are convicted of criminal activity, as is the case for numerous prominent rights lawyers, officials may strip them of their law licenses, subject them to constant surveillance, and curtail their freedom of movement. Amended regulations that took effect in November 2016, requiring law firms to establish internal Party groups that will take part in the law firms' management, may further hinder even licensed lawyers' ability to take on cases the government deems "sensitive."

Prior to the 2015 crackdown, officials employed similar measures to restrict and punish prominent rights lawyers. Many of these people continue to suffer for their advocacy, as represented in the cases of the following individuals:

- **Jiang Tianyong** was disbarred in 2009 after representing individuals such as Tibetan protesters and victims of the 2008 contaminated milk powder scandal. He disappeared in November 2016 and was formally arrested six months later on charges of "subversion of state power." In August 2017, Jiang pleaded guilty to "inciting subversion of state power" at trial.
- Public interest lawyer **Pu Zhiqiang,** who had advocated on behalf of religious and ethnic minorities, engaged in activities commemorating the 1989 Tiananmen protests, and represented defendants in politically sensitive cases, such as artist Ai Weiwei, was given a three-year suspended sentence in December 2015, following 19 months in pretrial detention. Pu permanently lost his law license as a result of his conviction.
- **Ni Yulan,** severely disabled after police beat her while in detention, lost her job as a legal consultant in 2002 as a result of her advocacy on behalf of individuals forcibly evicted from their homes. In 2016, Chinese authorities denied Ni a passport to prevent her from traveling to the United States to accept an award from the U.S. Department of State honoring her courage and unstinting advocacy. More recently, she has been repeatedly evicted from rented apartments after police reportedly pressured her landlords.
- **Gao Zhisheng,** one of China's first rights lawyers representing vulnerable groups such as house church Christians, Falun Gong practitioners, and farmers whose land was expropriated, was released from prison in August 2014, after enduring severe torture. Unable to practice law due to his criminal conviction, he faces continued restrictions on his freedom of movement and speech. As of August 2017, Gao is reportedly missing.
- **Tang Jingling,** who gained prominence as a lawyer working on compensation and corruption cases, has been prevented from practicing law since late 2005. Officials detained him in 2014, prior to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests, and in January 2016 sentenced him to five years in prison for "inciting subversion of state power."

Restrictions on Religious Freedom Intensify, Particularly in the Xinjiang Uyghur Autonomous Region and Tibetan Autonomous Areas

In both law and practice, the Chinese government continued to violate the religious freedom of its citizens by imposing restrictions on religious practice and interpretations of faith—restrictions that have intensified since Xi Jinping became Communist Party General Secretary in November 2012. These abuses were especially severe in ethnic minority areas. Revised draft regulations governing religious activities and assembly, issued in September 2016 and passed in September 2017, did not reflect any lifting of past repression, but were a systematization of existing restrictions and an example of the Party's attempts to coopt what it perceives to be the positive aspects of religion—namely, provision of social services and religion as an instrument for promoting national unity and social stability.

Anticipating passage of the draft regulations, some local government measures targeted Protestant Christian house churches. These included the establishment of work plans to force house churches to register or face closure; investigative surveys; mobilization of security forces against privately organized churches; surveillance of churches through informants and the installation of cameras; destruction of religious symbols, including crosses; dismissal of personnel; and prohibitions on offering boxes, performing baptisms, and appointing ministers.

In the Xinjiang Uyghur Autonomous Region (XUAR), officials introduced policies regulating some of the most personal expressions of Uyghur Muslims' religious faith, including circumcisions, weddings, and funerals. Authorities adopted new regulations limiting the role of religion in education as well as parents' ability to involve their children in religious activities. The regulations also banned Islamic dress, including veils and "irregular" beards, and prohibited parents from naming their infant children any of a list of dozens of "Islamic" names deemed "extremist." Families who failed to comply with the name prohibition risked denial of household registration (*hukou*) for their newborns, thereby restricting their access to social services such as education and healthcare. Later reports indicated that the name prohibition was extended to include anyone up to the age of 16. In late 2016, authorities reportedly demolished thousands of mosques in the XUAR as part of a "mosque rectification" campaign introduced by central government officials and overseen by local security personnel.

In Tibetan autonomous areas, the Party and government continued to violate the rights of religious freedom and freedom of movement of Tibetan Buddhist monastics and laypeople through a system of pervasive controls and restrictions on religious practice, and through extensive and intrusive surveillance that deepened the Party's penetration into villages and religious institutions. The demolitions of buildings and the expulsion and forced relocation of thousands of monks and nuns from the renowned Buddhist institutes of learning Larung Gar and Yachen Gar, both in Sichuan province, further eroded institutions that serve to preserve Tibetan Buddhism, language, and culture. As of August 2017, there were five known self-immolations of Tibetans protesting Chinese rule

and calling for the return of the Dalai Lama to Tibet during this reporting year. An estimated 7,000 Tibetan pilgrims from Tibetan areas of China attempted to attend an important religious teaching in India given by the Dalai Lama in January 2017. In advance of the teaching in India, however, Chinese officials confiscated Tibetans' passports, ordered thousands of Tibetans who were already in India to return to China, and issued threats—including detention, loss of pension and jobs, and prohibiting monks from returning to their monasteries—if they failed to obey the order to return.

Long-Term Viability of "One Country, Two Systems" for Hong Kong Is Increasingly Uncertain

Against the backdrop of the 20th anniversary of the British handover of Hong Kong, the Commission observed further erosion of the "one country, two systems" principle enshrined in Hong Kong's Basic Law. The National People's Congress Standing Committee (NPCSC) chose to intervene in an active Hong Kong court case in November 2016, interpreting the Basic Law to effectively prohibit two democratically elected Hong Kong legislators from taking office in the Legislative Council (LegCo). It was the first time the NPCSC had preemptively ruled on a case under consideration by a local court, raising further concerns about Hong Kong's autonomy.

The March 26, 2017, election of Carrie Lam Cheng Yuet-ngor as Hong Kong's fourth Chief Executive was marred by reports of Chinese central government officials and representatives instructing Election Committee members to support Lam over other candidates. The composition of the Election Committee, which is already restricted to ensure support for candidates approved by Chinese authorities, underscored the unmet demands of the 2014 protests calling for universal suffrage and fully democratic representation.

The May 2017 statements of Zhang Dejiang, NPCSC chairman and head of the Party's coordination group on Hong Kong affairs, further expounded on the central government's views regarding the long-term trajectory of Hong Kong with an ominous warning: "Under no condition should the high degree of autonomy be used as a guise to confront the Central Government's authority." He underscored the primacy of Hong Kong's Chief Executive over the judiciary and the legislature, and pressed for more stringent national security laws in Hong Kong, including the reintroduction of the controversial anti-subversion and anti-sedition legislation under Article 23 of the Basic Law.

In July 2017, a local court removed four democratically elected pro-democracy legislators on grounds that they had failed to take the oath of office properly, based on the same controversial interpretation of the Basic Law used to prevent two lawmakers from taking office in November 2016. Nathan Law Kwun-chung, one of the leaders of the 2014 pro-democracy protest and the youngest elected legislator in Hong Kong's history, was among those removed from office. Hong Kong authorities sentenced Law and two other leaders of the 2014 protest, Joshua Wong Chi-fung and Alex Chow Yong-kang, in August 2017, to between six and eight months' imprisonment in connection with their activities during the 2014

protests. The Hong Kong Department of Justice pursued the harsher sentences after Wong and Law had previously been sentenced to, and completed, community service. Moreover, the new prison sentences prevent each one of the three from running for legislative office for five years. Their newly formed political party, Demosistō, issued a statement in response to the sentencing: "The government is determined to put peaceful protestors behind bars to mute all dissidents by abusing judicial procedures."[3]

Additionally, Hong Kong journalists reported continuing fears over press freedom, noting concerns over self-censorship, government restrictions on reporters, and the 2015 abductions and disappearances of five Hong Kong booksellers by mainland Chinese authorities. In May 2017 testimony before the Commission, bookseller Lam Wing Kee described the events surrounding the disappearances of the booksellers, including Gui Minhai, who remains in detention as of September 2017: "This string of events demonstrates not only brutal intervention in the freedom of expression in Hong Kong by the Chinese government, but also how increasingly unscrupulous they are."[4]

RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

• **Embed Human Rights Throughout Bilateral Relations.** The Administration and Congress should develop an action plan to facilitate interagency coordination on human rights in China and develop a coordinated approach that prepares all agencies interacting with Chinese government counterparts to pursue measurable, results-oriented human rights and rule of law outcomes. All agencies should be prepared to better articulate the link between human rights improvements in China and U.S. economic, security, and diplomatic interests.

• **Make Reciprocity a Priority.** The Administration should open high-level discussions to create a rules-of-the-road agreement that ensures reciprocal treatment for U.S. institutions, businesses, and nationals operating in China. The Administration should take appropriate and reciprocal actions to ensure that U.S.-based media outlets as well as academic and non-governmental organizations have the same freedoms afforded to a growing number of Chinese government-sponsored and funded think tanks, academic institutions, and media entities in the United States, while ensuring that independent Chinese media and organizations remain welcome. In addition, any bilateral investment treaty (BIT) with China should effectively facilitate and enable market access for U.S. media companies and education institutions.

• **Hold Officials Accountable for Abuses.** The Administration should use existing laws to hold accountable Chinese government officials and others complicit in torture, severe religious freedom restrictions, repatriation of North Korean refugees, or those participating in forced abortions or sterilizations, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act, the International Religious Freedom Act of 1998, and the Foreign Relations Authorization Act of 2000. Congress should consider allocating resources to identify and investigate Chinese government officials responsible for human rights violations.

• **Seek a Law Enforcement Agreement That Upholds Global Standards.** Chinese government officials have sought repatriation of Chinese citizens overseas in connection with the government's anticorruption investigations, offering the Administration an opportunity to press for a comprehensive law enforcement agreement that establishes diplomatic assurances guaranteeing verifiable prisoner due process protections and an end to torture in detention and forms of arbitrary detention, including "residential surveillance at a designated location." The U.S. Government should not agree to any additional repatriations until the Chinese government can demonstrate that they are meeting the standards set forth in the International Covenant on Civil and Political Rights and other international human rights instruments regarding the treatment of criminal suspects.

• **Respond to Digital Protectionism.** The Administration should consider seeking a high-level trade agreement to address the Chinese government's growing digital protectionism that would include commitments on the free flow of news and information and the non-discriminatory treatment of U.S. digital products. The Administration should consider initiating a World Trade Organization

dispute to challenge continued discrimination against U.S. technology and media companies and prepare targeted trade sanctions if the Chinese government continues to impose onerous requirements, including data storage in China and the disclosure of source code and encryption keys. The Administration should provide Congress more detailed information about the effects of Internet censorship on U.S. businesses in China and use existing legal provisions to address intellectual property theft and the privacy concerns of U.S. citizens due to Chinese cyber espionage. The Administration and the committees of jurisdiction in Congress should work to find ways to use the Committee on Foreign Investment in the United States (CFIUS) to respond to unfair industrial policies that threaten national security, including by expanding its mandate to look at foreign investment in media and technology sectors.

• **Promote a Free Internet.** The Administration, in collaboration with Congress and the Chief Executive Officer of the Broadcasting Board of Governors, should develop a comprehensive, multiyear strategy that partners with civil society, businesses, key technology industries, religious leaders, and human rights defenders to counter efforts by the Chinese government to promote "Internet sovereignty"; develop effective technologies that provide or enhance access to the Internet; and conduct research on ways to counter threats to Internet freedom, including the Chinese government's intent to block access to virtual private networks (VPNs) starting in early 2018. The Administration and Congress should consider expanding programs providing digital security training for civil society advocates and projects that track, preserve, and recirculate media and Internet content deleted by Chinese government censors.

• **Expand Mandate of FARA To Counter Propaganda.** The Administration and Congress should work together to expand the mandate of the Foreign Agents Registration Act (FARA) to encompass individuals working for foreign state-owned media, government-backed think tanks, or other non-profit organizations operating in the United States. In addition, the Administration should develop a "whole-of-government" strategy to respond to Chinese government propaganda, including by fully equipping the Global Engagement Center at the State Department to research and counter disinformation and by considering an expansion of resources for Voice of America and Radio Free Asia programming in China.

• **Speak With a Unified Voice on Human Rights.** The Administration should, where appropriate, lead efforts with allies to develop coordinated responses to human rights violations, including by working together at the United Nations, by creating a multilateral human rights dialogue or jointly funding technical assistance and capacity-building projects, or by engaging in joint advocacy and the sharing of prisoner lists. The Administration should also coordinate with businesses and non-governmental organizations (NGOs) to develop a unified message about unfair industrial policies, digital protectionism, and the harm to U.S. and global interests from the PRC Law on the Management of Overseas NGOs' Activities.

• **Help Address China's "Missing Girls" Problem.** The Administration should integrate the provisions of the Girls Count Act

(Public Law No. 114–24) into foreign assistance programs and consider appointing a Special Advisor at the U.S. State Department to oversee the creation and coordination of assistance programs to address the social and economic issues created by the Chinese government's population control policies and sex ratio imbalances, particularly projects that strengthen property and inheritance rights for Chinese women and girls and those that protect women and their families from the most coercive aspects of the population control policies. The Administration should develop talking points so that officials and diplomats can discuss problems linked to China's dramatic sex ratio imbalance as part of bilateral dialogues on security, law, trafficking, human rights, and public health. In addition, Congress should continue to link U.S. contributions to the UN Population Fund for use in China with the end of all birth limitation and coercive population control policies in China.

• **Seek Protections for North Korean Refugees.** Congress should reauthorize the North Korean Human Rights Act and consider expanding efforts to channel uncensored news and information into North Korea and to asylum-seekers in China through all possible means, including through North Korean defector communities. In addition, using the tools provided by Congress, the Administration should be prepared to impose secondary sanctions on Chinese corporations, individuals, or banks that profit from North Korean forced labor and those assisting the North Korean government in avoiding international sanctions.

• **Make Religious Freedom Diplomacy a Priority.** Given that countries that severely restrict religious freedom are likely to face domestic instability and may also threaten regional stability, it is in the U.S. interest for the Administration to implement fully the provisions of the Frank R. Wolf International Religious Freedom Act (Public Law No. 114–281) and strategically employ the sanctions and other tools associated with the U.S. State Department's designation of China as a "Country of Particular Concern" for severe restrictions on religious freedom. The Administration should reestablish the Religion and Foreign Policy Working Group within the Department of State's Federal Advisory Committee to bring together experts from government, universities, religious and other NGOs to develop an effective multiyear plan to promote and protect religious freedom in China.

• **Prioritize Efforts To Combat Human Trafficking, Forced Labor, and Child Labor.** Congress and the Administration should ensure that the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons and the U.S. Department of Labor's Bureau of International Labor Affairs have sufficient resources and status within their Departments to effectively combat human trafficking and more accurately report on current conditions, including by reauthorizing the Trafficking Victims Protection Act of 2000. Congress should again consider legislation that improves U.S. Government data collection and reporting on the issue of human trafficking for the purpose of organ removal, globally and in China.

• **Promote Dialogue Regarding Tibet.** The Administration and Congress should work together to press for unrestricted access to Tibetan autonomous areas in China and to facilitate the full im-

plementation of the Tibetan Policy Act of 2002, including establishing a diplomatic office in Lhasa, and urging renewed dialogue between Chinese government officials and the Dalai Lama's representatives. Administration officials, including the President, should meet with the Dalai Lama in his capacity as a spiritual leader and with the leaders of the Central Tibetan Administration. Congress should consider passage of the Reciprocal Access to Tibet Act (S. 821/H.R. 1872, 115th Cong., 1st Sess.).

• **Calibrate Counterterrorism Cooperation To Protect Ethnic Minorities.** Due to the Chinese government's practice of labeling peaceful rights advocates and members of religious and ethnic minority groups as extremists or terrorists, the Administration should consider carefully the nature and scope of its counterterrorism cooperation with the Chinese government and, through the Office of the Director of National Intelligence, create guidelines for such cooperation to ensure that the United States does not condone Chinese authorities' crackdown on domestic political dissent or restrictions on the freedoms of expression or religion. The Administration should develop interagency talking points to raise issues of human rights in China's ethnic minority areas during bilateral and multilateral dialogues with Chinese military, public security, or other appropriate government officials.

• **Ensure American Nationals Are Protected.** The Administration should consider seeking revisions to the U.S.-China Consular Convention to clarify that Americans detained in China may meet with a lawyer of their choice, contact their families regularly, privately discuss the details of their case with U.S. consular officials, and have U.S. Embassy officials attend all legal proceedings. The Administration should consider developing a formal strategy to secure the release of American nationals and the family members of American nationals who are extrajudicially detained in China and should work with Congress to ensure regular reports on the number of U.S. citizens detained or not permitted to leave China.

• **Reiterate U.S. Interest in Hong Kong's Autonomy.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992, subject to Congressional directives. Congress should consider ways to express through public statements, official visits, and resolutions the important connection between a free press, a vibrant civil society, an independent judiciary, and expanded democratic governance in Hong Kong and the mutual interests shared by the United States and China in maintaining Hong Kong as a center of business and finance in Asia. The Administration and Congress should work together to determine whether legislation or other measures are needed to revise the United States-Hong Kong Policy Act of 1992, including by passing the Hong Kong Human Rights and Democracy Act (S. 417, 115th Cong., 1st Sess.).

• **Develop a Code of Conduct for Civil Society.** The Administration should work with U.S. civil society and non-governmental organizations, including cultural-exchange and sister-city programs, and humanitarian assistance, academic, and religious organizations, to formulate a code of conduct for interacting with the Chinese government in order to protect the academic freedom and universally recognized human rights of staff, faculty, or students

living in China and to equip institutions to respond effectively when Chinese authorities attempt to encourage censorship, threaten visa denials or access to China, or dictate who can participate or what can be discussed in various programs, projects, or institutions.

- **Consistently Advocate for Political Prisoners.** In meetings with Chinese government officials, Administration officials and Members of Congress should raise cases, both publicly and in private, of individuals detained or imprisoned for the peaceful expression of political or religious beliefs and those promoting legal reforms and human rights. The Administration should also consider creating a Special Advisor for Political and Religious Prisoners to coordinate State Department and interagency advocacy on behalf of political prisoners. Experience demonstrates that raising individual cases can result in improved treatment, lighter sentences, or in some cases, release from custody, detention, or imprisonment. U.S. officials are encouraged to consult the Commission's Political Prisoner Database for credible and up-to-date information on individual prisoners or groups of prisoners. Please see representative cases of concern on the following pages.

The Commission's Executive Branch members have participated in and supported the work of the Commission. The content of this Annual Report, including its findings, views, legal determinations, and recommendations, does not necessarily reflect the views of individual Executive Branch members or the policies of the Administration.

The Commission adopted this report by a vote of 16 to 0.†

†Voted to adopt: Senators Rubio, Lankford, Cotton, Daines, Young, Feinstein, Merkley, Peters, and King; Representatives Smith, Pittenger, Franks, Hultgren, Kaptur, Walz, and Lieu.

POLITICAL PRISONER CASES OF CONCERN

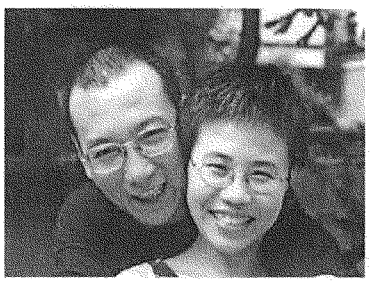
U.S. officials are encouraged to consult the Commission's Political Prisoner Database for credible and up-to-date information on individual prisoners or groups of prisoners. Below are some of the many cases requiring legal, humanitarian, and other forms of advocacy across the issues covered by this report.

Name and PPD Record No.	Case Summary (as of August 31, 2017)
Gulmira Imin 2010-00238 Life sentence	On July 14, 2009, authorities in Urumqi municipality, Xinjiang Uyghur Autonomous Region (XUAR), detained Uyghur website administrator Gulmira Imin. Salkin, the website she administered, reportedly posted an announcement calling on Uyghurs to demonstrate in Urumqi on July 5, 2009, and authorities alleged she was involved in organizing the subsequent demonstration that took place. The Urumqi Intermediate People's Court tried her on April 1, 2010, and sentenced her to life imprisonment for "separatism," "disclosing state secrets," and "organizing an illegal demonstration." Gulmira Imin stated at trial that, while in detention, authorities tortured her and forced her to sign a document she had not read. She is held in the Xinjiang Women's Prison (Xinjiang No. 2 Prison) in Urumqi.
Jiang Tianyong 2011-00179 Awaiting judgment	On November 21, 2016, disbarred rights lawyer Jiang Tianyong disappeared in Changsha municipality, Hunan province. Authorities reportedly held Jiang under "residential surveillance at a designated location" on suspicion of "inciting subversion of state power" until his May 31, 2017, arrest for "subversion of state power." Authorities charged that since 2009, Jiang had criticized the Chinese government and political system through foreign media. On August 22, Jiang pleaded guilty to "inciting subversion of state power" in a trial at the Changsha Intermediate People's Court; Jiang's wife called it a "show trial" and said she feared he had been tortured. UN rights experts expressed concerns that authorities detained Jiang for his legal advocacy, including for members of religious groups.
Bonkho Kyi 2012-00261 7 years	In or around November 2015, officials from Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, detained at least eight Tibetans, including layperson Bonkho Kyi, who had organized observances of the Dalai Lama's 80th birthday on July 6, 2015. Charges against Bonkho Kyi and others were unknown, but may be related to PRC Criminal Law provisions under "endangering state security." On December 6, 2016, the Aba Intermediate People's Court sentenced Bonkho Kyi to seven years' imprisonment. Authorities previously detained Bonkho Kyi in 2011 and 2012 for unknown reasons and subjected her to close surveillance after her release.
Li Guozhi 2016-00001 2 years, 6 months	On December 9, 2015, authorities from Guiyang municipality, Guizhou province, took into custody Li Guozhi (a.k.a. Yang Hua), a pastor of the Living Stone Church, administratively detaining him on suspicion of "obstructing official business." On the same day, Guiyang authorities declared Li's church an "illegal social group" and banned it. On January 22, 2016, Guiyang authorities arrested Li on the charge of "intentionally disclosing state secrets." On December 30, a Guiyang court sentenced Li to two years and six months in prison. In March 2017, Li was unable to walk independently due to a blood vessel inflammation, for which prison officials reportedly failed to provide timely medical treatment.

Liu Shaoming 2015-00216 4 years, 6 months	On or around May 29, 2015, officials in Guangzhou municipality, Guangdong province, took into custody labor advocate Liu Shaoming, criminally detaining him on suspicion of "picking quarrels and provoking trouble." On January 5, 2016, authorities charged Liu with "inciting subversion of state power" for writing and sharing political essays online. The Guangzhou Intermediate People's Court heard Liu's case on April 15, 2016, sentencing him to four years and six months' imprisonment on July 2, 2017. Liu previously served one year in prison after participating in the 1989 Tiananmen protests and continued to advocate for workers' rights after his release, including helping to establish a workers' rights advocacy group.
Tang Jingling 2011-00255 5 years	On May 16, 2014, public security officials in Baiyun district, Guangzhou municipality, Guangdong province, criminally detained lawyer Tang Jingling on suspicion of "picking quarrels and provoking trouble" and later arrested him on suspicion of "inciting subversion of state power." Before his detention, Tang participated in the "Non-Violent Civil Disobedience Movement" that called for legal and social reforms; he also initiated a "June Fourth Meditation" event to commemorate the 1989 Tiananmen protests. On June 19, 2015, the Guangzhou Intermediate People's Court tried Tang and later sentenced him to five years in prison. Tang's wife reported in July 2017 that prison officials refused to give the family his medical records after he experienced chest pain.
Tashi Wangchug 2016-00077 Awaiting trial	On January 27, 2016, officials detained Tashi Wangchug (Tashi Wangchuk) in Yushu (Kyegudo) city, Yushu Tibetan Autonomous Prefecture, Qinghai province, charged him with "inciting separatism," and held him in a detention center in Qinghai. Authorities held Tashi in pretrial detention for over a year and reportedly subjected him to prolonged interrogation and repeated beatings. One of his lawyers stated that the police investigation focused on the New York Times' coverage of his efforts to file a lawsuit to require schools in Yushu to offer more Tibetan-language instruction. Authorities previously detained Tashi in 2012 for criticizing local officials in online posts, and around 2006 for attempting an "illegal" journey to India.
Tian Jiguang 2016-00452 4 years, 6 months	On October 16, 2013, officials in Panjin municipality, Liaoning province, criminally detained Tian Jiguang, founder of an environmental NGO, reportedly for a blog post criticizing pollution by a state-owned enterprise. On September 11, 2014, the Dawa County People's Court in Panjin convicted Tian of "extortion," "embezzlement," and "misappropriation of funds," and imposed a 12-year prison term, which the trial court initially declined to change after the case was remanded on appeal by the Panjin Intermediate People's Court. Subsequently, the intermediate court accepted Tian's retrial request, and on remand, the trial court resentenced him in June 2017 to four years and six months in prison. Tian is held at Jinzhou Prison in Liaoning.
Ilham Tohti 2009-00315 Life sentence	On January 15, 2014, officials detained Uyghur scholar Ilham Tohti at his home in Beijing municipality. On February 20, authorities formally arrested him on the charge of "separatism," detaining him at the Urumqi PSB Detention Center in Urumqi, XUAR. During a June 26 meeting with his lawyers, Tohti stated officials had subjected him to abuse while in detention, including by shackling him and depriving him of food and water. On September 23, 2014, an Urumqi court sentenced Tohti to life in prison on the charge of "separatism." He is held at the Xinjiang No. 1 Prison in Urumqi. Tohti was an economics professor in Beijing and founder of the website Uyghur Online. He wrote about ethnic tension and sought peaceful dialogue between Uyghurs and Han Chinese.

Wang Quanzhang 2015-00278 Awaiting trial	On July 10, 2015, Wang Quanzhang, a lawyer at Beijing Fengrui Law Firm, disappeared amid a crackdown on rights lawyers and advocates. After holding him at an undisclosed location, Tianjin municipality authorities arrested Wang on the charge of "subversion of state power" on January 8, 2016, indicting him on the same charge on February 14, 2017. In more than two years in detention in Tianjin, authorities have not permitted Wang to meet with his family members or legal counsel, and reportedly tortured Wang with electric shocks. Previously, Wang defended several high-profile rights defense cases; in 2015, police in Shandong province beat Wang as he was defending Falun Gong practitioners. Wang remains in pretrial detention.
Wu Gan 2010-00348 Awaiting judgment	On or around May 19, 2015, officials detained rights advocate Wu Gan (a.k.a. "Butcher") after he protested outside a court in Jiangxi province on behalf of four men who he believed were wrongfully accused. On December 23, 2016, procuratorate officials in Tianjin indicted Wu on the charge of "subversion of state power," accusing him of colluding with fellow Beijing Fengrui Law Firm employees to "severely harm state security and social stability." Tianjin authorities held a closed-door trial for Wu on August 14, 2017. The court had not issued a judgment as of August 31, 2017. Authorities reportedly deprived Wu of sleep and subjected him to prolonged interrogation.
Xia Lin 2014-00432 10 years	Authorities in Beijing municipality took lawyer Xia Lin into custody on November 8, 2014, criminally detaining him on suspicion of "fraud," and formally arresting him on December 15. The Beijing No. 2 Intermediate People's Court tried Xia on June 17, 2016, and sentenced him on September 22 to 12 years in prison and 3 years' deprivation of political rights for "fraud." On April 21, 2017, the Beijing High People's Court reduced his sentence on appeal to 10 years. Authorities reportedly detained Xia in retaliation for his criminal defense work, including his representation of public interest lawyer Pu Zhiqiang and founder of Transition Institute Guo Yushan.
Zhang Shaojie 2014-00126 12 years	On November 17, 2013, officials in Nanle county, Puyang municipality, Henan province, criminally detained Pastor Zhang Shaojie of the Nanle Three-Self Patriotic Movement Church, who previously led a group of Christians to file a petition over a land dispute with the county government. On November 23, authorities formally arrested Zhang on charges of "obstruction of official business" (later changed to "fraud") and "gathering a crowd to disrupt social order." The Nanle County People's Court sentenced Zhang to 12 years in prison on July 4, 2014. Zhang's sentence was upheld on appeal in August 2014. Zhang is held in the Henan No. 2 Prison in Xinxiang municipality, Henan, where authorities reportedly have deprived him of sleep and food.
Zhang Haitao 2015-00343 19 years	On June 26, 2015, public security officials from Urumqi, XUAR, took rights advocate Zhang Haitao into custody, reportedly as a part of a "stability maintenance" effort to "clean up individuals active on the Internet." Authorities charged that Zhang was interviewed by foreign media and expressed views critical of the Chinese government and Communist Party. On January 15, 2016, the Urumqi Intermediate People's Court sentenced him to 19 years in prison for "inciting subversion of state power" and "stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities." Zhang's sentence was affirmed upon appeal in November 2016. Zhang is held in the Shaya Prison in Aksu prefecture, XUAR.

LIU XIAOBO AND LIU XIA



In addition to the preceding cases, the Commission urges Members of the U.S. Congress and Administration officials to raise with the Chinese government the recent death in custody of Liu Xiaobo, and to advocate for the release from arbitrary detention of Liu's wife, Liu Xia.

On July 13, 2017, Nobel Peace Prize laureate and prominent political prisoner, Liu Xiaobo, died in state custody, just weeks after officials reported that he was battling late-stage liver cancer. Observers have questioned whether Liu received adequate medical care and appropriate health screenings while in prison. Despite reports that Liu wished to seek medical treatment abroad, the Chinese government kept him under guard in a hospital in Liaoning province until his death.

Chinese authorities detained Liu Xiaobo on December 8, 2008, in Beijing municipality, and later arrested him on the charge of "inciting subversion of state power" in connection with the political treatise Charter 08 and several political essays he wrote. On December 25, 2009, the Beijing No. 1 Intermediate People's Court sentenced him to 11 years in prison and 2 years' deprivation of political rights.

Liu is survived by his wife, the artist and poet Liu Xia. Authorities placed Liu Xia under illegal home confinement in Beijing shortly after the Norwegian Nobel Committee named Liu Xiaobo recipient of the Nobel Peace Prize in October 2010. In August and September 2017, authorities maintained control over Liu Xia's whereabouts, reportedly moving her to Yunnan province and then to Beijing. Friends, supporters, and outside observers have expressed concern about her safety, health, and well-being; her physical and mental health reportedly have deteriorated during her seven years of arbitrary confinement.

Advocating Respect for Human Rights and Peaceful Political Reform

A writer, former literature professor, and human rights advocate, Liu Xiaobo was among the chief authors of Charter 08, an open statement calling for political reform and greater protection of human rights in China, which was released on December 10, 2008, to coincide with the 60th anniversary of the Universal Declaration of Human Rights and Human Rights Day. Charter 08 contained 19 recommendations, including a call for guarantees of human rights, direct elections of legislative bodies and officials, an independent judiciary, separation of powers, and the guarantee of freedom of religion, freedom of speech, and freedom of assembly. Charter 08 urged Chinese citizens to work together "for major changes in Chinese society and for the rapid establishment of a free, democratic, and constitutional country . . . to bring a brilliant new chapter to Chinese civilization."

Liu's work on Charter 08 was characteristic of his work throughout his life in pursuit of these ideals. The Norwegian Nobel Committee recognized his efforts when they awarded him the 2010 Nobel Peace Prize for his "long and non-violent struggle for fundamental human rights in China." During the awards ceremony, however, his chair remained empty and he was unable to claim his prize.

Instead of the customary Nobel lecture, the statement Liu wrote for his trial on December 23, 2009, was read aloud by the Norwegian actress Liv Ullman. Titled "I Have No Enemies: My Final Statement," select excerpts follow:

But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed . . . twenty years ago—I have no enemies and no hatred . . ..

Hatred can rot away at a person's intelligence and conscience. Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society's tolerance and humanity, and hinder a nation's progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation's development and social change, to counter the regime's hostility with utmost goodwill, and to dispel hatred with love.

My dear [Liu Xia], with your love I can calmly face my impending trial, having no regrets about the choices I've made and optimistically awaiting tomorrow. I look forward to [the day] when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well; where different values, ideas, beliefs, and political views . . . can both compete with each other and peacefully coexist; where both majority and minority views will be equally guaranteed, and where the political views that differ from those currently in power, in particular, will be fully respected and protected; where all political views will spread out under the sun for people to choose from, where every citizen can state political views without fear, and where no one can under any circumstances suffer political persecution for voicing divergent political views. I hope that I will be the last victim of China's endless literary inquisitions and that from now on no one will be incriminated because of speech.

Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.

SPECIFIC FINDINGS AND RECOMMENDATIONS

A summary of specific findings follows below for each section of this Annual Report, covering each area that the Commission monitors. In each area, the Commission has identified a set of issues that merit attention over the next year, and, in accordance with the Commission's legislative mandate, submits for each a set of recommendations to the President and the Congress for legislative or executive action.

FREEDOM OF EXPRESSION

Findings

- Imprisoned writer Liu Xiaobo—an advocate of democracy and non-violent political reform and China's only Nobel Peace Prize laureate—died of liver cancer on July 13, 2017, in Shenyang municipality, Liaoning province, on medical parole. In the nine years prior to his death, he spent one year in pretrial detention and nearly eight years in prison on the charge of "inciting subversion of state power" for his coauthorship of the political treatise Charter 08 and several essays critical of the Chinese Communist Party and government. The government and Party continued to isolate his wife Liu Xia in extralegal confinement after his death, a condition that Chinese authorities imposed on her starting in October 2010, when the Norwegian Nobel Committee announced that it would award the 2010 Nobel Peace Prize to Liu Xiaobo.
- The government and Party continued to stress the need for ideological discipline from news media and journalists, in particular that the media function as a "mouthpiece" for the Party. At a November 2016 meeting with the All-China Journalists Association (ACJA), President and Party General Secretary Xi Jinping urged media workers to "embody the principle of Party character" and "be reliable for the Party and the people."
- Official news media continued to publish articles about human rights lawyers as part of the government and Party's ongoing crackdown on human rights lawyers and advocates that began in and around July 2015. Articles in the Global Times, The Paper, Legal Daily, and Procuratorial Daily ascribed a litany of criminal offenses to disbarred lawyer Jiang Tianyong, including an assertion that he fabricated the torture allegations of fellow rights lawyer Xie Yang.
- Pervasive government and Party censorship contributed to the shrinking space for journalism and public debate, demonstrated by the closure of the reform-minded journal Yanhuang Chunqiu; the suspension of Consensus, a website known for open discussion and commentary; the shutdown of the economic think tank Unirule's website; and the two-month suspension in October 2016 of Caixin news articles for republication.
- Several Chinese journalists and media outlets argued for the protection of journalists' physical safety, government accountability, and guarantees of their right to report on events in the

public interest following incidents of physical violence against and obstruction of domestic Chinese journalists on assignment this past year.

• The government targeted citizen journalists for prosecution this past year. In August 2017, authorities sentenced Lu Yuyu, the founder of "Not the News"—a blog that published information on mass incidents relating primarily to labor protests—to four years in prison. In November 2016, authorities detained Liu Feiyue and Huang Qi, founders of websites that featured news from citizen journalists, and arrested them in December, demonstrating the government's drive "to criminalize those who document human rights abuses and advocate for better human rights protections," according to Chinese Human Rights Defenders.

• Foreign journalists continued to face obstruction and harassment in their efforts to report in China, including detention, physical abuse, surveillance and restricted access, and visa renewal challenges. The government blocked some international news media, websites, and social media applications (apps) within China. Chinese citizens who spoke with foreign journalists were at risk of punishment such as imprisonment, detention, travel denial, and dismissal from organizations.

• The Chinese government's Internet and social media policies are aimed at controlling the flow of information, which a U.S.-based expert said, "guides the narrative in the direction that the state determines." Citizen Lab, an information technology and human rights research center, published findings on Chinese government content filtering of social media platforms WeChat and Weibo, observing a high level of flexibility and speed in response to issues and events deemed politically sensitive, such as the death of Liu Xiaobo, the names of detained human rights lawyers, and a Tibetan Buddhist teaching held in January 2017.

• This past year, authorities developed judicial and legislative approaches to protect the "national historical narrative" and took punitive action against Chinese officials, academics, and journalists, for speech critical of President and Party General Secretary Xi Jinping, former leader Mao Zedong, and political campaigns and incidents from modern Chinese history. Authorities also detained and imprisoned several citizens who criticized Xi and Mao, some using censorship circumvention hardware and software to post or repost their comments outside the Chinese government's system of surveillance and censorship (commonly known as the Great Firewall).

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censoring or

blockage of foreign media websites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and act as a trade barrier for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during bilateral dialogues. Assess the extent to which China's treatment of foreign journalists contravenes its World Trade Organization or other obligations.

○ Sustain, and where appropriate expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing Internet restrictions, in order to access and share content protected under international human rights standards. Continue to maintain Internet freedom programs for China at the U.S. Department of State and the Broadcasting Board of Governors to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and Internet freedom advocates in China.

○ Raise with Chinese officials, during all appropriate bilateral discussions, the costs to U.S.-China relations and to the Chinese public's confidence in government institutions that are incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions exceed international standards for restrictions on free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government institutions. Submit questions for China's next UN Human Rights Council Universal Periodic Review, asking China to explain what steps it will take to ensure its restrictions on free expression conform to international standards.

○ Urge Chinese officials to end unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to end the illegal home confinement of Liu Xia, the wife of the late Nobel Peace Prize laureate Liu Xiaobo, and release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Lu Yuyu, Liu Feiyue, Huang Qi, Wang Jing, Yang Xiuqiong, Zhang Haitao, Tashi Wangchug, Wang Jiangfeng, Kwon Pyong, and other political prisoners raised in this report and in the Commission's Political Prisoner Database. Raise this issue in bilateral dialogues as well as through multilateral institutions, such as the UN Human Rights Council and its Working Group on Arbitrary Detention.

WORKER RIGHTS

Findings

- The Chinese government- and Communist Party-controlled All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and Chinese labor advocates and international observers report that the ACFTU does not effectively represent workers' rights and interests. Chinese workers' right to collective bargaining remains limited in law and in practice.
- Labor advocates and non-governmental organizations (NGOs) reportedly continued to face surveillance and pressure from authorities this past year, following a December 2015 crackdown on Chinese labor advocates and NGOs in Guangdong province that domestic and international observers described as "unprecedented." The detention and sentencing of labor advocates amidst that crackdown reportedly has had a chilling effect on labor NGOs, affecting collective bargaining work in particular. In May 2017, authorities in Jiangxi province detained three Chinese men who were conducting research on behalf of a U.S.-based labor NGO regarding working conditions in factories producing shoes for international brands. Authorities released them on bail in June. In addition, the PRC Law on the Management of Overseas NGOs' Activities, which took effect on January 1, 2017, may further hinder the work of labor NGOs in China, as many of them rely on sources of funding outside of mainland China.
- Following reports of a significant increase in worker strikes and protests in the previous reporting year, the number of worker actions appeared to remain high this past year, though the Commission did not observe reliable statistics. China Labour Bulletin data indicate that government responses to worker strikes and protests were mixed, ranging from assisting with workplace negotiations to violent police intervention. Some labor advocates asserted that the government's suppression of strikes had increased. Labor advocates also noted increasing difficulty in finding information on strikes in China due to the chilling effect of the December 2015 crackdown on labor NGOs and tightening government control of the media.
- The Commission continued to observe reports of the use of child labor in China this past year. In one widely reported case, Party-run media revealed that clothing manufacturers in Jiangsu province had hired workers from Yunnan province through recruiters, and many of the workers were under the age of 16. According to the report, employers beat the children for working too slowly and withheld pay and identification documents to prevent them from quitting. Such actions are indicators of forced labor, according to the International Labour Organization.
- During this reporting year, government data showed a continued decline in both workplace accidents and deaths, though the Commission continued to observe reports of lax enforcement of work safety laws and regulations. The Commission did not observe officially published statistics for occupational ill-

ness for 2015 or 2016. This past year, the government issued several documents setting targets and outlining plans for improving occupational health and safety.

• Many categories of workers were unable to benefit fully from the protections provided under Chinese law, including workers above the retirement age, student workers and interns, and independent contractors or informal workers. During this reporting year, the Commission continued to observe reports of the mistreatment of dispatch laborers—workers hired through subcontracting agencies—in violation of domestic laws and regulations meant to prevent such abuses. Moreover, firms reportedly used "outsourced labor," another form of subcontracted labor, to get around new regulations on dispatch labor.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Call on the Chinese government to exonerate labor rights advocates Meng Han, Zeng Feiyang, Zhu Xiaomei, and Tang Jian. Raise their cases in public and private meetings with Chinese officials, and urge Chinese officials to allow these advocates to continue their work for labor NGOs. Encourage authorities to cooperate with labor NGOs, noting the positive role such organizations play in encouraging workers to address their grievances peacefully and through legal channels.

○ Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining, and allow workers to organize and establish truly independent labor unions. Convey support in all appropriate bilateral and multilateral dialogues for genuine collective bargaining and direct elections of trade union representatives, emphasizing that increased worker representation can be beneficial for resolving workplace grievances and preventing strikes and unrest.

○ In meetings with Chinese officials, highlight the September 2016 report of Maina Kiai, the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, which emphasizes that labor rights are workers' human rights, and that the failure to protect or enforce these rights "exacerbates global inequality, poverty, violence and child and forced labour."

○ Encourage Chinese officials through all appropriate bilateral discussions to publish information on measures taken to prevent the employment of children under the age of 16. Call on the Chinese government to collect and publish detailed statistical data on working children, including on child labor and hazardous work, in order to better understand the prevalence and nature of child labor in China and to effectively target efforts to address this problem.

○ Promote and support bilateral, multilateral, and multistakeholder exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as collective bargaining, employment discrimination, and occu-

pational health and safety, particularly prevention of pneumoconiosis. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations involved in defending the rights of workers.

○ When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs as well as domestic civil society groups from all participating countries to observe and contribute to relevant government-to-government dialogues, particularly those relating to trade. Although participation of the All-China Federation of Trade Unions or Chinese government-organized NGOs (GONGOs) may be constructive in some cases, ensure such organizations are not treated as independent civil society groups.

○ Support China's increased engagement and cooperation with the International Labour Organization (ILO) through funding for ILO technical cooperation projects with China. Request that the ILO increase its work with China on observing core labor standards, including freedom of association and the right to organize.

Criminal Justice

Findings

• During the 2017 reporting year, the Commission observed continued reports of the Chinese government using "black jails" and other extralegal and extrajudicial measures to arbitrarily detain individuals in violation of international human rights standards. After the Chinese government abolished the reeducation through labor system in 2013, Chinese officials reportedly have continued to use "black jails"—detention sites that operate outside of China's judicial and administrative detention systems—to suppress individuals such as petitioners, rights advocates, and religious practitioners.

• The Chinese government continued to apply broadly defined criminal provisions such as "picking quarrels and provoking trouble" and "gathering a crowd to disturb order in a public place" to punish petitioners, rights advocates, lawyers, and ethnic minorities for the peaceful exercise of their rights.

• The government emphasized the procuratorate's supervisory role over criminal investigations and continued to improve implementation of existing legal provisions that address the problem of investigators' use of coercion and overreliance on confession. Despite official pronouncements, reports of coerced confession continued to emerge this past year, with some indicating that procurators participated in the practice.

• Authorities continued to charge citizens with "endangering state security" offenses. This is one of three categories of crimes in the PRC Criminal Law permitting the application of a coercive measure known as "residential surveillance at a designated location," which can amount to incommunicado detention for up to six months. In one such example, authorities detained disbarred rights lawyer Jiang Tianyong without providing notice to his family within the required timeframe. The

location of Jiang's detention remained unknown for over six months.

- This past year, the government denied access to legal counsel to some individuals detained in politically sensitive cases, such as those detained in the crackdown against rights lawyers and advocates that began in and around July 2015. Reports also show that authorities harassed or intimidated defense lawyers by means including detention and search and seizure of their personal belongings.
- Multiple reports of torture and abuse surfaced this past year. Authorities reportedly tortured or abused rights lawyers Xie Yang, Li Chunfu, Li Heping, Wang Quanzhang, and rights advocate Wu Gan, all of whom authorities detained in the crackdown that began in or around July 2015. The Commission did not observe reports of authorities holding criminally accountable the perpetrators of abuse in these cases. In particular, authorities in Xie Yang's case claimed that the accounts of torture were fabricated. In the case of Lei Yang, a resident of Beijing municipality who died shortly after police took him into custody in May 2016, procuratorate officials decided in December 2016 not to prosecute the police officers who perpetrated fatal physical violence against Lei.
- The judiciary overturned 11 cases of wrongful conviction in 2016. In one of these cases, judicial reexamination commenced long after the execution of the wrongfully convicted person, prompted by someone coming forward who took responsibility for the crimes. The court declined to make a finding of confession by torture, which a legal expert said remains a predominant cause of wrongful convictions.
- 2017 marks the 10th anniversary of the Supreme People's Court regaining exclusive authority to review death sentences, but a uniform standard of review remained lacking. The government continued to treat the number of executions as a state secret. Some observers estimate the annual number to be in the thousands, exceeding the number for all other countries combined. Despite a purported ban on harvesting organs from executed prisoners, a senior Chinese health official admitted that the practice continued in at least one case during this reporting year.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Raise with Chinese officials, during all appropriate bilateral discussions, individual cases where officials have used the investigation of alleged criminal activity to target government critics and rights advocates. Publicly convey support for human rights advocates whom officials have deprived of liberty on unsubstantiated criminal charges and for apparent political or religious reasons.
- Stress to the Chinese government the importance of procedural compliance and effective legal representation in criminal cases in relation to the goal of rule-based governance.

○ Urge Chinese officials to end all forms of extrajudicial detention that are imposed without meeting the standards for a fair trial as set forth in the International Covenant on Civil and Political Rights and other international human rights instruments.
○ Consult with Chinese officials regarding progress toward adopting the recommendations made by the UN Committee against Torture in relation to China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, such as the call to repeal the provisions allowing "residential surveillance at a designated location." Further, encourage Chinese officials to extend invitations to all UN special rapporteurs and other special procedures that have requested visits to China.
○ Stress to the Chinese government the need for greater transparency on the number and circumstances of executions, and urge Chinese officials to further limit the crimes to which the death penalty is applicable.
○ Continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform China as it charts a path toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.
○ Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified.

Freedom of Religion

Findings

• Both Chinese and international law provide guarantees for religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of the principles of religious freedom as Chinese authorities exercised broad discretion over the religious practice of Chinese citizens.
• The Chinese government released draft revisions to the Regulations on Religious Affairs (RRA) in September 2016. The draft revisions were released following a major leadership conference on religious policy convened by Chinese President and Communist Party General Secretary Xi Jinping in April 2016. At this conference, Xi promoted the "sinicization" of religion in China, a term that officials have used often in recent years to encourage the adaptation of religious beliefs and activities to align with government and Party interests. One international rights organization characterized the draft revisions to the RRA as "implementing the new ideology [of sinicization] on a legislative level." The draft revisions were in line with a long-term Party policy of using religion as an instrument for pro-

moting national unity and social stability, although commentators also drew parallels with recently implemented restrictions on civil society groups through legislative reforms such as the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities. On September 7, 2017, the State Council issued the revisions to the RRA, to take effect on February 1, 2018. The final revisions contained few changes from the earlier draft.

- The Chinese government's regulatory framework for religious affairs imposes numerous restrictions on religious freedom. Religious activity is subject to extensive government approvals and restrictions, including official guidelines for the content and distribution of religious publications, restrictions that limit religious activity to government-approved sites, and requirements that religious personnel be approved by local religious affairs authorities. Current regulations require religious groups to register with the government, and legal protection of religious activities is contingent on complying with registration requirements. Unregistered religious and spiritual communities are especially vulnerable to government harassment, detention, and other abuses; yet groups may be sanctioned regardless of registration status when officials view them as posing a challenge to government authority. The government has also continued to ban some belief systems outright.
- While government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression, they nonetheless continued to subject these religions to extensive regulation and control.
- The government maintained measures that impede the freedom of Chinese Catholic congregations to be led by clergy who are selected and who conduct their ministry according to the standards called for by Catholic religious beliefs. The government also continued to harass, detain, or hold incommunicado certain leading Catholic clergy.
- Government and Party officials continued to subject Protestant Christian belief and practice to a wide range of restrictions and abuse. Unregistered Protestant churches throughout China continued to face raids during church gatherings, eviction from meeting spaces, and official bans on worship. Authorities also subjected some believers to harassment, violence, or detention. In several instances, house church members were detained on the charge of "organizing and using a cult to undermine implementation of the law" under Article 300 of the PRC Criminal Law.
- The Commission noted reports of continued repression of Falun Gong practitioners, by means including harassment, arbitrary detention, and prosecution. International observers continued to express concern over reports that numerous organ transplants in China have used the organs of detained prisoners, including those of Falun Gong practitioners. International medical professionals were skeptical of a Chinese health official's claim that the organ procurement system has been reformed in compliance with international standards, noting discrepancies and a lack of transparency in official data.

- During this reporting year, officials maintained policies exerting strong influence and control over the religious belief and activities of Hui Muslim believers. Although policies for Hui Muslims remained far less repressive than those affecting Muslims in the Xinjiang Uyghur Autonomous Region, hostile rhetoric targeting Hui Muslims from both officials and the public increased. One expert said that this could increase the likelihood that policies affecting the religious freedom of Hui Muslims may become more restrictive.
- Religious communities outside of the five religions that are the main objects of religious affairs regulations continued to exist within China. Some, such as folk religions and Eastern Orthodox Christianity, are recognized at the local level. In contrast, authorities maintained restrictions imposed suddenly in 2014 on Jewish religious activity in Kaifeng municipality, Henan province.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with its international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt beliefs and practice religious activities without government interference, particularly those based on political goals.
- Stress to the Chinese government that the right to freedom of religion includes, but is not limited to: the right of Buddhists and Taoists to carry out activities in temples and select monastic teachers independent of state controls; the right of Catholics to be led by clergy who are selected and who conduct their ministry according to the standard called for by Catholic religious beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimage, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state controls over doctrine and worship, and free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of members of other religious communities, such as Judaism, to be free from state control and harassment.
- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as people confined, detained, or imprisoned in connection to their association with those people. Such individuals include Bishop Thaddeus Ma Daqin, who has been under extralegal confinement since July 2012 for renouncing his affiliation with the Chinese Catholic Patriotic Association; Pastors Bao Guohua and Xing Wenxiang of Jinhua municipality, Zhejiang province; those affiliated with the Living Stone Church in Guizhou province, including its pastor, Li Guozhi (also known as Yang Hua); and other prisoners mentioned in this report

and in the Commission's Political Prisoner Database. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act and the International Religious Freedom Act of 1998. Ensure that conditions related to religious freedom are taken into account when negotiating any trade agreement as mandated by the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law No. 114–26).

○ Call on the Chinese government to fully implement accepted recommendations from its October 2013 UN Universal Periodic Review, including taking necessary measures to ensure that rights to freedom of religion, religious culture, and expression are fully observed and protected; cooperating with the UN human rights system, specifically UN special procedures and mandate holders; facilitating visits for UN High Commissioners to China; taking steps to ensure lawyers working to advance religious rights can practice their profession freely and promptly investigating allegations of violence and intimidation impeding their work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.

○ Call on the Chinese government to abolish Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law," and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in "cult" activities and for using "cults" or the "guise of religion" to disturb social order or to harm others' health.

○ Encourage U.S. political leaders to visit religious sites in China to raise awareness of and promote freedom of religion.

Ethnic Minority Rights

Findings

• The UN Special Rapporteur on extreme poverty and human rights, Philip Alston, following his 2016 visit to China, issued a report criticizing what he saw as authorities' lack of consultation with ethnic minorities regarding economic development that affects them, and he recommended that the State Ethnic Affairs Commission develop policies integrating human rights considerations into all aspects of its policymaking.

• As in past reporting years, Inner Mongolia Autonomous Region (IMAR) authorities detained Mongol herders who engaged in peaceful protests related to grasslands, including those who voiced their concerns online or talked with foreign reporters about their complaints.

• Mongol rights advocate Hada reportedly continued to press authorities to hold officials accountable for mistreating him during his 15-year prison sentence and subsequent detention and surveillance. IMAR authorities imprisoned Hada for 15 years starting in 1995 and then held him in extralegal deten-

tion for another 4 years, following his organization of peaceful demonstrations for Mongol rights and his establishment of the banned Southern Mongolian Democratic Alliance. In a November 2016 interview, he described his living conditions, in an apartment heavily surveilled by security personnel, as similar to those he experienced under detention, complaining that authorities had at times cut off his family's water and heat in an effort to compel him to "cooperate with them and give up [his] ideas."

• Mongol parents and students in the IMAR reportedly faced limits on access to Mongolian-language instruction during the past reporting year, in spite of Chinese law protecting the use of minority languages. In late 2016, Mongol parents in Chifeng municipality, IMAR, published open letters on social media and demonstrated outside government offices to protest the appointment of Han Chinese principals to the only two kindergartens in Chifeng that provide instruction in the Mongolian language. The administrations of the two schools reportedly restricted the use of the Mongolian language, and at least one of the schools banned Mongol teachers from speaking Mongolian in the office.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Continue to build the capacity of Mongol, Uyghur, and Tibetan groups working to advance human rights, environmental protection, economic development, and rule of law in China through U.S. foreign assistance funding and by encouraging additional support from both UN and non-governmental sources.

○ Convey to the Chinese government the importance of respecting and protecting ethnic minority cultures and languages. Urge Chinese officials to provide ethnic minority students and parents a choice of what language or languages of instruction should be used at schools they attend in accordance with the PRC Regional Ethnic Autonomy Law and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Call on Chinese officials to establish mechanisms preserving and expanding existing instruction in ethnic minority languages from the preschool to the university level.

○ Call on the Chinese government to allow Mongol herders to exercise their fundamental rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention. Convey to Chinese officials the importance of consulting with ethnic minority communities regarding the impact of proposed development on their traditional grazing lands.

○ Urge Chinese authorities to end restrictions on the freedom of movement and other unlawful restrictions against Hada, his wife Xinna, and their son, Uiles. The Universal Declaration of Human Rights grants "everyone . . . the right to freedom of

movement and residence within the borders of each state." Emphasize in meetings with Chinese officials the need to hold accountable local officials responsible for the continued persecution of Hada, Xinna, and Uiles.

POPULATION CONTROL

Findings

- Chinese government authorities continued to actively promote and implement coercive population control policies that violate international standards, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Authorities continued to place an emphasis on birth limits and adherence to family planning as a "basic national policy." The amended PRC Population and Family Planning Law and provincial-level regulations limit couples' freedom to build their families as they see fit.
- During the Commission's 2017 reporting year, Communist Party and central government authorities implemented the "universal two-child policy," that became effective on January 1, 2016, which allows all married couples to have two children. Chinese government statistics, however, showed that the universal two-child policy had limited to moderate impact after a year of implementation. The National Bureau of Statistics of China (NBS) reported that the number of total births in 2016 was 17.86 million, 1.31 million more than the 2015 NBS figure. The increase was lower than the 3 million additional births per year that the National Population and Family Planning Commission had predicted.
- Human rights advocates, demographic experts, and others expressed concerns that the coercive implementation of family planning measures and human rights abuses will persist despite the adoption of the universal two-child policy.
- The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the "legitimate rights and interests" of citizens while implementing family planning policies. Some provincial population planning regulations, however, continued to explicitly instruct officials to carry out abortions for "out-of-plan" pregnancies, often referred to as "remedial measures." Local authorities continued to promote "family planning work" that entailed harsh and invasive family planning measures. Officials imposed or threatened various punishments to enforce family planning policies, including heavy fines, detention, forced sterilization, and abortion.
- During this reporting year, central and local governments continued to implement household registration (*hukou*) reforms to register "illegal residents" (*heihu*), a term commonly used to refer to people who lack *hukou* in China. According to 2010 national census data, over 60 percent of the 13 million "illegal residents" were people born in excess of birth quotas. Other re-

ports indicated that the number of "illegal residents" might be higher than 13 million. "Illegal residents" face considerable difficulty accessing social benefits typically afforded to registered citizens. The People's Daily reported in March 2017 that approximately 14 million "illegal residents" had registered for *hukou* since November 2012. Some "illegal residents," however, reportedly continued to face difficulty in registering for *hukou*, including those born to unmarried parents.

• Decades of population control policies have exacerbated China's demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. China's total fertility rate has dropped from approximately 3 births per woman in the late 1970s to a reported 1.7 births per woman in 2017, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The NBS reported that from 2015 to 2016, China's working-age population (persons between the ages of 16 and 59) declined by 3.49 million people to 907.47 million, while the elderly population (persons aged 60 or older) increased by approximately 8.86 million in 2016 to 230.86 million people, or 16.7 percent of the total population. The overall sex ratio in 2016 was 104.98 males to 100 females, and there were approximately 33.59 million more males than females in China.

• This past year, international media reports continued to suggest a link between China's large number of "surplus males" and the trafficking of foreign women into China for forced marriage or commercial sexual exploitation. Reports also indicate that the Chinese government's population control policies have contributed to illegal adoptions, as a traditional preference for sons combined with birth limits may encourage a black market for illegal adoptions.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Press Chinese government officials to bring the PRC Population and Family Planning Law into conformance with international standards set forth in international agreements, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. Urge the Chinese government to address concerns about China's coercive implementation of the population control policy raised by the UN Committee against Torture in its concluding observations on the fifth periodic review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

○ Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—including a rapidly aging population, shrinking workforce, and sex ratio imbalance. Urge the Chinese government to heed the recommendations of domestic and international de-

mographic experts by ending all birth restrictions on families and abolishing "social compensation fees."

○ Urge the Chinese government to continue its existing efforts to register all Chinese citizens without *hukou*. In line with the Girls Count Act of 2015, the U.S. State Department and the U.S. Agency for International Development should support training and programs that contribute to improvements in the registration of girls, in order to increase rights and opportunities for women and girls in China.

○ Use authorities provided in the Global Magnitsky Human Rights Accountability Act, as appropriate, to impose sanctions against Chinese officials who engage in gross violations of human rights—including those involving forced sterilizations and forced abortions—of individuals while implementing family planning policies. Call on China's central and local governments to vigorously enforce provisions of Chinese laws that provide for punishment of officials and other individuals who engage in these abuses.

○ Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population control policies with potential regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral dialogues.

Freedom of Residence and Movement

Findings

• The Chinese government continued the use of the household registration (*hukou*) system established in 1958. The *hukou* system limits the right of Chinese citizens to freely choose their place of residence. The *hukou* system classifies Chinese citizens as either rural or urban, conferring legal rights and access to public services based on the classification. Implementation of *hukou* regulations discriminates against rural *hukou* holders, including those who migrate to urban areas, by denying them equal access to public benefits and services enjoyed by registered urban residents. The *hukou* system contravenes international human rights standards guaranteeing freedom of residence and prohibiting discrimination on the basis of "national or social origin, . . . birth or other status."

• The Chinese central government and local authorities continued to implement reforms to the *hukou* system and other restrictions on Chinese citizens' freedom of residence. The central government reiterated its plans to have 100 million individuals move to urban areas and obtain local, urban-registered *hukou* between 2015 and 2020. Local jurisdictions took steps to implement a new residence permit system, as directed by the central government's January 2016 Provisional Regulations on Residence Permits. As of August 2017, at least 29 provincial-level jurisdictions had reportedly issued implementing measures for residence permits.

- Authorities continued to deny some Chinese citizens who criticize the government their internationally recognized right to leave the country, through methods including mass confiscation of passports and individual travel bans. Authorities in Guangdong province prevented Australian permanent resident and Chinese citizen Feng Chongyi from returning to Australia for over a week in March and April 2017, reportedly in connection with his research on Chinese rights lawyers.
- The Commission continued to observe reports of Chinese government officials punishing rights advocates and their families and associates, and targeting some members of ethnic minority groups by restricting their freedom of movement, in violation of Article 12 of the International Covenant on Civil and Political Rights. Authorities heightened restrictions on movement during politically sensitive periods, and placed particularly strict controls on Uyghurs and Tibetans and residents of ethnic minority areas.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Call on Chinese authorities to accelerate reforms to the *hukou* system, including lowering restrictions on migration to major cities and centers of economic opportunity; equalizing the level and quality of public benefits and services tied to local *hukou* and residence permits; and implementing laws and regulations to provide equal treatment for all Chinese citizens, regardless of place of birth or residence, or *hukou* or residence status.
- ○ Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrants, in order to advance legal and anti-discrimination assistance for migrants and their families, and to encourage policy debates aimed at eliminating inequality and discrimination connected to residence policies, including the *hukou* system.
- ○ Emphasize in meetings with Chinese officials that the government's noncompliance with international standards on freedom of movement and travel negatively affects confidence in the Chinese government's commitment to international standards.
- ○ Call on the Chinese central government to combat provincial and local authorities' arbitrary and discriminatory restrictions on the ability of residents of ethnic minority areas, in particular Uyghurs and Tibetans, to move freely inside China and to travel abroad.
- ○ Raise specifically Chinese authorities' restrictions on the freedom of movement and the right to leave the country of rights defenders, lawyers, critics of the government, and their family members and associates, including, among others: Feng Chongyi, a professor and Australian permanent resident; Lu Dongli, a rights defender; Yao Lifa, a democracy advocate and

former independent local people's congress candidate; and human rights lawyers Liu Zhengqing and Chen Jian'gang.

STATUS OF WOMEN

Findings

- Despite a legal framework prohibiting employment discrimination, employers in China continued to discriminate against women in recruiting, hiring, compensation, and other employment practices. Employment discrimination against women based on pregnancy continues to be a serious problem, with much of the discrimination against women in employment due to employers' desire to avoid the cost of maternity leave for female employees. Such discrimination is expected to worsen with the continuing implementation of the "universal two-child policy."
- The legal advocacy of women seeking redress for gender discrimination in employment continued and seemed to gain some influence. During this reporting year, the Guangzhou Intermediate People's Court in Guangdong province held that a restaurant owed one woman compensation and an apology for refusing to interview or hire her for a chef's apprentice position based on her gender. The Supreme People's Court (SPC) included a recent gender discrimination case among its guiding cases, released in August 2016. SPC official Guo Feng said that because the case imposed civil liability, it would deter other employers from violating laws on gender equality.
- Women in China continued to face challenges with domestic and sexual violence. Experts on the PRC Anti-Domestic Violence Law (in effect since March 2016) noted that challenges to implementation include lack of awareness, inadequate resources for training of public security officials, gender discrimination within the legal system, and enforcement that prioritizes family cohesion and "social stability" over the safety of victims. Victims of sexual violence also faced challenges in obtaining legal redress, as they were reportedly reluctant to come forward due to pressure from family and society.
- Women continued to lack secure rights to property in both rural and urban areas due to a combination of legal policies and traditionalist cultural pressures, particularly after marriage.
- Chinese officials prevented some women's rights advocates from engaging in activism and providing services—a continuation of the intensifying restrictions on women's rights advocacy begun in 2015.
- The Chinese government continued to target individual women's rights advocates with criminal prosecution and other forms of harassment. One prominent example is that of women's rights and democracy activist Su Changlan, whom authorities detained in October 2014 and tried in April 2016 for "inciting subversion of state power." She was convicted on March 31, 2017, and is expected to be released in October.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Publicly and privately urge the Chinese government to give rights advocate Su Changlan immediate access to medical care and to release her from arbitrary detention. After Su's sentence ends in October 2017, urge the Chinese government to ensure that she is free of state-imposed surveillance, harassment, and restrictions to her freedom of residence, movement, and expression. In addition, urge the release of advocates Chen Qitang and Shan Lihua, and immediately cease intimidation and harassment of their family members and associates.
- Publicly and privately urge the Chinese government to respect the freedom of expression and assembly of all rights advocates, and in particular to refrain from harassing and intimidating the independent women's rights advocates seeking to increase awareness about sexual harassment in public areas.
- Urge the Chinese government to publicly expand its commitment to gender equality through measures such as increasing the number of women in the highest levels of political leadership, instituting gender equality and anti-harassment trainings in government workplaces, and challenging discriminatory attitudes based on gender through public education.
- Commend the Chinese government for recent legal developments aimed at promoting the welfare of women and gender equality. These include the passage of the PRC Anti-Domestic Violence Law and the inclusion of a gender discrimination case among the Supreme People's Court's guiding cases. Encourage the government to strengthen formal support services for implementation—for example, by increasing funding for health services or shelters for women experiencing violence, providing funding and support for attorneys for legal services, and allowing independent lawyers and advocates to assist with the promotion and implementation of laws related to gender equality through lawsuits and public campaigns.
- Support international exchanges among academics, legal advocates, non-governmental organizations, and others that focus on the implementation and enforcement of recently adopted laws promoting gender equity. In particular, facilitate and support technical assistance programs that would help both men and women working in law enforcement and the judiciary to implement the PRC Anti-Domestic Violence Law effectively and challenge discriminatory attitudes based on gender. As the first point of contact, law enforcement in particular should be trained in addressing reports of violence in a way that does not undermine victims' concerns or safety.
- Facilitate and support technical assistance programs that would help the development of gender equality education in schools and communities.
- Encourage the collection and analysis of data on gender-based disparities in economic and social life so as to monitor changes.

HUMAN TRAFFICKING

Findings

- As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol), China is obligated to enact legislation criminalizing human trafficking as defined by the UN TIP Protocol. The definition of human trafficking in Chinese law, however, remains inconsistent with UN TIP Protocol standards. Inconsistencies between domestic law and international standards contribute to the difficulty of assessing the scale of human trafficking in China.
- China remains a destination for the trafficking of men, women, and children from throughout Asia. The Commission observed reports of alleged human trafficking of Chinese nationals to the United States, Europe, and elsewhere for forced labor and sexual exploitation. Men, women, and children reportedly were trafficked within China's borders for forced labor, forced begging, forced marriage, and sexual exploitation.
- This past year, the Chinese government subjected individuals to forced labor in administrative detention centers, pretrial detention, and through a forced labor program known as *hashar* in the Xinjiang Uyghur Autonomous Region.
- Chinese workers migrating within China and their children were particularly at risk of human trafficking, in part due to restrictions arising from China's household registration (*hukou*) system. Government restrictions on workers' rights to form independent unions and collective bargaining also exacerbated their vulnerability to trafficking.
- The Chinese government continued to treat North Korean refugees as economic migrants, and maintained a policy of repatriating undocumented North Koreans, leaving the refugees vulnerable to trafficking. The government of the Democratic People's Republic of Korea reportedly continued to generate revenue by sending North Korean nationals to work in China under conditions that one expert described as slave labor.
- China's sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias for sons—created a demand for marriageable women that may contribute to human trafficking for forced marriage and sexual exploitation. According to the National Bureau of Statistics of China, in 2016, China had approximately 33.59 million more men than women.
- Hong Kong remained a destination for human trafficking, with migrant domestic workers particularly at risk of exploitation for forced labor. A December 2016 ruling by a Hong Kong court found that Hong Kong's Bill of Rights Ordinance requires the Hong Kong government to enact stronger anti-trafficking legislation. In response to questions from a Hong Kong lawmaker regarding what steps the government had taken following the court ruling, the government stated that human trafficking "is not prevalent or widespread in Hong Kong," and that human trafficking "is effectively prohibited by various pieces of existing legislation in Hong Kong."

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge the Chinese government to abide by its commitments under the UN TIP Protocol to bring anti-trafficking legislation into alignment with international standards, specifically with regard to China's legal definition of human trafficking. Emphasize that this would facilitate better data collection and cross-border comparisons, which in turn would better inform domestic and multilateral anti-trafficking policies. Call on the Chinese government to extend coverage of the UN TIP Protocol to include Hong Kong.
- Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to encourage and support the collection of more accurate data in order to better assess the scale and root causes of human trafficking in Asia and monitor the effectiveness of anti-trafficking measures.
- Discuss in appropriate bilateral and multilateral meetings the importance of protecting worker rights as a means of combating human trafficking for the purpose of forced labor. Stress that when workers are able to organize and advocate for their rights, they are less vulnerable to all forms of exploitation, including forced labor. Highlight the September 2016 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, which stated that the failure to protect workers' right to freedom of association "directly contributes to problems such as human trafficking and slavery."
- Encourage and engage in continued regional cooperation to combat human trafficking through multilateral agreements and forums such as the Coordinated Mekong Ministerial Initiative Against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Such regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalances, and other risk factors that contribute to human trafficking.
- Pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation. Support the work of the U.S. Department of State's International Law Enforcement Academy Program in Bangkok, Thailand, to build regional law enforcement capacity.
- Facilitate international exchanges among civil society groups and industry associations to raise awareness of best practices for identifying and combating human trafficking in supply chains. Support NGOs working on anti-trafficking research, education, prevention, and victims' services throughout Asia.
- Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.

NORTH KOREAN REFUGEES IN CHINA

Findings

- During the Commission's 2017 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, in violation of its obligations under international human rights and refugee law.
- Heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face, and may be limiting the outflow of refugees from the DPRK. South Korean Ministry of Unification data showed that 1,414 refugees reached South Korea in 2016, continuing the trend of a significant decline in the number of refugees entering South Korea since 2009.
- Chinese authorities appeared to have intensified crackdowns on organizations and individuals—including foreign aid workers, Christian missionaries and churches, and non-governmental organizations—that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.
- North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The majority of North Korean refugees leaving the DPRK are women, many of whom are trafficked from the DPRK into, or within, China for the purposes of forced marriage and commercial sexual exploitation.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services owing to a lack of legal resident status in China. The denial of these rights contravenes China's obligations under international law.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Urge the Chinese government to immediately halt the repatriation of North Korean refugees; consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the repatriation of North Korean refugees; and press for increased international monitoring of and accountability for the Chinese government's treatment of refugees.
- ○ Call on the Chinese government to address the concerns of the UN Committee against Torture by incorporating the principle of non-refoulement into domestic legislation and allowing UN High Commissioner for Refugees personnel unimpeded access to North Korean refugees in China.
- ○ Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public serv-

ices in accordance with Chinese law and international standards.

○ Consider passing the North Korean Human Rights Reauthorization Act of 2017 and implement relevant provisions pertaining to North Korean refugees in China. Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the reauthorized North Korean Human Rights Act.

PUBLIC HEALTH

Findings

• During the Commission's 2017 reporting year, the UN Special Rapporteur on extreme poverty and human rights issued a report that assessed whether the Chinese government's poverty alleviation efforts, many of which dovetail with public health, "have ensured full respect for human rights in China." The Special Rapporteur observed that the government overly emphasizes development goals, and that challenges to the protection of human rights and government accountability include the Chinese Communist Party's "leading role" over government, civil society, and public participation; a "top-down" government approach; and lack of accurate, publicly available data.

• The government and Party continued to prioritize the treatment of mental health in public health policymaking. Despite implementation of the PRC Mental Health Law, which became effective in 2013, challenges in the treatment of mental health disorders include a shortage of mental health personnel and community-based services.

• The Commission remained concerned by reports that Chinese government authorities continued to forcibly commit individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for activities, including petitioning, that are deemed to be "troublemaking" or politically sensitive. Reports of petitioners and others whom public security officials forcibly committed to psychiatric facilities this past year included Sheng Lanfu, Ren Naijun, and Zhu Liangqun. Media coverage of the case of Xu Xueling—a petitioner serving a four-year prison sentence for "picking quarrels and provoking trouble"—linked her petitioning to two instances of forcible psychiatric commitment that authorities had imposed to "maintain stability." The December 2016 arrest of Liu Feiyue, founder of the human rights website Civil Rights & Livelihood Watch (CRLW), may have consequences for access to grassroots reports of forced psychiatric commitment given CRLW's regular coverage of the topic.

• Health-based discrimination in access to employment, welfare, education, and medical treatment, as well as difficulties in accessing legal relief or accountability, reportedly remained widespread, despite prohibitions to prevent it under Chinese

laws and regulations. Contributing factors, according to rights lawyers, include a lack of compliance with the law and inconsistencies between laws and regulations.

- In June 2017, a court in Guangdong province issued China's first-ever judgment that held an employer violated Chinese law by discriminating against an employee because the employee was HIV positive. The court, however, rejected the employee's request to be reinstated to his job.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Call on the Chinese government to strengthen implementation of the PRC Mental Health Law (MHL) and stop using forced psychiatric commitment to retaliate against and silence persons with grievances against the government or persons with dissenting opinions and preferences. Immediately release from detention Liu Feiyue, founder of Civil Rights & Livelihood Watch, a human rights website known for its coverage of the use of forced psychiatric commitment. In addition, release Xu Xueling—imprisoned in connection to petitioning two instances of forcible psychiatric commitment—and other individuals raised in this report and the Commission's Political Prisoner Database subjected to forcible psychiatric commitment for petitioning and other activities authorities deemed politically sensitive.
- ○ Urge the Chinese government to establish panels made up of legal, medical, social work, and security professionals from within and outside the government to monitor and report on the implementation of the MHL and initiatives planned under the National Mental Health Work Plan (2015–2020) to ensure that local implementation consistently meets standards of care and rights protection stipulated in the MHL, the PRC Law on the Protection of the Rights of Persons with Disabilities, and international standards.
- ○ Continue to support technical assistance and exchange programs in the area of public health. Require that U.S.-China cooperative programs include the participation of U.S. and Chinese non-governmental organizations.
- ○ Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, including abolition of the national physical eligibility standards for civil servants and teachers that discriminate against persons with health conditions. Where appropriate, share the United States' ongoing experience with and efforts in promoting the rights of persons with disabilities in education, employment, and public life, through non-governmental advocacy and services, and legal and regulatory means.

THE ENVIRONMENT

Findings

- During the 2017 reporting year, Chinese and international media reports highlighted the severity of China's air, water, and soil pollution, and related health concerns. At the same time, Chinese authorities continued to censor and control media reporting on the environment. The Chinese government made statements calling for public participation in environmental protection. According to the UN Special Rapporteur on extreme poverty and human rights, however, "the Government tends to rely almost entirely on top-down processes."
- During this reporting year, citizens engaged in a number of environmental protests over issues including sand mining and air pollution. In October 2016, as many as 10,000 people in Xi'an municipality, Shaanxi province, participated in a protest over a waste incinerator project. In December 2016, authorities reportedly briefly detained a number of advocates in Chengdu municipality, Sichuan province, after they gathered wearing face masks to protest air pollution.
- Chinese authorities continued to harass and detain environmental advocates. In October 2016, Chinese authorities administratively detained Liu Shu, the leader of an environmental non-governmental organization (NGO), for 10 days in Changsha municipality, Hunan province, for "leaking counter-espionage work state secrets." Her alleged offense was sharing pollution data. In June 2017, the Shuangtaizi District People's Court in Panjin municipality, Liaoning province, sentenced Tian Jiguang, the founder of the Panjin City Association of Volunteers for the Protection of the Spotted Seal, to four years and six months in prison. Chinese authorities detained Tian in October 2013 after he wrote a blog post in which he criticized a state-owned enterprise for water pollution.
- Judicial authorities assessed high court fees on two NGOs following an environmental public interest lawsuit. In January 2017, the Changzhou Intermediate People's Court in Changzhou municipality, Jiangsu province, ruled in favor of defendant chemical manufacturers and held that the two NGOs that brought the lawsuit were responsible for court fees totaling 1.89 million yuan (US$270,000). The head of the litigation department at one of the NGOs expressed concern that this case "would set a precedent for courts to use similar charging standards in future environmental public interest lawsuits."
- In December 2016, the National People's Congress passed the PRC Environmental Tax Law. The legislation provides for new environmental taxes that will be jointly managed by environmental and tax authorities, superseding the previous pollution discharge fees that had been managed by environmental authorities. Some legal experts believe the potential for tax authorities to collect taxes from polluters may result in a strengthening of monitoring systems.
- In December 2016, the Supreme People's Court and Supreme People's Procuratorate issued an interpretation on environ-

mental crimes that, if implemented, may lead to more criminal enforcement for environmental data manipulation. The interpretation provides that criminal penalties for companies found in violation of environmental standards may be based on the amount of money the company saved by not operating the required pollution control equipment, and criminal charges of more than three years could be imposed if the money saved totaled over 1 million yuan (US$140,000).

• In October 2016, Chinese authorities reportedly detained three environmental officials in Xi'an for "falsification" of air quality data. In June 2017, the Xi'an Intermediate People's Court sentenced seven environmental officials, including the three previously detained officials, to prison terms ranging from 1 year and 3 months to 1 year and 10 months for "damaging the computer information system." In July 2017, the Ministry of Environmental Protection, following a month-long inspection, strongly criticized the Tianjin municipal government for "wantonly covering up" its failed environmental protection efforts, finding that although Tianjin authorities had many meetings and campaigns, "it was more lip service than action."

• The Chinese government continued to develop and release comprehensive plans for improving the environment, although it also announced plans to increase coal-fired power capacity. In December 2016, the National Development and Reform Commission released China's 13th Five-Year Energy Development Plan, which included a mandatory target for coal energy to account for 58 percent or less of energy production by 2020, a 6-percent decrease from 2015. The 13th Five-Year Electricity Development Plan, however, included plans to increase coal-fired power capacity.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Continue to support U.S.-China technical and legal collaboration on environmental protection. U.S.-China cooperation should focus on programs aimed at: increasing media freedom; improving transparency and the rule of law; reducing air, water, and soil contamination; and improving government accountability.

○ Encourage Chinese leaders to strengthen rule of law in the environmental sector. Raise questions with Chinese officials about the censorship of environmental news reporting. U.S. officials should also raise questions about the lack of transparency regarding China's water and soil pollution.

○ Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution. Raise the imprisonment of environmental advocate Tian Jiguang in meetings with Chinese officials.

○ Support efforts by Chinese and U.S. groups working to expand awareness of citizens' environmental rights in China and the protection of those rights. Include environmental law and transparency issues in bilateral human rights and legal expert dialogues.

CIVIL SOCIETY

Findings

• During this reporting year, the Chinese government and Communist Party continued to deepen a crackdown on NGOs and civil society advocates. According to international human rights organizations, Chinese authorities restricted the activities of rights defenders by shrinking the space for expression, association, and assembly. Authorities also targeted rights advocates affiliated with NGOs this past year, including those promoting religious freedom, workers' rights, and the environment. Examples included the prosecution of pastors and labor advocates, as well as the detention of an environmentalist on "state security" grounds. Regulatory developments, particularly the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities (Overseas NGOs' Activities Law) that took effect on January 1, 2017, threatened the continued presence of international NGOs (INGOs) in China as well as the independence of domestic NGOs reliant on foreign funding. The Chinese government provided limited clarifications on requirements for INGOs under the law. Foreign governments and NGOs sought clarification from the Ministry of Public Security (MPS) on official sponsorship requirements under the law.

• The operating environment for INGOs in China became more restricted and uncertain under the new Overseas NGOs' Activities Law. Reports indicate that INGOs are under greater scrutiny, and the law enables the Chinese government to surveil and collect information on such organizations. In addition, domestic NGOs may face "harsh penalties" under the expanded legal and regulatory framework given a "political climate of heightened security concerns" and "decreased tolerance for certain kinds of activism and expression." According to statistical data released by the MPS, a total of 168 INGO representative offices and 191 temporary activities had registered in China by July 31, 2017. Out of those registered, the United States had the highest number of registered INGO representative offices at 50, followed by Hong Kong at 38, Japan at 14, and Germany and South Korea each at 13. Beijing municipality ranked first for the highest total number of registered representative offices at 54, followed by Shanghai municipality at 35, Yunnan province at 17, and Guangdong province at 12. Registered representative offices of INGOs had partnering "professional supervisory units" (PSUs) from varying fields, with 66 representative offices working with PSUs in the trade sector, 25 in civil affairs, 21 in health and population planning, and 8 in education.

- In March 2017, Chinese authorities detained Taiwan human rights NGO volunteer Lee Ming-cheh while he was traveling to Zhuhai municipality, Guangdong province, via Macau. Ten days after Lee disappeared, the State Council Taiwan Affairs Office (TAO) confirmed that Chinese authorities were investigating Lee for "endangering state security." On May 26, the TAO confirmed that state security authorities in Hunan province had formally arrested Lee on suspicion of "subversion of state power."
- This past year, the Chinese government continued to strengthen its policy of inspection and ideological guidance over civil society. In March 2017, following two State Council directives to carry out inspections on the market and society released in 2015 and 2016, the Ministry of Civil Affairs (MCA) passed a measure to advance official inspection of social organizations, urging registration authorities to conduct both planned and random inspections of civil society groups. A leading small group on Party-building in social organizations, administered by the MCA, issued a document in March 2017 that prioritized work on the Party's ideological guidance for NGOs, building Party groups in organizations, and recruiting new "outstanding and talented individuals" from NGOs as cadres.
- The Chinese government continued efforts to strengthen the philanthropic regulatory framework under the PRC Charity Law to increase the level of giving in China. In the first year after the law's March 2016 passage, 260 national- or provincial-level organizations acquired "charitable" status and 13 provinces and municipalities reportedly began approving charities. In addition to registering charities, the law provides a legal framework for public fundraising and increasing tax incentives, toward which the Chinese government took steps in this past year. On February 24, 2017, the National People's Congress Standing Committee adopted a revision to the PRC Enterprise Income Tax Law, enabling donations over 12 percent of an enterprise's annual total profit to be carried over and deducted from taxable income during the following three years.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge the Chinese government to hasten the enactment of legal provisions pertaining to civil society that are consistent with China's Constitution as well as China's international obligations. Urge China to ratify the International Covenant on Civil and Political Rights (ICCPR). Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGOs' Activities and revise the PRC Charity Law to reflect the principles of the ICCPR, especially the rights to freedom of association, assembly, and expression.
- Call on the Chinese government to cease harassment of civil society advocates and NGOs and provide adequate procedural due process for those undergoing criminal trials.

○ Integrate civil society issues into bilateral discussions and agreements with Chinese officials to promote reciprocity in the approach and implementation of civil society exchanges between the United States and China.
○ Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, rule of law, and human rights advocacy.
○ Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums, and support international training to build their leadership capacity in non-profit management, public policy advocacy, and media relations.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

• During the Commission's 2017 reporting year, the Chinese Communist Party continued to play a leading role in both state and society, restricting Chinese citizens' ability to exercise civil and political rights. Observers noted that the central role of the Party in governing the state appears to have strengthened since Chinese President and Party General Secretary Xi Jinping came into power, further "blurring" the lines between Party and government. In March 2017, Wang Qishan, a member of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) and the Secretary of the Central Commission for Discipline Inspection (CCDI), said that "under the Party's leadership, there is only a division of labor between the Party and the government; there is no separation between the Party and the government."
• The Commission observed a continued emphasis on Xi Jinping's leading role in guiding decisionmaking. Following the Sixth Plenum of the 18th Central Committee of the Chinese Communist Party (Sixth Plenum) in October 2016, the plenum communiqué named Xi the "core" (*hexin*) of the Party. Some observers viewed the Sixth Plenum as a "victory for Xi" over internal political opposition. At the Sixth Plenum, the Party also announced that the 19th National Congress of the Chinese Communist Party (19th Party Congress) would take place in Beijing municipality during the second half of 2017.
• This past year, Xi Jinping called for "strict governance" of the Party. Regulations and guidelines on intraparty supervision and behavioral standards released after the Sixth Plenum stressed that cadres at all levels must comply, especially those who hold leadership positions. The CCDI continued punishing high- and low-level Party officials for misconduct, targeting officials in the government, military, and state security apparatus. In July 2017, CCDI authorities placed Sun Zhengcai, Party Secretary of Chongqing municipality and a Politburo member, under investigation for discipline violations—a move some international observers called a political decision by Xi to consolidate power ahead of the 19th Party Congress. The CCDI also tightened supervision of its anticorruption in-

vestigators and staff to ensure stricter oversight of disciplinary enforcers.

• The Party and Chinese government are spearheading efforts to establish a new national supervisory commission for enforcing anti-graft measures, a move that may result in further blurring and integration of Party and government functions. In December 2016, the National People's Congress approved a pilot project to set up supervisory commissions to oversee government conduct in Beijing municipality and Shanxi and Zhejiang provinces. In January 2017, the CCDI announced plans to establish a new national commission in order to integrate all government officials who have authority to conduct Party disciplinary inspection into one institution. The new commission, designed to "strengthen the Party's united leadership over anticorruption work," will merge anticorruption functions of the CCDI, Ministry of Supervision, and Supreme People's Procuratorate.

• Chinese authorities also continued to harass, detain, and imprison democracy advocates who exercised their rights to freedom of speech, assembly, and demonstration. Some representative cases of advocates whom authorities targeted this past year included Chen Zongyao, Chen Zhixiao, Zhao Suli, Liu Feiyue, Huang Qi, and Zi Su. Authorities detained and, in some cases, sentenced individuals in connection with their commemoration of the violent suppression of the 1989 Tiananmen protests. Such individuals included Shi Tingfu, Li Xiaoling, and Ding Yajun. Authorities continued to prosecute Fu Hailu, Chen Bing, Luo Fuyu, and Zhang Juanyong, detained in 2016 in connection with satirically labeled liquor bottles commemorating the Tiananmen protests.

• This past year, central Party authorities did not take any substantial steps toward political liberalization. Sources highlighted multiple instances in which officials interfered with or inhibited meaningful public participation in local elections, demonstrating that China's political institutions do not meet the standards for "genuine" elections outlined in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.

• Public security authorities and riot police cracked down on protests that arose after authorities detained Lin Zulian, chief of Wukan village, Donghai subdistrict, Lufeng city, Shanwei municipality, Guangdong province, in June 2016. International media outlets reported that, around September 13, 2016, security forces used tear gas and rubber bullets against protesters, a move that resulted in serious injuries to villagers. Police forces interrogated and expelled foreign reporters from the village, blocked access to the village, and detained villagers. In December 2016, the Haifeng County People's Court tried and convicted nine Wukan residents for their participation in the protest and gave them prison sentences ranging from 2 years to 10 years and 6 months.

• The Chinese government continued to work toward increasing citizens' access to information. In June 2017, the State Council released draft revisions to the 2008 Open Government

Information (OGI) Regulations and solicited public comments. The draft revisions clarified the scope of OGI and defined the types of information not subject to OGI. Areas not subject to OGI requirements include local-level information that "endangers public safety or social stability" or that involves ethnicity or religion. Despite moves in this past year to update the OGI regulatory framework, Chinese authorities continued to deny OGI requests in cases related to human rights defenders.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).
- Employ a "whole-of-government" approach to encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly. These individuals include those mentioned in this report and in the Commission's Political Prisoner Database, such as Chen Xi, Chen Wei, and Zhu Yufu.
- Support joint U.S.-China cooperative programs to develop independent village committee and people's congress election monitoring systems. Encourage central and local Party and government leaders to implement free and fair elections across China. Continue to fund, monitor, and evaluate the effectiveness of democracy promotion and rule of law programs in China.
- Support organizations working in China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China's open government information initiatives. Urge Party officials to further increase the transparency of Party affairs.
- Call on the Chinese government to improve procedures through which citizens may hold their officials accountable outside of the internal Party-led anticorruption campaign. Urge Party and government officials to establish and improve public participation in government affairs. Encourage top-level officials to reform governing institutions to promote an authentic multi-party system with protections for freedom of speech, association, and assembly.

Commercial Rule of Law

Findings

- December 11, 2016, marked 15 years since China acceded to the World Trade Organization (WTO). The Chinese government and Party, however, continued to fail to comply with key WTO commitments, including commitments to ensure equal treatment for foreign enterprises; to practice a market econ-

omy; and to enforce the rule of law with impartiality, transparency, and uniformity. Instead, the Chinese government continued to promote preferential treatment for domestic industry and compel technology transfer, creating an uneven playing field and altering market prices both domestically and globally.

• The Chinese government provided significant financial and political support to outbound investment this past year. This raised several concerns over issues including the lack of transparency about the Chinese government's involvement in commercial dealings, the creation of an uneven playing field for foreign companies, and the distortion of market prices both domestically and globally. The Chinese government's preferential treatment of state-owned enterprises (SOEs) in outbound investment may also increase the influence of SOEs on foreign markets. Such influence may further increase with implementation of the Chinese government's plan for SOEs to play a major role in its Belt and Road Initiative.

• The government's strict control over the Internet continued to serve as an indirect form of preferential treatment for domestic enterprises by obstructing consumers' access to global websites. In March 2017, the Office of the U.S. Trade Representative (USTR) identified Internet censorship in China as a barrier to trade for a second year, noting that Chinese authorities blocked "11 of the top 25 global sites."

• Chinese authorities continued to provide ineffective protection for intellectual property. In April 2017, USTR again placed China on its 301 priority watch list. In December 2016, USTR identified Taobao, a subsidiary of the Alibaba Group and the largest online shopping website in China, as a "notorious market" due to "the large volume of allegedly counterfeit and pirated goods."

• Several cases involving the arbitrary detention and investigation of Chinese and American businesspeople this past year highlighted ongoing rule of law and due process concerns. On April 29, 2017, Chinese authorities deported American businesswoman Sandy Phan-Gillis to the United States after judicial authorities sentenced her to three years and six months' imprisonment on the charge of espionage. Authorities detained Phan-Gillis in March 2015, and in June 2016, the UN Working Group on Arbitrary Detention found that she had been arbitrarily detained. Phan-Gillis was reportedly tortured in prison, and she was not able to meet with a lawyer for over a year. The cases of three prominent executives of Chinese firms, Xiao Jianhua, Guo Wengui, and Wu Xiaohui, highlighted the risks that businesspeople face when suspected of corruption or when dealing closely with corrupt officials.

• Food and drug safety in China remained a concern for Chinese and international consumers and the American business community operating in China. Their concerns were exacerbated by regulatory uncertainty and nontransparent enforcement. Reports in January 2017 of counterfeit soy sauce made with industrial salt and unsafe tap water raised particular concerns for consumers around the world.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Ensure that China complies with its existing World Trade Organization (WTO) commitments before resuming negotiations for a Bilateral Investment Treaty (BIT) with China. A BIT with China should be based on reciprocity, and allow for American investment in the media, entertainment, Internet, and other sectors. The BIT should also strengthen human rights and rule of law protections.

○ The U.S. Department of State should consider issuing a travel warning for China to warn Americans considering travel to China of the risk of arbitrary detention and torture by Chinese authorities, and the risk that a detained American may not be allowed to meet with a lawyer or discuss their case with U.S. consular officials. The U.S. Department of State should also consider revisions to the U.S.-China Consular Convention to ensure that Chinese authorities are required to detail the specific charges on which Americans are detained, and that Americans detained in China are allowed to discuss the details of their case with U.S. consular officials and to meet with a lawyer.

○ The Office of the U.S. Trade Representative should, under WTO rules, request detailed information from the Chinese government on Internet restrictions that result in the blocking of the websites of U.S. companies. If warranted, a WTO dispute should be considered. In meetings with Chinese officials, urge the Chinese government to stop blocking Internet users' access to U.S. media and technology companies in China.

○ Encourage U.S. companies that receive censorship requests from Chinese authorities to comply with the UN Guiding Principles on Business and Human Rights and the Global Network Initiative's Principles on Freedom of Expression.

○ In meetings with Chinese officials, urge the Chinese government to improve the transparency of its foreign exchange controls and to move toward a market-based exchange rate.

○ In meetings, urge Chinese government and Party officials to increase the transparency of the anticorruption campaign. Specifically raise concerns regarding the reported abduction and detention of Canadian citizen Xiao Jianhua from Hong Kong.

Access to Justice

Findings

• The Chinese Communist Party's control over the judiciary became more prominent this past year when the Supreme People's Court (SPC) president urged high court presidents from across China to reject Western principles, including "constitutional democracy, separation of powers, and judicial independence." The SPC president also noted the convictions of rights lawyer Zhou Shifeng and other rights advocates as a key achievement of the court system in 2016; international human

rights observers, however, said these convictions were politically motivated.

- With respect to developing a trial-centered litigation system, a goal that the Party set forth in October 2014, Chinese authorities issued an opinion emphasizing the importance of in-court testimony and developed evidentiary criteria for certain common crimes in some localities.
- This past year, the Chinese government promulgated rules in an attempt to improve the legal aid system, which continued to face problems such as a shortage of legal aid workers, lack of technical knowledge in non-lawyer staff, and insufficient reimbursement for legal-aid related expenses.
- In October 2016, the general offices of the Chinese government and Communist Party issued a set of measures that provides for sanctions on officials who mistreat individuals who petition the government for a range of grievances. Despite these new measures, the Commission continued to observe reports of official violence against petitioners. Furthermore, authorities reportedly targeted groups that supported petitioners—in November and December 2016, authorities detained and then arrested Liu Feiyue and Huang Qi, founders of two websites that report on human rights issues, including officials' mistreatment of petitioners.
- During this reporting year, the Chinese government continued to detain and prosecute the rights lawyers and advocates targeted during a nationwide, coordinated crackdown that began in and around July 2015. Authorities harassed family members of those detained and used arbitrary means to prevent lawyers associated with them from renewing their law licenses.
- The Ministry of Justice amended two sets of measures governing the licensing of lawyers and law firms this past year in ways that may violate the Basic Principles on the Role of Lawyers. The amendments added language mandating lawyers to support the Party's leadership and imposing restrictions on lawyers' ability to make independent professional judgments and on their rights to freedom of speech and peaceful assembly.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Encourage leaders of the Chinese Communist Party and government to respect the independence of the judiciary and to eliminate all forms of political influence on it.
- ○ Encourage Chinese legislators and judicial officials to implement an effective supervisory mechanism that ensures courts at all levels accept cases filed by all individuals, including petitioners and advocates, in a non-discriminatory manner.
- ○ Encourage the Chinese government to take substantive action to implement the trial-centered litigation system that is designed to ensure the legality of evidence obtained during the pretrial process.

○ Increase support for programs that promote dialogue between U.S. and Chinese legal experts regarding how China can structure and implement legal reforms. Concomitantly increase support for collaboration between U.S. and Chinese academic and non-governmental entities to foster programs that enhance the Chinese legal system's capacity for protecting citizens' rights.
○ Urge the Chinese government to stop all forms of persecution or prosecution of petitioners who use the petitioning system to seek redress for their grievances.
○ Urge the Chinese government to unconditionally exonerate and lift any restrictions of liberty or eligibility to practice law on the rights lawyers and advocates detained in the crackdown that began in and around July 2015, including Wang Yu, Bao Longjun, Zhou Shifeng, Wang Quanzhang, Li Heping, Li Chunfu, Xie Yang, Wu Gan, Hu Shigen, Gou Hongguo, Liu Xing, and Zhang Wanhe. Raise concerns that the recent amendments to measures regulating lawyers and law firm licensing violate international standards concerning lawyers' rights to free speech, peaceful assembly, and independent exercise of professional judgment.
○ Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse against them, and to ensure that those responsible are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates affected by the July 2015 crackdown, including surveillance, restrictions on domestic and international travel, and preventing school attendance.

XINJIANG

Findings

• During the Commission's 2017 reporting year, central and regional government authorities introduced new security measures and expanded implementation of existing security controls targeting Uyghur communities and individuals in the Xinjiang Uyghur Autonomous Region (XUAR). According to official statistics, XUAR authorities spent 30.05 billion yuan (approximately US$4.43 billion) on public security in 2016, nearly 20 percent more than the previous year. After Chen Quanguo became XUAR Communist Party Secretary in August 2016, replacing Zhang Chunxian, regional authorities implemented a number of new security measures. These included, but were not limited to, the installation of "convenience police stations" throughout the region, with 949 in the regional capital of Urumqi alone; the convening of mass anti-terrorism rallies; the recruitment of tens of thousands of security personnel from both within and outside of the XUAR; the implementation of a "double-linked household" (*shuanglian hu*) system; and the mandatory installation of satellite-tracking devices on vehicles in one prefecture in the XUAR.

• On March 29, 2017, the XUAR People's Congress adopted the region's first anti-extremism regulations. The regulations categorize 15 actions as "extremism," and according to a Chinese legal scholar, "[draw] a clear line between legal religion and illegal religion." In July 2016, the XUAR People's Congress adopted regional measures to implement the PRC Counterterrorism Law, which also dealt with how to punish religious extremists. The 2017 anti-extremism regulations, however, provide more detailed descriptions of the responsibilities of government authorities to eliminate "extremism."
• As in past reporting years, XUAR officials continued to restrict Uyghurs' ability to travel freely, in violation of Chinese law and international legal standards. Beginning in October 2016, authorities in locations throughout the XUAR reportedly ordered residents to turn their passports in to police, with varying deadlines of up to four months. Authorities subsequently required residents to seek approval from police for international travel in order to retrieve their passports.
• Beginning in late January 2017, Chinese authorities reportedly ordered some Uyghurs studying abroad in countries including Egypt, Turkey, France, Australia, and the United States to return to the XUAR. XUAR authorities detained or threatened to detain relatives of some students to compel them to return, and reportedly detained some returnees and forced some to undergo "political reeducation."
• During this reporting year, central and regional government and Party officials continued to promote the XUAR as an important center for Belt and Road (also known as One Belt, One Road) Initiative development projects. A U.S.-based Uyghur rights organization criticized the economic inequality exacerbated by official development projects, as well as the enhanced securitization officials employed to accompany such projects.
• Central and regional officials also placed restrictions on communication tools, issued regulations limiting the spread of "false" and "harmful" information, and constrained the ability of foreign journalists to report from the XUAR. In one example of authorities restricting XUAR residents' access to communication tools, authorities issued regulations, effective October 1, 2016, requiring individuals in the region to register with their real names before being permitted to access the Internet, including on their mobile phones.
• XUAR government authorities expanded Mandarin-focused "bilingual education" in the region, a policy that contravenes international law and that a Uyghur rights advocacy organization criticized for its emphasis on Mandarin-language education at the expense of other languages as well as for the loss of Uyghur educators' jobs. Under "bilingual education," class instruction takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups. In June 2017, education officials in Hotan prefecture, XUAR, banned the use of the Uyghur language in schools through the secondary school level, "in order to strengthen elementary and middle/high school bilingual education." The ban includes a prohibition on Uyghur-language signage on school

grounds, as well as the use of Uyghur in schools' public activities and educational management work. In March 2017, state media announced that authorities would strengthen preschool "bilingual education" in the XUAR by building or expanding a total of 4,387 "bilingual kindergartens" and hiring 10,000 "bilingual teachers" in 2017.

• According to research conducted by Human Rights Watch and reporting by the journal Nature, security personnel have been collecting DNA samples from Uyghurs in the XUAR and from other people throughout China on a massive scale, in many cases without consent. International observers raised the concern that officials may misuse the collected biometric data to heighten security controls on the Uyghur population, as officials build a database of citizens' biometric information not limited to those with a criminal background, as in other countries, and lacking the kinds of legal safeguards other countries implement to manage their DNA databases.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Support efforts to raise greater public awareness of human rights conditions in the XUAR, support initiatives to protect Uyghur culture, increase avenues for Uyghurs to protect their human rights, and undertake more frequent human rights-focused visits to the XUAR.

○ Call on the Chinese government to implement policies in the XUAR that promote both security and human rights, and that hold regional and local officials accountable for human rights violations carried out in the name of security. Urge Chinese officials to establish mechanisms ensuring that officials uphold the rule of law when implementing security procedures and refrain from arbitrary detention or surveillance of citizens. In addition, urge Chinese officials to include human rights safeguards in laws and regulations related to counterterrorism efforts, in consultation with international human rights experts, and to avoid broadly worded, ambiguous definitions of terrorism and terrorism-related offenses.

○ Call on the Chinese government to allow diplomats, domestic and international journalists, and observers greater freedom to report on XUAR-related issues, and to allow domestic and international journalists to freely express their views on government policy in the XUAR, as provided for under Chinese and international law.

○ Call on the Chinese government to adhere to domestic laws and regulations guaranteeing freedom of religious belief as well as international standards guaranteeing religious practice free from state restrictions.

○ Urge Chinese officials to respect the rights of Uyghurs and all Chinese citizens to travel freely outside of China, in accordance with Article 12 of the International Covenant on Civil and Political Rights, which China has signed and committed to rat-

ify. Urge Chinese authorities to return passports and other legally obtained travel documents to XUAR residents.

○ Call on the Chinese government to consult with non-Han Chinese parents, teachers, and students regarding which language or languages of instruction should be used in XUAR schools, from the preschool to the university level. Call on Chinese officials to provide parents and students a choice of instruction in the Uyghur language and other non-Chinese languages prevalent in the XUAR, as mandated in Article 4 of China's Constitution and Article 10 of the PRC Regional Ethnic Autonomy Law.

○ Encourage U.S. companies conducting business or investing in development initiatives in the XUAR to promote equal opportunity employment for ethnic minorities and to support development projects that incorporate consultation with ethnic minorities regarding the economic, political, and social impact of such projects. Encourage U.S. companies investing in XUAR business opportunities to actively recruit ethnic minority candidates for employment positions, implement mechanisms to eliminate hiring and workplace discrimination, and urge Chinese counterparts to provide equal opportunity employment to ethnic minorities.

○ Encourage U.S. companies conducting business or investing in development initiatives in the XUAR to use environmentally friendly business practices in their operations and business strategies, and to promote environmental preservation efforts in the region.

○ Call on the Chinese government to cease its mass collection of DNA samples from Uyghurs in the XUAR, and end efforts to build a database of Chinese citizens' biometric information, until it enacts and implements privacy protections, mechanisms to ensure informed consent, and legal safeguards for DNA database management, in order to prevent official misuse of collected biometric data. Privacy protections should meet the standards contained in the International Covenant on Civil and Political Rights, which China has signed but not ratified. Chinese officials should also implement transparent regulations governing the storage, sharing, and usage of biometric information, and establish legal procedures citizens can use to effectively challenge the collection of such information.

TIBET

Findings

• There has been no formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010. In February 2017, Zhu Weiqun, Chairman of the Ethnic and Religious Affairs Committee of the Chinese People's Political Consultative Conference and former senior Party official, said that the Chinese government would not engage in dialogue with what he referred to as an "illegal group" whose aim is to split China.

- The Party and government continued implementing repressive policies in Tibetan autonomous areas through the use of extensive and intrusive surveillance, strict regulations and rules to restrict Tibetans' fundamental rights, and pervasive displays of police and military force. New high-level appointments in the Tibet Autonomous Region (TAR)—Wu Yingjie as the new Party Secretary of the TAR, and Qizhala (Che Dalha) as the new governor—both of whom have extensive experience in the region, are unlikely to lead to any changes in policy or methods of governance in the TAR.
- The Chinese government restated its position that only it has the right to decide the Dalai Lama's successor. The current Dalai Lama reiterated his position on his reincarnation, and underscored that it is not a matter for the Chinese government or Party to decide, but rather a matter reserved for himself, Tibetan Buddhist leaders, and the Tibetan people.
- The Party and government continued to violate the right of religious freedom of Tibetan Buddhist monastics and laypersons through a system of pervasive controls and restrictions on religious practice. The expulsion of thousands of monks and nuns and demolitions of homes at the famous Buddhist institutes Larung Gar and Yachen Gar in Sichuan province were an acute example during this reporting year of the Party's crackdown on the right to religious freedom of Tibetan Buddhists.
- An estimated 7,000 Tibetan pilgrims from Tibetan areas of China attempted to attend an important religious teaching given by the Dalai Lama in Bodh Gaya, India, in early January 2017. In November 2016, Chinese officials confiscated passports, issued threats, and ordered Tibetans who had already traveled to India and Nepal to return to China, violating their rights of religious freedom and movement.
- Self-immolations by Tibetans reportedly focusing on political and religious issues continued during this reporting year. As of August 21, 2017, there were 5 known self-immolations in Tibetan autonomous areas of China, 4 of which were confirmed to be fatal, bringing the total number of such self-immolations by Tibetans living in China to 144 since 2009, 127 of which were reportedly fatal. As in the past, the self-immolators publicly called for the long life of the Dalai Lama, his return from exile, and freedom for Tibet.
- Chinese authorities continued to detain and imprison Tibetans for peacefully exercising their rights to freedom of expression and opinion, including advocacy for education in the Tibetan language. Tashi Wangchug, an advocate for bilingual education in Qinghai province, who has been detained since January 2016 following a November 2015 New York Times report and video about his Tibetan language rights advocacy, awaits trial for "inciting separatism."

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Encourage the Party and government to respect, as a matter of the right of religious freedom, recognized under Chinese and international law, that the decision regarding the Dalai Lama's succession or reincarnation must be reserved for the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people.

○ Urge the Chinese government to recognize the role of restrictive Party policies and government measures, and the increasing securitization of Tibetan autonomous areas of China, in Tibetan self-immolations and protests. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and stress to the government the importance of respecting and protecting the Tibetan culture and language—policy changes that would promote and protect social stability in Tibetan areas.

○ Encourage the Chinese government to respect the right of Tibetans to travel domestically as well as internationally, and to allow access to the Tibetan autonomous areas of China to international journalists, representatives of the United Nations and non-governmental organizations, and U.S. Government officials.

○ The Administration is urged to nominate, as soon as practicable, an appropriate candidate to fill the position of Under Secretary of State for Civilian Security, Democracy, and Human Rights, who has traditionally also simultaneously held the position of Special Coordinator for Tibetan Issues, and the Senate is urged to confirm forthwith.

○ Urge the Chinese government to release Tibetan language rights advocate Tashi Wangchug from detention, withdraw the charges against him, and stress that peacefully advocating for genuine bilingual education—a right recognized under Chinese and international law—is not a crime.

○ In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission's Political Prisoner Database—albeit an incomplete picture of the extent of Tibetan detentions and disappearances—provides a useful resource for such interactions with Chinese officials. Urge the Chinese government and its security forces to cease using arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans' peaceful exercise of their rights.

○ Urge the Chinese government to take fully into account the views and preferences of Tibetans when planning infrastructure, natural resource development, settlement or resettlement projects, and tourist attractions in the Tibetan areas of China.

○ Continue to request that the Chinese government invite an independent representative of an international organization to meet with Gedun Choekyi Nyima, the 11th Panchen Lama whom the Dalai Lama recognized in 1995, and who has been

held incommunicado, along with his parents, since May 17, 1995.

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

• On March 26, 2017, Hong Kong's Election Committee elected Carrie Lam Cheng Yuet-ngor as Hong Kong's fourth Chief Executive. Observers reported that during the nomination period and election campaign, Chinese central government officials and representatives pressured Election Committee members to support Lam over other candidates. The Election Committee's composition, and therefore the Chief Executive election, is restricted to ensure support for candidates approved by Chinese authorities, despite provisions in Hong Kong's Basic Law guaranteeing political autonomy and democratic development for Hong Kong.

• After pro-democracy candidates gained seats in the September 2016 Legislative Council (LegCo) elections, the Chinese central government and Hong Kong government moved to disqualify and remove from office opposition legislators who had altered their oaths of office. On November 7, 2016, the National People's Congress Standing Committee (NPCSC) issued an interpretation of Hong Kong's Basic Law, holding that oaths of office under Article 104 of the Basic Law are legal commitments to both Hong Kong and China, and prohibiting those whose oaths are determined to be invalid from retaking the oath. Lawyers, legislators, activists, and rights organizations strongly criticized the NPCSC interpretation. The interpretation came while a Hong Kong court was still considering the Hong Kong government's case against two legislators-elect, Sixtus "Baggio" Leung Chung-hang and Yau Wai-ching. The Hong Kong judge hearing the case ruled in the government's favor, finding that Leung and Yau "declin[ed] to take the LegCo Oath" and disqualifying the two.

• Following the NPCSC interpretation, the Hong Kong government continued to pursue legal cases against participants in the 2014 pro-democracy protests and members of the political opposition. In July 2017, a Hong Kong court ruled in the government's favor to disqualify four additional legislators over their oaths of office, and charged another with desecrating the Chinese and Hong Kong flags in a protest inside the LegCo chamber. Hong Kong police also charged nine leaders of the 2014 pro-democracy protests, including two sitting legislators, the day after the Chief Executive election.

• In August 2017, the Hong Kong government successfully appealed to increase the sentences of 13 protesters as well as pro-democracy student leaders Joshua Wong, Nathan Law, and Alex Chow. Some international rights and domestic pro-democracy groups asserted the prosecutions were politically motived, which the Hong Kong government and two local legal organizations have denied.

• Hong Kong journalists reported continuing fears over press freedom in Hong Kong, noting concerns over self-censorship,

government restrictions on reporters, and the 2015 abductions and disappearances of five Hong Kong booksellers by mainland Chinese authorities. The Hong Kong government continued to restrict the ability of online media to freely report, including during the December 2016 Chief Executive Election Committee subsector elections and the March 2017 Chief Executive election, drawing criticism from international and Hong Kong rights organizations.

• The Commission observed no progress in Macau toward "an electoral system based on universal and equal suffrage . . ." in line with provisions of the International Covenant on Civil and Political Rights, as repeatedly recommended by the UN Human Rights Committee. In December 2016, Macau's Legislative Assembly revised the legislative electoral law to disqualify candidates or legislators who do not swear loyalty to Macau's Basic Law or who are "not loyal" to Macau. Critics of the revisions questioned the need for such legal requirements and expressed concern that the new law would threaten the right to free and fair elections.

• The Macau government continued to deny entry to some pro-democracy politicians and activists from Hong Kong. Macau authorities justified these denials by asserting that the individuals barred from entering Macau posed "threats to Macau's internal stability and security." One Macau pro-democracy activist suggested that authorities wanted "to prevent Hong Kong activists from affecting the political atmosphere in Macau."

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Consider enacting the Hong Kong Human Rights and Democracy Act (S. 417) to monitor the state of Hong Kong's autonomy from mainland China and reaffirm U.S. support for democratization in Hong Kong.

○ Emphasize in meetings with Chinese and Hong Kong officials that the continued erosion of Hong Kong's autonomy under the "one country, two systems" principle, and as guaranteed in the Sino-British Joint Declaration and the Basic Law, threatens the underpinnings of U.S. policy toward Hong Kong, particularly Hong Kong's separate treatment under U.S. law.

○ Urge the Chinese and Hong Kong governments to restart the electoral reform process and work toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with Articles 45 and 68 of the Basic Law and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).

○ Call on the Chinese and Macau governments to set a timeline for implementing elections in Macau for Chief Executive and the Legislative Assembly by universal suffrage, as required under Article 25 of the ICCPR and repeatedly urged by the UN Human Rights Committee.

POLITICAL PRISONER DATABASE

Recommendations

When composing correspondence advocating on behalf of a political or religious prisoner, or preparing for official travel to China, Members of Congress and Administration officials are encouraged to:

- Check the Political Prisoner Database (PPD) (*http://ppdcecc.gov*) for reliable, up-to-date information on a prisoner or groups of prisoners. Consult a prisoner's database record for more detailed information about the prisoner's case, including his or her alleged crime, specific human rights that officials have violated, stage in the legal process, and location of detention or imprisonment, if known.
- Advise official and private delegations traveling to China to present Chinese officials with lists of political and religious prisoners compiled from database records.
- Urge U.S. state and local officials and private citizens involved in sister-state and sister-city relationships with China to explore the database, and to advocate for the release of political and religious prisoners in China.

A POWERFUL RESOURCE FOR ADVOCACY

The Commission's 2017 Annual Report provides information about Chinese political and religious prisoners[5] in the context of specific human rights and rule of law abuses. Many of the abuses result from the Chinese Communist Party's and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its own advocacy and research work, including the preparation of the Annual Report, and routinely uses the database to prepare summaries of information about political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at *http://ppdcecc.gov*. (Information about the PPD is available at *http://www.cecc.gov/resources/political-prisoner-database.*)

The PPD received approximately 393,000 online requests for prisoner information during the 12-month period ending July 31, 2017—an increase of approximately 282 percent over the 139,300 requests reported in the Commission's 2016 Annual Report for the 12-month period ending July 31, 2016.[6] During the 12-month period ending in July 2017, the United States remained the country of origin for the largest share of requests for information, with approximately 50.4 percent of such requests. During the Commission's 2017 reporting year, France was in the second position, with approximately 2.7 percent of such requests, followed by India (2.4 percent), China (2.3 percent), Ukraine (2.1 percent), Brazil (2.1 percent), Japan (1.9 percent), the United Kingdom (1.8 percent), Taiwan (1.7 percent), and Romania (1.7 percent).

Internet Protocol addresses that do not provide information about the name of the registrant or the type of domain were the

source of the largest share of online requests for information during the Commission's 2017 reporting year, accounting for approximately 44.9 percent of the 393,000 requests for information in the 12-month period ending in July 2017. The approximate number of requests from other sources are as follows: Domains ending in .net were second, with 23.2 percent of requests for PPD information. Domains ending in .com were third, with 7.5 percent of online requests for information, followed by U.S. Government (.gov) domains with 4.6 percent, then by domains for Brazil (.br) with 1.9 percent, for the European Union (.eu) with 1.4 percent, for Italy (.it), for Germany (.de), and for Japan (.jp) with 1.1 percent each, and for India (.in) with 1.0 percent. Educational (.edu) domains accounted for 0.2 percent of requests for information, and domains ending in .org for less than 0.1 percent of requests. Domains for China (.cn) accounted for 0.1 percent of such requests.

POLITICAL PRISONERS

The PPD seeks to provide users with prisoner information that is reliable and up-to-date. Commission staff members work to maintain and update political prisoner records based on the staff member's area of expertise. The staff seek to provide objective analysis of information about individual prisoners, and about events and trends that drive political and religious imprisonment in China.

As of August 1, 2017, the PPD contained information on 8,850 cases of political or religious imprisonment in China. Of those, 1,422 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 7,428 are cases of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,422 cases of current political and religious imprisonment in China. The Commission staff work on an ongoing basis to add cases of political and religious imprisonment to the PPD.

The Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their extensive experience and data on political and religious prisoners in China with the Commission to help establish the database. The Dui Hua Foundation continues to do so. The Commission also relies on its own staff research for prisoner information, as well as on information provided by non-governmental organizations (NGOs), other groups that specialize in promoting human rights and opposing political and religious imprisonment, and other public sources of information.

MORE POWERFUL DATABASE TECHNOLOGY

The PPD has served since its launch in November 2004 as a unique and powerful resource for the U.S. Congress and Administration, other governments, NGOs, educational institutions, and individuals who research political and religious imprisonment in China, or who advocate on behalf of such prisoners. The July 2010 PPD upgrade significantly leveraged the capacity of the Commission's information and technology resources to support such research, reporting, and advocacy.

In 2015, the Commission enhanced the functionality to the PPD to empower the Commission, the U.S. Congress and Administration, other governments, NGOs, and individuals to strengthen reporting on political and religious imprisonment in China and advocacy undertaken on behalf of Chinese political prisoners.

- The PPD full text search and the basic search both provide an option to return only records that either include or do not include an image of the prisoner.
- PPD record short summaries accommodate more text as well as greater capacity to link to external websites.

The PPD aims to provide a technology with sufficient power to handle the scope and complexity of political imprisonment in China. The most important feature of the PPD is that it is structured as a genuine database and uses a powerful query engine. Each prisoner's record describes the type of human rights violation by Chinese authorities that led to his or her detention. These types include violations of the right to peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change and to criticize government policy or government officials.

The design of the PPD allows anyone with access to the Internet to query the database and download prisoner data without providing personal information to the Commission, and without the PPD downloading any software or Web cookies to a user's computer. Users have the option to create a user account, which allows them to save, edit, and reuse queries, but the PPD does not require a user to provide any personal information to set up such an account. The PPD does not download software or a Web cookie to a user's computer as the result of setting up such an account. Saved queries are not stored on a user's computer. A user-specified ID (which can be a nickname) and password are the only information required to set up a user account.

Notes to Section I—Executive Summary

[1] Tom Phillips, "China's 'War on Law': Victims' Wives Tell US Congress of Torture and Trauma," Guardian, 18 May 17.

[2] "Chinese Rights Lawyer 'Released' After Guilty Plea During Subversion Trial," Radio Free Asia, 8 May 17.

[3] Kelvin Chan, "Young Leaders of Massive 2014 Hong Kong Protests Get Prison," Associated Press, 17 August 17.

[4] Congressional-Executive Commission on China, "Hearing on 'Will the Hong Kong Model Survive? An Assessment 20 Years After the Handover'" [Video file], YouTube, 3 May 17, 1 hr. 48 min. 47 sec.

Notes to Section I—Political Prisoner Database

[5] The Commission treats as a political prisoner an individual detained or imprisoned for exercising his or her human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, free expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and law, or by international law, or both. Chinese security, prosecution, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases, defendants typically deny guilt but officials may attempt to coerce confessions using torture and other forms of abuse, and standards of evidence are poor. If authorities permit a defendant to entrust someone to provide him or her legal counsel and defense, as the PRC Criminal Procedure Law guarantees in Article 32, officials may deny the counsel adequate access to the defendant, restrict or deny the counsel's access to evidence, and not provide the counsel adequate time to prepare a defense.

[6] CECC, 2016 Annual Report, 6 October 16, 56.

II. Human Rights

Freedom of Expression

Liu Xiaobo's Death in July 2017

Imprisoned writer Liu Xiaobo—an advocate of democracy and non-violent political reform and China's only Nobel Peace Prize laureate [1]—died of liver cancer on July 13, 2017, in Shenyang municipality, Liaoning province, on medical parole.[2] In the nine years prior to his death, he spent one year in pretrial detention and nearly eight years in prison on the charge of "inciting subversion of state power" for his coauthorship of the political treatise Charter 08 and several essays critical of the Chinese Communist Party and government.[3] Granted medical parole on June 26, 2017,[4] Liu remained under official surveillance at a hospital in Shenyang, serving his 11-year prison sentence,[5] until his death.[6] Liu's political activism dated back to the 1989 Tiananmen protests,[7] for which Chinese authorities imprisoned him for 21 months; Liu subsequently served 3 years of reeducation through labor from 1996 through 1999 for criticizing government policies.[8] Before his final detention in December 2008, Liu was a prolific essayist and poet [9] and active within Chinese democracy and writers' advocacy communities.[10]

International media outlets,[11] human rights organizations and proponents,[12] representatives of foreign governments,[13] and the UN human rights commissioner,[14] among others,[15] expressed concern and censure regarding the Chinese government's treatment of Liu Xiaobo and his wife, the poet and artist Liu Xia. Condemnation focused on Chinese authorities' denial of Liu's request to receive medical treatment outside China [16] and restrictions on access in the hospital for Liu's family.[17] In the hospital, Liu reportedly wrote the forward to an unpublished collection of Liu Xia's photography,[18] but it is unknown if he was able to speak openly about his conditions and medical treatment in prison, his political and familial concerns, his wishes with regard to his burial, or any other matters while under official surveillance.[19] The government and Party continued to isolate Liu Xia in extralegal confinement after her husband's death, a condition that Chinese authorities imposed on her starting in October 2010 when the Norwegian Nobel Committee announced that it would award the 2010 Nobel Peace Prize to Liu Xiaobo,[20] despite ongoing calls for her release.[21]

Observers commented on the combination of propaganda and control in the limited Chinese media coverage of Liu's illness and death.[22] The Party-run English-language media outlet Global Times,[23] together with other government and Party actors, engaged in an "all-out government propaganda effort to counter domestic and international criticism," according to Radio Free Asia.[24] An academic group in Canada that studies censorship reported Chinese censors deleted text and images about Liu Xiaobo sent via the instant messaging tool WeChat before content reached intended recipients.[25] Individuals who sought to commemorate Liu's death in China faced government harassment,[26] including at least nine detained by authorities in Guangdong, Fujian, and Liaoning provinces.[27]

International Standards on Freedom of Expression

The Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights.[28] According to the ICCPR—which China signed[29] but has not ratified[30]—and as reiterated by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, countries may impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the "rights or reputations of others" or protecting national security, public order, public health, or morals.[31] An October 2009 UN Human Rights Council resolution declares restrictions on the "discussion of government policies and political debate," "peaceful demonstrations or political activities, including for peace or democracy," and "expression of opinion and dissent" are inconsistent with Article 19(3) of the ICCPR.[32] The UN Human Rights Committee noted in a 2011 General Comment that restrictions on freedom of expression specified in Article 19(3) should be interpreted narrowly and that the restrictions "may not put in jeopardy the right itself."[33]

Freedom of the Press

International non-governmental organization Reporters Without Borders again ranked China among the five worst countries for press freedom in its annual Press Freedom Index.[34] The Chinese government continued to be one of the worst jailers of professional and citizen journalists, with estimates of individuals in detention or imprisoned ranging from 38[35] to approximately 100.[36]

POLITICAL CONTROL OF THE NEWS MEDIA

The government and Party continued to prioritize control of the press and media outlets for "maintaining social and political stability, and in advancing [the Party's] policy goals."[37] Party General Secretary Xi Jinping and state media continued to stress the "principle of Party character" (*dangxing yuanze*) in the media,[38] echoing Xi's highly publicized statement in February 2016 that the news media "must be surnamed Party" (*bixu xing dang*).[39] At a November 2016 meeting with the All-China Journalists Association (ACJA), Xi urged media workers to "embody the principle of Party character," and "be reliable for the Party and the people."[40] The ACJA expounded on Xi's November speech in the Party's theoretical journal Seeking Truth,[41] describing the function of "supervision by public opinion" (*yulun jiandu*)—an official phrase debuted in 1987 to give the media some scope to hold officials accountable in the public interest[42]—as a form of positive, mainstream propaganda to pacify the public.[43] In a Xinhua report of the ACJA meeting, a senior China Central Television executive declared positive news reporting and "supervision by public opinion" are not contrary to each other.[44] Moreover, the government has encouraged, and in some cases paid, social media users to post positive comments about the government and Party to influence public opinion.[45] U.S.-

based researchers have estimated these types of social media comments to number around 448 million per year.[46]

International experts have cautioned that media serving "as government mouthpieces instead of as independent bodies operating in the public interest" are a major challenge to free expression.[47] In the case of the government and Party's ongoing crackdown on human rights lawyers and advocates that began in and around July 2015, official print and television media outlets broadcasted forced confessions of human rights lawyers this past year.[48] State- and Party-run media outlets The Paper, Legal Daily, and Procuratorial Daily published an almost identical article under different bylines on December 16 and 17, 2016, that ascribed a litany of criminal offenses to Jiang Tianyong,[49] a lawyer disbarred in 2009 in connection with his rights defense efforts.[50] On March 1, 2017, the Party-run media outlet Global Times published an article about Jiang that alleged he fabricated the torture claims of fellow rights lawyer Xie Yang.[51] On March 2, Phoenix TV, a Hong Kong-based station, reportedly broadcast a video of Jiang admitting to this allegation.[52] Chen Jian'gang, one of Xie Yang's defense lawyers, repudiated the Global Times article and the Phoenix TV broadcast and affirmed his role in transcribing Xie's claims in the course of three meetings.[53] [See Section II—Criminal Justice and Section III—Access to Justice for more information on Xie Yang and Jiang Tianyong as well as developments in other cases of human rights lawyers and advocates detained as part of the July 2015 crackdown.]

CENSORSHIP OF NEWS WEBSITES, HARASSMENT OF JOURNALISTS

Pervasive government and Party control and censorship contributed to the shrinking space for journalism and public debate.[54] The International Federation of Journalists (IFJ) observed that "the Communist Party of China . . . targeted the last few so-called 'liberals' in the media" in 2016, demonstrated by the closure of the reform-minded journal Yanhuang Chunqiu;[55] the suspension of Consensus, a website known for open discussion and commentary;[56] the shutdown of the economic think tank Unirule's website;[57] and the two-month suspension in October 2016 of Caixin news articles for republication in other news media.[58] The government's punitive action against Caixin was for its alleged "problematic guidance" (*daoxiang wenti*)[59] in covering the opposition of some lawyers to revised administrative measures for law firms, which prohibited lawyers from using media outlets to publicize their cases.[60]

The Party regularly issues propaganda directives to control Chinese news media through the Central Propaganda Department and its lower level bureaus. Censored topics include Tibet, Taiwan, and Falun Gong, as well as coverage of "sensitive" political anniversaries and events, such as the anniversary of the 1989 Tiananmen protests and their violent suppression.[61] This past year, some of the official censorship directives reposted to the U.S.-based website China Digital Times[62] targeted Liu Xiaobo's medical parole[63] and reports on natural disasters,[64] public health,[65] and pollution.[66] In June 2017, the Central Propaganda Department reportedly ordered Chinese news media not to report independently on a landslide in Sichuan province; journalists reportedly received government press

releases upon which to base their reports.[67] An international journalists' consortium selected nine investigative news stories published in domestic Chinese media outlets in 2016 that illustrated a range of public interest reporting.[68] China Digital Times, however, posted official censorship directives for at least three of those news articles or their subject matter.[69]

In spite of government-imposed censorship, media experts have pointed to a "'semipolitical' sphere," in which some Chinese journalists continued to cover ". . . pertinent social issues such as official accountability, gender equality, and social welfare, amongst others."[70] Another commentator remarked that the "highly personal focus" of this form of reporting may "strip many articles of their larger, possibly charged, political contexts."[71] For example, two Party-affiliated media outlets,[72] Beijing News and Sixth Tone, reported on the case of a man forced by local family planning authorities in Yunnan province to undergo a vasectomy in February 2017.[73] Beijing News published an interview with the man without additional analysis of the incident.[74] While Sixth Tone noted the government's "strict birth control measures since the 1980s . . .,"[75] it emphasized local "unorthodox family planning practices," rather than examining national family planning policy more broadly.[76] [For more information on this case and the implementation of population planning policy, see Section II—Population Control.]

Several Chinese journalists and media outlets argued for the protection of journalists' physical safety, government accountability, and guarantees of their right to report on events in the public interest following incidents of physical violence against and obstruction of journalists on assignment this past year.[77] In December 2016, township-level police in Qiqiha'er municipality, Heilongjiang province,[78] reportedly beat up two journalists from the official media outlet China Education News who were investigating whistleblower allegations about a local school's lunch program.[79] Beijing News demanded accountability from local officials for the violence against its reporters during a February 2017 report on a fire in Beijing municipality, noting that information on major emergencies is in the public interest.[80] Xinhua reporters demanded accountability in the face of official obstruction when they attempted to report on the case of a teenager who may have committed suicide or been bullied to death in April 2017 at a school in Sichuan province.[81]

Criminal Prosecution of Citizen Journalists

Given the heavy government censorship of official and market-oriented media outlets, citizen journalists[82] in China are a key source of information on labor protests,[83] petitioning the government for redress of grievances, and other rights defense efforts.[84] According to Chinese Human Rights Defenders, the detentions this past year of the founders of websites that featured citizen journalist reports demonstrated the government's drive "to criminalize those who document human rights abuses and advocate for better human rights protections."[85]

Criminal Prosecution of Citizen Journalists—Continued

- **Lu Yuyu, founder of "Not the News."** In August 2017, the Dali Municipal People's Court in the Dali Bai Autonomous Prefecture, Yunnan province, sentenced citizen journalist Lu Yuyu to four years in prison on the charge of "picking quarrels and provoking trouble."[86] The same court reportedly released his collaborator and girlfriend **Li Tingyu** on bail[87] sometime after holding a closed trial for her on the same charge in April 2017.[88] Lu began documenting mass incidents, such as labor protests and strikes, across China in 2011; he and Li posted their work to Chinese and international social media platforms under the names "Not the News" and "Wickedonna."[89] During Lu's trial in June 2017, Lu rejected the prosecution's accusation that he had fabricated information about mass incidents, emphasizing his aim to document history and make it available for public access.[90]
- **Liu Feiyue, founder of Civil Rights & Livelihood Watch website.** In November 2016, authorities from Suizhou municipality, Hubei province, detained Liu Feiyue, editor of the human rights website Civil Rights & Livelihood Watch (CRLW),[91] arresting him in December on the charge of "subversion of state power."[92] Radio Free Asia reported that authorities added the charge "illegally supplying state secrets or intelligence for an overseas entity" in August 2017 to the case against him.[93] CRLW has reported on a range of human rights violations in China, such as protests and demonstrations by petitioners and military veterans, and on the forcible commitment of individuals without mental illness to psychiatric facilities as a "stability maintenance" tool.[94]
- **Huang Qi, founder of 64 Tianwang website.** In November 2016, public security authorities from Sichuan province detained Huang Qi, the founder of 64 Tianwang, and subsequently arrested him in December on the charge of "illegally supplying state secrets or intelligence for an overseas entity."[95] Based in Chengdu municipality, Sichuan, Huang previously served prison sentences for posting articles about the violent suppression of the 1989 Tiananmen protests and Falun Gong,[96] and for aiding the parents of children who died when poorly constructed school buildings collapsed during the 2008 earthquake in Sichuan.[97]
- **64 Tianwang volunteers.** A number of volunteer citizen journalists for 64 Tianwang[98] were detained this past year or served prison sentences. In September 2016, authorities in several locations in China detained five 64 Tianwang volunteers who planned to report on the G20 Summit in Hangzhou municipality, Zhejiang province.[99] In June 2017, authorities criminally detained one of these volunteers, **Yang Xiuqiong,** for disclosing information about Huang Qi's case.[100] In the cases of two additional 64 Tianwang volunteers, authorities in Zhuji municipality, Zhejiang, reportedly released Yang Dongying on November 5, 2016, upon her completion of a sentence of one year and six months related to her criticism of local police.[101] **Wang Jing** continued to serve a four-year sentence in Jilin province related to her 2014 64 Tianwang report on a self-immolation incident at Tiananmen Square, despite multiple requests for medical parole due to brain cancer.[102]

CHALLENGES FOR FOREIGN JOURNALISTS

Several international organizations issued reports on the difficult working conditions for foreign journalists in China, including PEN America (September 2016),[103] the Foreign Correspondents' Club of China (FCCC, November 2016),[104] and the International Federation of Journalists (January 2017).[105] These reports detailed a range of methods used by the Chinese government to restrict and harass foreign journalists, including, as PEN America noted, "physical abuse, physical and online surveillance, denying or threatening to deny reporters' visas, restricting reporters' access to certain areas of the country, and harassment of sources and news assistants."[106] Selected cases from this reporting year included the following:

- **Detention.** In September 2016, local officials reportedly briefly detained foreign journalists covering protests in Wukan village, Lufeng county, Shanwei municipality, Guangdong province.[107] Plainclothes public security officers reportedly assaulted several journalists from Hong Kong media in Wukan and detained them for five hours at the Lufeng Public Security Bureau before expelling them from Lufeng.[108]
- **Harassment.** A BBC correspondent and crew faced at least two incidents of harassment and manhandling while trying to interview an independent candidate for a local election in Beijing municipality and a petitioner in Hunan province in November 2016[109] and March 2017,[110] respectively.
- **Surveillance.** A Los Angeles Times reporter described tight surveillance of foreign journalists on a government-organized tour in 2016 to Tibetan autonomous areas of Sichuan province, noting: "Everything was recorded. The foreign journalists recorded the tour guides, and the Chinese reporters recorded the foreign ones. The shadowy men recorded us all."[111]
- **Blocked access.** The government also continued to block online access to the New York Times, Bloomberg, Reuters, the Economist, and Time, as well as to YouTube, Instagram, Facebook, and Twitter.[112] The U.S. company Apple removed the New York Times application (app) from its stores in China in December 2016, reportedly at the request of Chinese authorities.[113]

Chinese citizens continued to be at risk of sanctions for speaking with foreign journalists. The April 2017 judgment against human rights lawyer Li Heping cited his having spoken with foreign media as one of several activities that allegedly "subverted state power."[114] Radio Free Asia reported that following its article in March 2017 on petitioning activities by a group of private school, substitute, and kindergarten teachers, security authorities had "chats" with some of the teachers, surveilled their phone calls and social media posts (blocking some messages), and threatened detention if the teachers spoke with foreign reporters again.[115] The threat of retaliation, moreover, has resulted in a chilling effect:[116] According to PEN America, Chinese expert sources were "less willing to share information or opinions with foreign media for fear of government reprisal."[117] Specific examples of reprisals reported on during this past year included the following:

- **Imprisonment.** In November 2016, the Xinjiang Uyghur Autonomous Region High People's Court upheld a 19-year sentence against Zhang Haitao, an electronics salesman and rights defender, for "inciting subversion of state power" and "stealing, spying, buying and illegally supplying state secrets or intelligence for an overseas entity."[118] Zhang criticized the government's ethnic policies, among other issues, in his online writings and interviews with overseas news media.[119]
- **Detention.** Tashi Wangchug remained in pretrial detention on the charge of "inciting separatism" for his efforts to promote Tibetan language education in Yushu (Kyegudo) city, Yushu (Yulshul) Tibetan Autonomous Prefecture, Qinghai province.[120] In March 2016, authorities arrested him on the "separatism" charge due to his contact with New York Times journalists whose two articles and a short documentary about him were published in the New York Times in November 2015.[121]
- **Travel denial.** In March 2017, security authorities in Qianyang county, Baoji municipality, Shaanxi province, reportedly refused to issue a passport and Hong Kong-Macau travel permit to Lu Dongli, a long-time petitioner, due allegedly to his activities connected to the July 2015 crackdown on human rights lawyers and legal advocates and for speaking with foreign reporters.[122]
- **Dismissal.** In April 2017, the Chinese Academy of Governance, a training institute for government officials in Beijing,[123] removed a retired professor from an expert committee at the institute for presenting "flawed viewpoints" during interviews with foreign media in 2016.[124]

Intensifying Government and Party Control of the Internet and Social Media

CENSORSHIP

The government and Party employ methods to implement Internet and social media policies aimed at controlling the flow of information in order to, as one expert said, "guide the narrative in the direction that the state determines."[125] Reports this past year identified an intensification of control over the Internet and social media platforms, attributing it, in part, to the upcoming 19th National Congress of the Chinese Communist Party.[126] The PRC Cybersecurity Law took effect on June 1, 2017,[127] giving online censorship "the weight of law," according to the Wall Street Journal.[128] Also in June, the Cyberspace Administration of China reportedly ordered the closure of 90 entertainment and gossip social media accounts, purportedly to bring the service providers into compliance with the Cybersecurity Law and "ensure political security."[129]

Social media providers in China play a major role in carrying out censorship as required by the government's legal and regulatory requirements.[130] The chairman of Weibo, a Twitter-like social media platform, reportedly stated that Weibo had been censoring fake news for years,[131] following the news that the U.S. company Facebook had taken steps to stop the spread of misinformation.[132] The domestic company Tencent shut down 45,000 WeChat accounts

for a six-month period—approximately September 2016 through February 2017—allegedly for rumor-mongering, though some WeChat group facilitators speculated that Tencent closed their groups because of politically sensitive content.[133] [For more information on the PRC Cybersecurity Law, see Section III—Commercial Rule of Law.]

Citizen Lab, an information technology and human rights research center based in Canada, published findings on content filtering of social media platforms WeChat and Weibo, observing a high level of flexibility and speed in response to issues and events deemed politically sensitive.[134] Liu Xiaobo's death;[135] the names of human rights lawyers, including many of those ensnared in the July 2015 crackdown;[136] and information about the January 2017 Kalachakra, a major Tibetan Buddhist teaching convened by the Dalai Lama in India, were among the range of keywords, keyword combinations, and images filtered by censors during this reporting year.[137] The consequences of the censorship are serious, according to Citizen Lab: in the case of the rights defenders, international advocacy via social messaging "fail[s] to reach domestic audiences in China due to information control practices."[138] Restricted access to information about events like the Kalachakra effectively constrains Tibetan Buddhists' religious freedom and right to freedom of movement and assembly.[139]

CLOSING DOWN ACCESS TO VPNS

The Chinese government took aggressive action[140] during this reporting year to limit online users' attempts to circumvent the Chinese government's censorship hardware and software—its "Great Firewall"[141]—by means of virtual private networks (VPNs) to access to prohibited websites and social media platforms.[142] These efforts included a notice in January 2017 from the Ministry of Industry and Information Technology (MIIT) requiring government approval for VPN service providers in China[143] and the publication by the Chongqing Municipality Public Security Bureau in March of administrative punishment guidelines for improper corporate or personal VPN use within Chongqing, a province-level municipality.[144] Commentators raised concerns that these regulatory efforts "effectively [put] most of the country's providers of VPNs in violation of the law."[145] According to Bloomberg News, MIIT authorities moved to prohibit individual use of VPN technology, directing state-run telecommunications companies in July to block such access by February 2018.[146] MIIT refuted Bloomberg's report via The Paper, asserting it had not issued a directive toward that goal; rather, the targets of its January 2017 notice were VPN service providers lacking official approval.[147] In a similar vein, a provincial branch of the Cyberspace Administration of China contacted five e-commerce platforms in August, warning them to stop selling illegal VPNs.[148] In the Xinjiang Uyghur Autonomous Region (XUAR), authorities took criminal measures against VPN users: Fei Chang Dao, a blog that monitors freedom of speech in China, reported the case of Tian Weiguo, whom authorities in Kuitun city, Yili (Ili) Kazakh Autonomous Prefecture, XUAR, sentenced to three years' imprisonment on the charge of "inciting ethnic hatred" after he circumvented the government's censorship technology to post

comments on external social media platforms.[149] In another case from the XUAR, in October 2016, police in Changji Hui Autonomous Prefecture reportedly detained an individual for downloading VPN software, referring to it as "violent and terrorist software."[150] [For more information on this case, see Section IV—Xinjiang.]

Punishing Citizens' Free Expression

The government and Party continued to violate international standards on the right to freedom of expression, in part by using laws and regulations to prosecute speech the government finds politically sensitive.[151] In addition to the Party and government censorship mechanisms used to control official narratives discussed earlier in this section, the Commission observed judicial and legislative developments this past year that aimed to protect the Party and government's version of the "national historical narrative."[152] In October 2016, the Supreme People's Court (SPC) released four civil law model cases about the purported libel of several World War II and Korean War era figures, commenting that the protection of heroes' reputations and honor are linked to "core socialist values" and the protection of the public interest.[153] SPC President Zhou Qiang subsequently urged provincial high people's court presidents at a January 2017 meeting to "develop judicial interpretations for cases that harm the reputations of heroes and historical figures; to protect leaders and heroic martyrs according to law; and to resolutely defend the Party and People's Liberation Army's glorious history."[154] In March, the National People's Congress passed a code of civil law, which took effect on October 1, 2017; the law contains a provision to impose civil liability on those who harm the "names, portraits, reputations and honor" of heroes and martyrs.[155] This provision was a late addition to the draft civil code,[156] reportedly in reaction to one of the model cases.[157]

This past year, authorities took punitive action against Chinese officials, journalists, writers, publishers, and university professors, including disciplinary action, job termination, detention, and imprisonment for speech critical of President and Party General Secretary Xi Jinping,[158] former leader Mao Zedong,[159] and political campaigns and events of modern Chinese history.[160] A scholar observed that the sensitivity around criticism of Xi Jinping and the Party reflects "a leadership worried about political agitation and social unrest as disruptive reforms advance."[161] Fei Chang Dao posted the court judgments of citizens sentenced to prison terms related to political opinions shared on social media platforms on the charges of "picking quarrels and provoking trouble"[162] and "defamation."[163] In April 2017, a court in Shandong province sentenced long-time petitioner Wang Jiangfeng to two years' imprisonment on the charge of "picking quarrels and provoking trouble" after sharing material within two private social media chat groups that allegedly "seriously disparaged the individual reputations of Mao Zedong and Xi Jinping."[164] An ethnic Korean rights advocate Kwon Pyong (Quan Ping) "disappeared" on October 1, 2016, shortly after posting online a photo of himself wearing a T-shirt that allegedly mocked Xi Jinping.[165] Authorities in Yanji city, Yanbian Korean Autonomous Prefecture, Jilin province, later indicted Kwon on the charge of "inciting subversion of state power."[166]

Notes to Section II—Freedom of Expression

[1] "The Spirit of Liu Xiaobo," New York Times, 13 July 17.

[2] Ibid.; Shenyang Municipal Justice Bureau, "Liu Xiaobo's Death Due to Illness" [Liu xiaobo bing wang], 13 July 17.

[3] The Tragic Case of Liu Xiaobo, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 14 July 17, Testimony of Yang Jianli, President, Initiatives for China/Citizen Power. See also "The Criminal Verdict" in No Enemies, No Hatred, eds. Perry Link, Tienchi Martin-Liao, and Liu Xia (Cambridge: Belknap Press of Harvard University Press, 2012), 336–37, para. 15.

[4] Liaoning Prison Administrative Bureau, "Liu Xiaobo Approved for Medical Parole Due to Illness" [Liu xiaobo yin bing bei pizhun baowai jiuyi], 26 June 17.

[5] Dui Hua Foundation, "Liu Xiaobo Granted Medical Parole," 26 June 17. Dui Hua Foundation noted that, under Chinese law, "[it] is not correct to say that the prisoner granted medical parole is 'free,' nor is it correct to say that the prisoner has been 'released.' The prisoner is still serving his/or her sentence, albeit in a location other than the prison itself."

[6] Chris Buckley, "Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61," New York Times, 13 July 17.

[7] Ibid.; Josh Chin, "Nobel Laureate Liu Xiaobo, Who Fought for Democracy in China, Dies in Police Custody," Wall Street Journal, 13 July 17.

[8] Human Rights Watch, "China: Democratic Voice Liu Xiaobo Dies in Custody," 13 July 17. See also "The Criminal Verdict" in No Enemies, No Hatred, eds. Perry Link, Tienchi Martin-Liao, and Liu Xia (Cambridge: Belknap Press of Harvard University Press, 2012), 337, para. 18.

[9] No Enemies, No Hatred, eds. Perry Link, Tienchi Martin-Liao, and Liu Xia (Cambridge: Belknap Press of Harvard University Press, 2012), parts 1–3.

[10] Chris Buckley, "Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61," New York Times, 13 July 17; "The Spirit of Liu Xiaobo," New York Times, 13 July 17. For more information on Liu Xiaobo, see the Commission's Political Prisoner Database record 2004-03114.

[11] See, e.g., "The Spirit of Liu Xiaobo," New York Times, 13 July 17; "The Guardian View on Liu Xiaobo's Death: Free the Nobel Laureate's Wife Now," Guardian, 13 July 17.

[12] See, e.g., Human Rights Watch, "G20: Press China To Free Nobel Laureate," 5 July 17; Paul Carsten, "Malala Condemns China Over Death of Fellow Nobel Laureate Liu Xiaobo," Reuters, 18 July 17; "Many Urge Release of Liu Xiaobo and Liu Xia, Beijing: Do Not Interfere in Internal Affairs" [Duofang cu huan liu xiaobo fufu ziyou beijing: wu ganshe neizheng], Voice of America, 28 June 17.

[13] See, e.g., Chris Buckley, "Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61," New York Times, 13 July 17; "China Protests Criticism From Germany, UN, France Over Late Dissident Liu Xiaobo's Treatment," Agence-France Presse, reprinted in Hong Kong Free Press, 15 July 17.

[14] "Concerned About Liu Xiaobo, UN Rights Office Urges Access to Jailed Rights Defender," UN News Centre, 7 July 17; "World Loses 'Principled Champion,' Says UN Rights Chief on Death of China's Liu Xiaobo," UN News Centre, 13 July 17.

[15] See, e.g., "Many Urge Release of Liu Xiaobo and Liu Xia, Beijing: Do Not Interfere in Internal Affairs" [Duofang cu huan liu xiaobo fufu ziyou beijing: wu ganshe neizheng], Voice of America, 28 June 17; "Hong Kong Group Holds Candlelight Vigil in Central, Pressing for Release of Liu Xiaobo" [Gang tuanti zhonghuan zhuguang jihui cu fang liu xiaobo], Voice of America, 29 June 17.

[16] See, e.g., Tom Phillips, "Activists Call on China To Release Liu Xiaobo for Cancer Treatment Abroad," Guardian, 9 July 17.

[17] See, e.g., Human Rights Watch, "G20: Press China To Free Nobel Laureate," 5 July 17.

[18] Chris Buckley, "Liu Xiaobo's Dying Words for His Wife," New York Times, 14 July 17; Zhang Jiping, "Exclusive: Complete Text of Liu Xiaobo's Last Hand-Written Manuscript of July 5th Revealed, Last Gift for Liu Xia" [Dujia: liu xiaobo 7 yue 5 ri zuihou shougao quanwen pilu, song gei liu xia zuihou liwu], Initium Media, 14 July 17.

[19] The Tragic Case of Liu Xiaobo, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 14 July 17, Testimony of Yang Jianli, President, Initiatives for China/Citizen Power.

[20] Human Rights Watch, "China: Democratic Voice Liu Xiaobo Dies in Custody," 13 July 17; "Liu Xia Appears for First Time Since Husband Liu Xiaobo's Funeral," Reuters, reprinted in Guardian, 19 August 17; Human Rights Watch, "China: Widow of Nobel Laureate Feared 'Disappeared,'" 20 July 17.

[21] See, e.g., Chinese Human Rights Defenders, "Hold Xi Jinping Accountable for Liu Xiaobo's Death in Custody, Free Liu Xia," 13 July 17; "The Guardian View on Liu Xiaobo's Death: Free the Nobel Laureate's Wife Now," Guardian, 13 July 17; "U.N. Rights Chief Seeks Meeting With China Over Liu Xiaobo's Widow," Reuters, 20 July 17. For more information on Liu Xia, see the Commission's Political Prisoner Database record 2010-00629.

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[25] Masashi Crete-Nishihata et al., "Remembering Liu Xiaobo," University of Toronto, Munk School of Global Affairs, Citizen Lab, 16 July 17.

[26] Human Rights Watch, "China: Widow of Nobel Laureate Feared 'Disappeared,'" 20 July 17; Chinese Human Rights Defenders, "Seven Confirmed Detained for Mourning Liu Xiaobo, Whereabouts of Liu Xia Remain Unknown," 3 August 17; "Poet Held in Southern China Over Planned Poetry Anthology Remembering Liu Xiaobo," Radio Free Asia, 22 August 17.

[27] Chinese Human Rights Defenders, "Seven Confirmed Detained for Mourning Liu Xiaobo, Whereabouts of Liu Xia Remain Unknown," 3 August 17; Rights Defense Network, "Bulletin on Guangdong Sea Commemoration Case: Wei Xiaobing and He Lin Released on Bail, All 6 of Those Originally Criminally Detained Released, Ma Qiang Only One For Whom Situation Is Unclear" [Guangdong haiji an tongbao: wei xiaobing, he lin qubao huoshi yuan bei xingju 6 ren jun huoshi ma qiang 1 ren reng qingkuang bu ming], 20 August 17.

[28] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) on 10 December 48, art. 19.

[29] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 15 July 17. China signed the convention on October 5, 1998.

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[31] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19(3); UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, A/HRC/17/27, 16 May 11, para. 24.

[32] Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by Human Rights Council resolution 12/16, A/HRC/RES/12/16, 12 October 09, para. 5(p)(i).

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[37] David Bandurski, "The Making of a Good Party Reporter," University of Hong Kong, Journalism and Media Studies Centre, China Media Project, 3 January 17.

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[42] Li-Fung Cho, "The Emergence of China's Watchdog Reporting," in Investigative Journalism in China: Eight Cases in Chinese Watchdog Journalism, eds. David Bandurski and Martin Hala (Hong Kong: Hong Kong University Press, 2010), 165–67. See also Anthony Kuhn, "For Years, I've Been a Correspondent in China. This Month, I Became a Viral Star.," NPR, 18 March 17; CECC, 2016 Annual Report, 6 October 16, 62–63.

[43] All-China Journalists Association, "Diligently Work at Being a Media Worker on Whom the Party and People Can Rely" [Nuli zuo dang he renmin xinlai de xinwen gongzuozhe], Seeking Truth, 31 December 16; David Bandurski, "The Making of a Good Party Reporter," University of Hong Kong, Journalism and Media Studies Centre, China Media Project, 3 January 17.

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[45] China's Information Controls, Global Media Influence, and Cyber Warfare Strategy, Hearing of the U.S.-China Economic and Security Review Commission, 4 May 17, Testimony of Xiao Qiang, Adjunct Professor, Director, School of Information, University of California, Berkeley, and Founder and Chief Editor, China Digital Times, 2. See also Mary Gallagher and Blake Miller, "Can the Chinese Government Really Control the Internet? We Found Cracks in the Great Firewall.," Washington Post, Monkey Cage (blog), 21 February 17.

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sity, Faculty Page of Gary King, last visited 19 July 17, American Political Science Review (forthcoming), 34; China's Information Controls, Global Media Influence, and Cyber Warfare Strategy, Hearing of the U.S.-China Economic and Security Review Commission, 4 May 17, Testimony of Margaret E. Roberts, Assistant Professor of Political Science, University of California, San Diego, 2.

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[49] Zhuang An, "Jiang Tianyong, Suspected of Breaking the Law, Placed Under Criminal Compulsory Measures According to Law" [Jiang tianyong shexian weifa fanzui bei yifa caiqu xingshi qiangzhi cuoshi], The Paper, 16 December 16; Cai Changchun, "Jiang Tianyong, Suspected of Breaking the Law, Placed Under Criminal Compulsory Measures According to Law" [Jiang tianyong shexian weifa fanzui bei yifa caiqu xingshi qiangzhi cuoshi], Legal Daily, 16 December 16; Wang Zhiguo, "Jiang Tianyong, Suspected of Breaking the Law, Placed Under Criminal Compulsory Measures According to Law" [Jiang tianyong shexian weifa fanzui bei yifa caiqu xingshi qiangzhi cuoshi], Procuratorial Daily, 17 December 16.

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[157] Zhou Lihang, "Supreme People's Court Issues Model Cases on the Protection of Historical Figures' Personal Rights and Interests" [Zuigao fayuan fabu baohu yingxiong renwu renge quanyi dianxing anli], China Court Net, 19 October 17; Verna Yu, "China Bans 'Defamation' of Communist Party Heroes," America: The Jesuit Review, 20 March 17.

[158] See, e.g., "Typo Says Soccer Chairman Is China's Chairman, LeTV Sacks Staffer" [Wu cheng zuxie zhuxi wei guojia zhuxi leshi chaoren], Apple Daily, 7 November 16; Rights Defense Network, "Zhu Delong, Former Associate Professor at Capital Normal University Who Criticized CCP General Secretary Xi Jinping in WeChat Group for Creating Personality Cult, Had Online Opinions Shut Down and Served 5 Days of Administrative Detention" [Qian shoudu shifan daxue fu jiaoshou zhu delong yin zai weixin qun piping zhonggong zongshuji xi jinping gao geren chongbai, fengsha wangluo minyi, jing bei xingzheng juliu 5 tian], 15 August 17.

[159] See, e.g., Bai Tiantian, "Mao-Bashers Receive Punishment," Global Times, 17 January 17; "Chinese Official Fired After Calling Mao a 'Devil,'" Reuters, 16 January 17; "Chinese Professor Sacked After Criticizing Mao Online," Reuters, 10 January 17; Ben Blanchard, "Chinese Academic Who Called Mao a 'Devil' Says He Was Sacked," Reuters, 4 August 17.

[160] See, e.g., "Police Officer Who Reposted Article Critical of 'Land Reform' Is Sentenced to Prison" [Jingyuan zhuanfa piping "tugai" wenzhang bei panxing], Radio Free Asia, 7 December 16. For more information on Miao Yue, see the Commission's Political Prisoner Database record 2017-00261. "Writer Xiong Feijun Among Three Criminally Detained, Defense Lawyer Will Request Obtaining Guarantee Pending Further Investigation" [Zuojia xiong feijun an san ren zao xingju daili lushi jiang ti qubao houshen], Radio Free Asia, 2 January 17; "Wife of Hubei Writer Xiong Feijun Breaks Silence, Speaks of Husband's Criminal Detention" [Hubei zuojia xiong feijun qizi dapo chenmo tan qi zhangfu bei xingju], Radio Free Asia, 31 December 16. For more information on Xiong Yingxue (pen name Xiong Feijun), see the Commission's Political Prisoner Database record 2016-00502. China Digital Times, "Rebel Pepper: Who's Afraid of the Big Banned Book?" 15 February 17. For more information, see the Commission's Political Prisoner Database records 2017-00112 on Dai Xuelin and 2017-00113 on Zhang Xiaoxiong.

[161] Alice Miller, "What Would Deng Do?" China Leadership Monitor, Hoover Institution, Stanford University, No. 52 (Winter 2017), 14 February 17, 9.

[162] "Woman Sentenced to 18 Months Imprisonment for Tencent QQ Posts That Insulted Leaders and Policies," Fei Chang Dao (blog), 27 February 17. Judicial authorities in Jinzhou municipality, Hebei province, sentenced "Ms. Li" to one year and six months' imprisonment on the charge of "picking quarrels and provoking trouble" for material she shared via a QQ chat group that "insulted and vilified foreign and domestic heads of state, national leaders, and national religious policies as well as false information about major domestic incidents."

[163] "Man Sentenced to Six Months Imprisonment for Tencent Wechat Posts Defaming Xi Jinping," Fei Chang Dao (blog), 23 February 17. In January 2017, judicial authorities in Ningling county, Shangqiu municipality, Henan province, sentenced "Mr. Yu" to six months' imprisonment on the charge of "defamation" (PRC Criminal Law, Article 246). The verdict stated that "Mr. Yu" posted statements that "defamed Comrade Chairman Xi Jinping" to a WeChat group. PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 246.

[164] "For Satirizing 'Bandit Mao' and 'Steamed Bun Xi,' Shandong Netizen Wang Jiangfeng Sentenced to Two Years in Prison" [Fengci "mao zei" "xi baozi" shandong wangmin panxing liang nian], Radio Free Asia, 12 April 17; Rights Defense Network, "Wang Jiangfeng of Shandong Criminally Convicted for Speech, Sentenced to 2 Years in Prison" [Shandong wang jiangfeng yin yan huozui bei pan 2 nian youqi tuxing], 12 April 17. For more information about Wang Jiangfeng, see the Commission's Political Prisoner Database record 2016-00490.

[165] Rights Defense Network, "Yanji City, Jilin Province, Netizen Kwon Pyong [Quan Ping] Suspected To Have Been Detained on October 1 for Wearing T-Shirt in Public With Slogan Crit-

ical of Xi Jinping" [Jilin sheng yanji shi wangyou quan ping yi yin yu 10 yue 1 ri chuanxie you piping xi jinping biaoyu de wenhua shan shang jie er zao jubu], 31 October 16; "China Detains Jilin Activist for Wearing Anti-Xi Jinping T-Shirt," Radio Free Asia, 2 November 16.

[166] "For Wearing T-Shirt Satirizing Xi Jinping, Kwon Pyong [Quan Ping] Accused of 'Inciting Subversion'" [Quan ping chuan fengci xi jinping wenhua shan bei kong "shandian"], Radio Free Asia, 10 February 17.

WORKER RIGHTS

Trade Unions

The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law,[1] and Chinese labor advocates and international observers report that the ACFTU does not effectively represent workers' rights and interests.[2] The ACFTU constitution describes the ACFTU as a "mass organization"[3] under the leadership of the Chinese Communist Party and "an important social pillar of state power."[4] During the Commission's 2017 reporting year, leading union officials held concurrent positions in the government and Party,[5] including ACFTU Chairman Li Jianguo, who also served as Vice Chairman of the National People's Congress Standing Committee and a member of the Party Central Committee Political Bureau.[6] At the enterprise level, company management typically selects union representatives, often selecting company managers to represent workers.[7] Earlier experiments with elections of ACFTU representatives and other union reforms have reportedly stalled in recent years.[8] Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),[9] Universal Declaration of Human Rights,[10] International Covenant on Civil and Political Rights,[11] and International Covenant on Economic, Social and Cultural Rights.[12]

Collective Bargaining

This past year, workers' right to collective bargaining remained limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,[13] but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.[14] The PRC Trade Union Law requires trade unions to "whole-heartedly serve workers";[15] in practice, however, Chinese labor advocates and other experts report that the ACFTU and its lower level branches do not adequately represent workers' interests,[16] often siding instead with enterprise management.[17] In the absence of effective union representation,[18] some Chinese labor non-governmental organizations (NGOs) had shifted their focus in recent years, from providing legal aid and other services to training workers in collective bargaining.[19] A December 2015 crackdown on labor rights advocates and NGOs in Guangdong province, however, has reportedly had a chilling effect on labor advocates' ability to promote collective bargaining rights.[20] As a member of the ILO, China is obligated to respect workers' rights to collective bargaining.[21]

Civil Society

The situation of labor rights advocates and NGOs has worsened in recent years, and government suppression of labor NGOs continued during this reporting year. Grassroots labor NGOs have existed in China for decades, offering legal aid, helping workers seek

redress for workplace injuries and unpaid wages, educating workers about their legal rights, and providing a variety of social services to workers.[22] In recent years, some labor NGOs also began training workers in collective bargaining.[23] Authorities have long subjected labor NGOs to various forms of harassment,[24] but labor rights advocates reported increasing pressure from authorities beginning in late 2014.[25] In December 2015, authorities detained at least 18 labor advocates affiliated with several labor NGOs[26] in a crackdown that domestic and international observers described as "unprecedented."[27] Labor advocates and NGOs reportedly continued to face heightened surveillance and pressure from authorities this past year.[28] In May 2017, authorities in Jiangxi province detained three Chinese men conducting research on behalf of a U.S.-based labor NGO regarding working conditions in factories producing shoes for international brands.[29] Authorities reportedly released all three on bail in June.[30] In addition, scholar Anita Chan warned that the PRC Law on the Management of Overseas NGOs' Activities, which took effect on January 1, 2017,[31] may further hinder the work of labor NGOs in China, as many of them rely on sources of funding outside of mainland China.[32]

SENTENCING OF LABOR ADVOCATES

In fall 2016, a Guangdong province court sentenced four labor advocates detained in the December 2015 crackdown: Zeng Feiyang,[33] Zhu Xiaomei,[34] Tang Jian,[35] and Meng Han.[36] All four advocates were current or former staff of Guangdong-based labor NGOs,[37] and Zeng was the director of the Panyu Workers' Services Center.[38] On September 26, 2016, the Panyu District People's Court in Guangzhou municipality, Guangdong, found Zeng, Zhu, and Tang guilty of "gathering a crowd to disturb social order."[39] The court sentenced Zeng to three years' imprisonment, suspended for four years; and sentenced Zhu and Tang both to one year and six months' imprisonment, suspended for two years.[40] Authorities reportedly released them following the trial.[41] Though released, a suspended sentence means the advocates may be constrained in their ability to continue their labor advocacy work.[42] On November 3, the same court found Meng Han guilty of "gathering a crowd to disturb social order,"[43] sentencing him to one year and nine months' imprisonment.[44] Authorities reportedly released Meng upon completion of his sentence on September 3, 2017.[45] The ILO Committee on Freedom of Association stated that authorities seemed to have targeted these labor advocates for "being involved in a labour dispute," and noted that targeting individuals for such activities "constitutes a serious interference with civil liberties in general and with trade union rights in particular."[46]

CHILLING EFFECT ON LABOR NGOS

The detention and sentencing of labor advocates has reportedly had a chilling effect on labor NGOs this past year.[47] Labor advocates and NGOs have maintained low profiles,[48] and NGOs have reportedly canceled trainings and reduced programs.[49] Legal scholar Aaron Halegua noted in an October 2016 report that the December 2015 crackdown has made labor NGOs reluctant to continue collective bargaining work.[50] Some international scholars have ar-

gued that in targeting these labor advocates, Chinese authorities were signaling that labor NGOs should stop working on collective bargaining altogether.[51] Panyu Workers' Services Center, the organization reportedly at the center of the December 2015 crackdown,[52] had trained and advised workers on collective bargaining.[53] The Chinese government's restrictions on labor NGOs contravene international standards on freedom of association, including those found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the ILO Declaration on Fundamental Principles and Rights at Work.[54] [For more information on NGOs in China, see Section III—Civil Society.]

Worker Strikes and Protests

Following reports of a significant increase in worker strikes and protests in the previous reporting year,[55] the number of worker actions appeared to remain high this past year, though the Commission did not observe reliable statistics. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news and social media,[56] documented 2,663 strikes in 2016.[57] This is fewer than the 2,776 strikes CLB documented in 2015, but approximately double the 1,379 strikes documented in 2014.[58] According to their data, 76 percent of worker actions in 2016 involved wage arrears.[59] The construction sector saw the largest number of strikes, accounting for 40 percent of the total, followed by manufacturing with 23 percent, and retail and services with 15 percent.[60] CLB statistics from the first half of 2017 indicated similar trends: 40 percent of worker actions sampled by CLB researchers were in the construction sector and 22 percent were in the retail and services sectors; 66 percent of sampled strikes in the first half of 2017 involved wage arrears.[61] CLB researchers cautioned that their data were limited and likely represented a small fraction of the total number of strikes in China.[62] Some local government figures indicate that the number of strikes may be much higher: The Party-run People's Daily reported that in the first 10 months of 2016, labor and social security inspection bureaus across Zhejiang province handled 1,701 labor-related "sudden incidents" (*tufa shijian*),[63] a term the government often uses to refer to strikes and protests;[64] China National Radio, an official broadcaster, reported that in 2016, Chongqing municipality handled 1,113 "sudden incidents" involving 64,500 workers.[65] The Chinese government does not publish national statistics on strikes.[66]

This past year, labor advocates noted increasing difficulty in finding information on strikes in China due to the chilling effect of the December 2015 crackdown on labor NGOs and tightening government control of the media. In January 2017, one Guangdong-based advocate told Radio Free Asia (RFA) that in the past two years he observed fewer official media reports on strikes, and noted that censorship of information relating to strikes on social media had also increased.[67] An advocate from the Hong Kong Confederation of Trade Unions believes that because mainland labor NGOs are keeping a low profile following the 2015 detention of labor advocates, some observers have the "mistaken impression" that strikes have decreased.[68] In addition, in June 2016, authori-

ties targeted an independent source of information on strikes and protests in China, detaining citizen journalists Lu Yuyu and Li Tingyu, who documented strikes and protests.[69] On August 3, 2017, the Dali City People's Court in Yunnan province reportedly sentenced Lu to four years' imprisonment for "picking quarrels and provoking trouble."[70] The same court tried Li in secret in April, and authorities reportedly released her on bail on an unknown date.[71] [For more information on censorship and media restrictions, see Section II—Freedom of Expression.]

During this reporting year, government responses to worker strikes and protests appeared to be mixed, and some labor advocates asserted that the government's suppression of strikes had increased. The Commission observed reports of disputes in which Chinese authorities resolved disputes in court[72] or assisted in finalizing negotiations between workers and management,[73] as well as disputes in which authorities did not get involved.[74] The Commission also observed reports of cases in which police responded violently to worker strikes and protests.[75] According to CLB data, police responded in some way to approximately 26 percent of worker actions in 2016.[76] In January 2017, labor advocates from Hong Kong and mainland China told RFA that mainland authorities had increased monitoring and suppression of worker strikes and protests.[77]

Chinese law does not protect workers' right to strike.[78] A February 2017 study in the Journal of Industrial Relations examined nearly 900 court cases between 2008 and 2015 in which employers dismissed workers for their involvement in a strike; the study found that courts deemed strikes to be unlawful in 64 percent of cases, typically holding that striking violated workplace rules, and thus was acceptable grounds for dismissal.[79] The International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified, guarantees workers' right to strike,[80] and a December 2016 report from the ILO Committee on Freedom of Association noted that the Committee "has always recognized the right to strike by workers and their organizations as a legitimate means of defending their economic and social interests."[81]

Child Labor

The Commission continued to observe reports of the use of child labor in China this past year.[82] In one widely reported case, clothing manufacturers in Changshu city, Suzhou municipality, Jiangsu province, had hired workers from Yunnan province through recruiters, and many of the workers were under the age of 16.[83] According to the Party-run Chuncheng Evening Post, employers beat the children for working too slowly and withheld pay and identification documents to prevent them from quitting.[84] Such actions are indicators of forced labor, according to the ILO.[85] Authorities detained at least two individuals following the media reports.[86] Domestic laws generally prohibit the employment of minors under the age of 16,[87] and China has ratified the two fundamental ILO conventions on the elimination of child labor.[88] The ILO Country Office for China and Mongolia noted that the Chinese government has not released official statistics on child labor in China, nor has it reported

any cases to the ILO.[89] [For more information on forced labor in China, see Section II—Human Trafficking.]

Occupational Health and Safety

During this reporting year, government data showed a continued decline in both workplace accidents and deaths, though the Commission continued to observe reports of lax enforcement of work safety laws and regulations. The State Administration of Work Safety (SAWS) reported in January 2017 that workplace accidents and deaths declined 5.8 and 4.1 percent, respectively, in 2016 compared to 2015.[90] SAWS also reported that accidents and deaths in the coal, fireworks, and transportation industries decreased during the same period, but did not provide statistics.[91] Although China has numerous work safety laws and regulations,[92] the Commission continued to observe reports of lax enforcement of those laws.[93]

Official statistics indicate that pneumoconiosis—a lung disease caused by inhaling dust[94]—is the most prevalent form of occupational illness in China; moreover, pneumoconiosis sufferers reportedly face difficulty obtaining workers' compensation. The National Health and Family Planning Commission (NHFPC) reported in December 2015 that pneumoconiosis accounted for roughly 90 percent of all cases of occupational illness in China in 2014.[95] Although the Commission did not observe officially published statistics for 2015 or 2016, the NHFPC noted in January 2016 that experts expected rates of pneumoconiosis to remain high in the near future.[96] A December 2016 report by Beijing-based non-governmental organization (NGO) Love Save Pneumoconiosis[97] found that pneumoconiosis sufferers had difficulty obtaining workers' compensation, as only 9.5 percent of surveyed pneumoconiosis sufferers had signed formal contracts with employers, and 84.8 percent had not obtained workers' compensation insurance.[98] The Party-run newspaper Workers' Daily reported in March 2017 that pneumoconiosis sufferers often had to spend significant time and money to obtain proper diagnoses and receive compensation.[99] In October 2016, authorities in Ganluo county, Liangshan Yi Autonomous Prefecture, Sichuan province, briefly detained several former miners who suffer from pneumoconiosis for petitioning and protesting to demand workers' compensation.[100]

This past year, the government issued several documents setting targets and outlining plans for improving occupational health and safety. The National Human Rights Action Plan of China (2016–2020), released in September 2016, set the goal of reducing workplace accident deaths by 10 percent by 2020.[101] In December 2016, the State Council General Office issued the National Occupational Illness Control Plan (2016–2020), with stated goals including "establishing and improving occupational illness control structures for employer responsibility, administrative supervision, enterprise self-discipline, worker participation, and societal monitoring."[102] In January 2017, the State Council General Office also issued the 13th Five-Year Plan on Work Safety calling for reductions in workplace accidents and deaths in various categories, including reducing the number of deaths in workplace accidents by 10 percent.[103] A January 2017 National Bureau of Economic Research working paper evaluating a previous policy aimed at reducing workplace

deaths found evidence that local governments had manipulated statistics on workplace deaths in order to meet their yearly targets.[104]

Wage Arrears

Wage arrears remained a significant problem this past year, and were reportedly a growing problem in some sectors of the economy. Wage arrears have long been a problem for China's 281 million migrant workers,[105] particularly in the construction industry.[106] In 2016, 76 percent of all strikes documented by China Labour Bulletin involved wage arrears.[107] The Supreme People's Procuratorate reported in March 2017 that the number of prosecutions for failure to pay wages had increased 26.5 percent in 2016 compared to 2015.[108] Although a January 2016 opinion issued by the State Council General Office set the goal of containing the problem of migrant worker wage arrears by 2020,[109] in January 2017, an official from the Ministry of Human Resources and Social Security told the People's Daily that slowing economic growth had increased the risk of wage arrears in the construction industry as well as other sectors.[110] International and domestic media reported this past year that while wage arrears remained a problem in traditional sectors of the economy, they were also becoming a problem in new industries such as Internet commerce.[111] Vice Minister of Human Resources and Social Security Qiu Xiaoping told People's Daily in January 2017 that one of the reasons wage arrears remained a problem was that the penalties for companies that failed to pay workers were "especially low."[112]

Unemployment

China's economic growth rate continued to decline, and the official unemployment rate reportedly did not provide an accurate picture of employment in China. According to the National Bureau of Statistics of China (NBS), in 2016, China's rate of GDP growth was 6.7 percent.[113] This was the slowest rate in 26 years,[114] though international economists questioned the accuracy of China's GDP growth estimates.[115] International news media reported declining employment in some types of manufacturing,[116] as well as layoffs, underemployment, and early retirement in state sectors such as steel and coal.[117] Other economic indicators suggested that both the service sector and manufacturing overall continued to grow at a modest pace.[118] The official urban registered unemployment rate at the end of 2016 was 4.02 percent,[119] but this figure only included those urban residents who officially registered as unemployed, rather than the number of unemployed individuals nationwide.[120] A study by the Hunan Provincial Bureau of Statistics cautioned that the current methodology excludes many of China's migrant workers,[121] while one official at a county-level human resources and social security bureau noted increasing levels of "hidden unemployment" in rural areas.[122] In his June 2017 report to the United Nations, Special Rapporteur on extreme poverty and human rights Philip Alston emphasized that accurate statistics are necessary for "successful" economic policymaking.[123] The 2010 PRC Social Insurance Law stipulates that workers and employers contribute to an unemployment insurance fund.[124] NBS, however, re-

ported that as of late 2016, only around 23 percent of workers contributed to unemployment insurance funds,[125] and the Ministry of Human Resources and Social Security (MOHRSS) further reported in March 2017 that only around 17 percent of migrant workers contributed to unemployment insurance funds.[126]

Social Insurance

During this reporting year, workers' rates of social insurance coverage showed some improvement, but overall remained low.[127] According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.[128] Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.[129] According to NBS and MOHRSS, from 2015 to 2016, workers' compensation coverage increased slightly overall from 27.7 to 28.2 percent,[130] but decreased slightly for migrant workers from 27.0 to 26.7 percent participating.[131] Employment-based pension insurance coverage rates increased from 45.7 percent to 48.8 percent for all workers, and increased from 20.1 percent to 20.7 percent for migrant workers.[132] Employer-based health insurance coverage remained below 40 percent for all workers and below 20 percent for migrant workers.[133] Unemployment and maternity insurance coverage remained below 25 percent for all workers.[134] In addition to low levels of coverage, international experts noted that because local governments manage social insurance funds, many migrant workers face bureaucratic obstacles when transferring their social insurance benefits to new jurisdictions.[135] Some migrant workers reportedly preferred not to participate in social insurance programs, as they were not confident their contributions would be available to them in the future.[136]

Dispatch Labor

The Commission continued to observe reports this past year[137] of employers violating domestic laws and regulations on the use of dispatch workers.[138] In order to cut costs, firms often use dispatch labor (*laowu paiqian*)—workers hired through subcontracting agencies.[139] Provisions in the PRC Labor Contract Law stipulate that employers pay dispatch workers the same as full-time workers doing similar work, and generally only employ dispatch workers on a temporary, auxiliary, or substitute basis.[140] The 2014 Interim Provisions on Dispatch Labor further required that dispatch labor make up no more than 10 percent of a firm's total workforce by March 2016.[141] Despite these requirements, Chinese legal professionals found that dispatch workers continued to receive lower wages and benefits than their directly employed counterparts, and often faced difficulties holding firms and dispatch agencies accountable for labor law violations.[142] Moreover, firms are reportedly using "outsourced labor" (*laowu waibao*), another form of subcontracted labor, to get around the requirement to reduce the percentage of dispatch laborers they employ.[143] According to a researcher

with the Chinese Academy of Labour and Social Security, although the number of dispatch workers in China has declined in recent years, the use of workers who are "'outsourced in name, dispatch in reality' is rampant."[144]

"Employment Relationships" and China's Labor Laws

This past year, many categories of workers were unable to benefit fully from the protections provided under Chinese law,[145] including workers above the retirement age,[146] student workers and interns,[147] and independent contractors or informal workers.[148] The PRC Labor Law and PRC Labor Contract Law apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.[149] Workers past the retirement age and students, however, are not able to legally form an official "employment relationship,"[150] and thus do not receive the protection of these labor laws.[151] Interns are protected by separate regulations requiring that internships be relevant to students' plans of study and prohibiting interns from working more than eight hours per day.[152] Yet the Commission continued to observe reports of vocational schools sending students to work long hours for low pay in jobs unrelated to their fields of study,[153] and one former recruiter said such practices were common.[154] Moreover, contract workers and casual or informal employees such as delivery drivers, window washers, and street cleaners[155] typically do not receive social insurance benefits, and are often unable to benefit from labor law protections due to difficulties proving the existence of an "employment relationship."[156]

Notes to Section II—Worker Rights

[1] PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 9–11; "China's Complicated Relationship With Workers' Rights," World Politics Review, 25 January 17; Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 11. See also UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, including Hong Kong, China and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, 13 June 14, para. 23.

[2] Dexter Roberts, "Beijing Wants One Union To Rule Them All," Bloomberg Businessweek, 10 November 16; Wang Jiangsong (wang jiangsong), "Worker Representative Peng Jiayong Discusses a Workers' Representative System at 'Unirule Institute of Economics Bi-Weekly Forum'" [Gongren daibiao peng jiayong zai "tianze shuang zhou luntan" changtan gongren daibiao zhi], WeChat post, 24 January 17; Diana Fu, "Disguised Collective Action in China," Comparative Political Studies, Vol. 50, Issue 4 (March 2017), 505; Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 11; Tim Pringle, "What Do Labour NGOs in China Do?" University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16.

[3] Embassy of the People's Republic of China in the Federal Democratic Republic of Nepal, "Major Mass Organizations," 27 October 04; Anthony J. Spires, "Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs," American Journal of Sociology, Vol. 117, No. 1 (July 2011), 9; Karla Simon, Civil Society in China: The Legal Framework From Ancient Times to the "New Reform Era" (New York: Oxford University Press, 2013), 167–74. "Mass organizations" are organizations under the Chinese Communist Party such as the All-China Women's Federation, Communist Youth League of China, and All-China Federation of Industry and Commerce. The Chinese Embassy in Nepal described these organizations as "a bridge linking the CPC [Communist Party of China] and government with the people." According to scholar Anthony J. Spires, in practice "mass organizations" have functioned as "one-way conduits for instructions from the top to the bottom."

[4] Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], issued 22 October 13, General Principles.

[5] See, e.g., All-China Federation of Trade Unions, "Xu Zhenchao, All-China Federation of Trade Unions Vice Chairman (Part Time)" [Xu zhenchao quanguo zong gonghui fuzhuxi (jianzhi)], last visited 21 March 17; Fujian Provincial Federation of Trade Unions, "Provincial Federation Leadership" [Sheng zong lingdao], last visited 22 March 17; Beijing Municipal Federation of Trade Unions, "Municipal Federation Profile" [Shi zong gaikuang], last visited 22 March 17; Pingchang County Trade Association, "Trade Union Leadership" [Gonghui lingdao], last visited 9 June 17.

[6] All-China Federation of Trade Unions, "Li Jianguo, Chairman of the All-China Federation of Trade Unions" [Li jianguo quanguo zong gonghui zhuxi], last visited 21 March 17.

[7] Tim Pringle, "What Do Labour NGOs in China Do?" University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16; Jens Lerche et al., "The Triple Absence of Labour Rights: Triangular Labour Relations and Informalisation in the Construction and Garment Sectors in Delhi and Shanghai," University of London, SOAS, Centre for Development Policy and Research, Working Paper 32/17, February 2017, 11, 19; Samuel Wrest, "Evaluating Trade Union Law and Collective Bargaining in China: Key Considerations for Foreign Firms," China Briefing (blog), 8 March 17.

[8] Kevin Lin, "Rising Inequality and Its Discontents in China," New Labor Forum, Vol. 25, No. 3 (2016), 71; "China's Complicated Relationship With Workers' Rights," World Politics Review, 25 January 17. For examples of reform efforts from previous reporting years, see CECC, 2010 Annual Report, 10 October 10, 73–74; CECC, 2012 Annual Report, 10 October 12, 60; CECC, 2013 Annual Report, 10 October 13, 67–68.

[9] International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, paras. 3, 16–17, 54, 57.

[10] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4).

[11] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 9 June 17. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

[12] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 9 June 17. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

[13] PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 51–56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 6, 20.

[14] Ibid., art. 33; Ibid., arts. 6, 51, 56; Ibid., arts. 6, 20. See also "China's Complicated Relationship With Workers' Rights," World Politics Review, 25 January 17.

[15] PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, art. 6.

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CRIMINAL JUSTICE

Introduction

During the Commission's 2017 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to further their priorities in "maintaining social stability" and perpetuating one-party rule at the expense of individual freedoms.[1]

Ongoing Use of Arbitrary Detention

Extralegal and extrajudicial forms of detention that restrict a person's liberty without judicial oversight[2] violate Article 9 of the Universal Declaration of Human Rights (UDHR)[3] and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).[4] Some commonly used forms of extralegal and extrajudicial detention in China are described below.

BLACK JAILS

"Black jails" are detention sites that operate outside of China's judicial and administrative detention systems.[5] After the Chinese government abolished the reeducation through labor system in 2013,[6] the Commission continued to observe Chinese authorities' use of "black jails"[7]—including a type known as "legal education centers"[8]—to suppress individuals such as Falun Gong practitioners[9] and petitioners.[10] The Commission also observed multiple reports of Chinese authorities detaining rights advocates in "black jails" prior to and during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2017.[11] [For more information on Falun Gong practitioners and petitioners, see Section II—Freedom of Religion and Section III—Access to Justice.]

PSYCHIATRIC INSTITUTIONS

Despite provisions in the PRC Mental Health Law[12] and related regulations[13] aimed at protecting citizens from such abuse, Chinese authorities continued to forcibly commit individuals to psychiatric facilities for political reasons[14] and used psychiatric hospital staff as instruments of "maintaining social stability." Civil Rights & Livelihood Watch (CRLW), a human rights monitoring group based in China, documented a case in Anhui province in which personnel of a psychiatric facility participated in "stability maintenance" efforts by preventing a petitioner from traveling to Beijing municipality.[15] CRLW observed that despite new laws and regulations aimed at improving mental health services, individuals who need mental health care lack access, while authorities continue to abuse the system to control petitioners and others defending their rights.[16]

CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS (*SHUANGGUI*)

Under an investigation process known as "double designation" (*shuanggui*), Party investigators may summon Party members[17] to appear for interrogation at a designated time and place for alleged Party discipline violations such as corruption.[18] The *shuanggui*

process is within the Party's control and outside China's legal system; it is a form of extralegal detention[19] that contravenes rights guaranteed under the UDHR and the ICCPR.[20] Human Rights Watch reported in December 2016 that prolonged solitary confinement, ill treatment, and threats against family members during *shuanggui* remained common.[21] In March 2017, a Canada-based media outlet published a report detailing the torture and abuse that Wang Longming, a former manager of a state-run tobacco factory, suffered during his nearly two-month stay in *shuanggui* in 2015.[22] According to the report, authorities subjected Wang to numerous forms of torture, including sleep deprivation and being forced to sit on a small stool for 20 hours.[23]

In December 2016, the National People's Congress Standing Committee announced a pilot reform program that establishes supervisory commissions (*jiancha weiyuanhui*) in three province-level jurisdictions to take over the functions of investigating corruption and other official misconduct, functions orginally performed by three government bodies.[24] The program authorizes the supervisory commissions to carry out 12 investigative measures including interrogation (*xunwen*) and confinement (*liuzhi*), without specifying limitations on the length of time or the manner of implementation.[25] According to legal experts, the implications of this new program, such as whether it will replace *shuanggui*[26] and how the detention authority will be exercised,[27] remain unclear.

Criminal Law

USE OF CRIMINAL LAW TO PROSECUTE RIGHTS ADVOCATES

This past year, the Chinese government continued to use broadly defined crimes to punish individuals such as rights advocates, lawyers, and members of some ethnic minority groups. The UN Working Group on Arbitrary Detention (Working Group) considers a detention arbitrary "even if it is authorized by law . . . if it is premised upon an arbitrary piece of legislation or is inherently unjust, relying for instance on discriminatory grounds."[28] During the Commission's 2017 reporting year, the Working Group found the detentions of rights lawyer Xia Lin[29] and religious leader Wu Zeheng[30] to be arbitrary.[31]

- **Endangering state security.** The Chinese government continued to prosecute individuals under "endangering state security" charges for peacefully exercising their rights.[32] Articles 102 to 112 of the PRC Criminal Law—listing offenses including "subversion of state power," "separatism," and "espionage"—are collectively referred to as crimes of "endangering state security," some of which carry the death penalty.[33] In one recent example, in March 2017, the Foshan Intermediate People's Court in Foshan municipality, Guangdong province, convicted Su Changlan[34] and Chen Qitang[35] of "inciting subversion of state power" and sentenced them to three years' and four years and six months' imprisonment, respectively, for "attacking the socialist system" by means of spreading rumors and committing libel on the Internet.[36] Authorities in Foshan detained Su and Chen in October and November 2014, after they voiced

support for the fall 2014 pro-democracy protests in Hong Kong.[37]

• **Extortion.** Authorities continued[38] to charge rights advocates and petitioners[39] with "extortion,"[40] the elements of which are undefined in the PRC Criminal Law and judicial interpretations.[41] In cases of petitioners[42] allegedly committing "extortion" against local government entities,[43] judgments published during this past year show that some courts viewed petitioning as a means of threat.[44] Relying on information from the Chinese judiciary's judgment database, a China-based legal scholar observed an increase in such cases between 2013 and 2016, from about 25 to 280 across China.[45]

• **Gathering a crowd to disturb social order and gathering a crowd to disturb order in a public place.** Authorities continued to invoke Articles 290 and 291 of the PRC Criminal Law[46] against citizens[47] in manners that infringed on their rights, including the freedom of assembly and religion.[48] For example, in April 2017, the Changji Municipal People's Court in Changji Hui Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, tried five individuals[49] on the charge of "gathering a crowd to disturb social order" for participating in unauthorized Christian gatherings.[50] In February 2017, the Supreme People's Court issued measures specifying that individuals who participate in sit-in protests, distribute print materials, chant slogans, or hold up banners outside a courthouse are subject to criminal prosecution under a range of criminal offenses, including Articles 290 and 291 of the PRC Criminal Law.[51]

• **Picking quarrels and provoking trouble.** This past year, authorities prosecuted petitioners and rights advocates[52] for "picking quarrels and provoking trouble."[53] A U.S.-based legal scholar observed that "the vagueness of the 'crime' . . . allows police unlimited discretion to detain and arrest offenders for almost any action."[54] The Chinese government expanded this provision to cover Internet activities in 2013[55] and has since used it to prosecute individuals for online speech.[56] For example, in September 2016, the Gangzha District People's Court in Nantong municipality, Jiangsu province, sentenced Shan Lihua[57] to two years and three months' imprisonment partly in connection with her online activities advocating women's rights and helping victims of forcible demolition and relocation.[58]

• **Illegal assembly, procession, or demonstration.** In December 2016, the Haifeng County People's Court in Shanwei municipality, Guangdong, convicted eight individuals[59] of "illegal assembly, procession, or demonstration,"[60] among other crimes, and imposed sentences ranging from 2 years' to 10 years and 6 months' imprisonment for participating in protests that lasted for 85 days in Wukan village, Donghai subdistrict, Lufeng city, Shanwei, calling on the government to release Wukan's elected village committee head Lin Zulian (also known as Lin Zuluan) and to address villagers' complaints regarding official corruption in village land sales.[61] [For more in-

formation on the Wukan village protests, see Section III—Institutions of Democratic Governance.]

• **Other criminal offenses.** This past year, authorities accused rights advocates and religious practitioners of other criminal offenses, including "illegal business activity,"[62] "defamation,"[63] "misappropriation of funds,"[64] "sabotaging production and operation,"[65] "organizing and using a cult to undermine implementation of the law,"[66] and "disturbing court order."[67]

Ongoing Challenges in the Implementation of the Criminal Procedure Law

COERCED CONFESSIONS

The Chinese government and Communist Party emphasized the procuratorate's supervisory role over criminal investigation and continued to improve implementation of the existing legal provisions[68] that address the problem of investigators' use of coercion and overreliance on confession in criminal cases.[69] In October 2016, five central government bodies issued a joint opinion that obligates the procuratorate in certain important cases to ensure the legality of evidence before the conclusion of an investigation by directly questioning the criminal suspect about the existence of a coerced confession or illegal evidence collection practices.[70] In June 2017, the same government bodies issued provisions specific to the exclusion of evidence obtained by torture.[71] A U.S.-based legal scholar, however, noted the ineffectiveness of the provisions because "they maintain a narrow view of what type of evidence should be excluded and also continue to allow subsequent non-coerced confessions after an initial coerced one."[72] In March 2017, Cao Jianming, Procurator-General of the Supreme People's Procuratorate (SPP), reported that in 2016, the procuratorate corrected 34,230 cases of illegal investigation practices, such as extracting confessions by torture, but did not report any instance of criminal prosecution of investigators who engaged in abuse.[73] Despite these official pronouncements, reports of coerced confession continued to emerge this past year,[74] with some indicating that procurators participated in the practice.[75] [For more information on custodial torture and abuse, see Torture and Abuse in Custody in this section.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Under Article 73 of the PRC Criminal Procedure Law (CPL), authorities can enforce a form of detention known as "residential surveillance at a designated location" (RSDL)[76] to detain a person at an undisclosed location for up to six months in cases involving charges of "endangering state security" (ESS), terrorism, or serious bribery.[77] A U.S.-based scholar noted that RSDL is susceptible to abuse if authorities apply ESS charges as a pretext to forgo criminal suspects' rights.[78] Reports that emerged this past year indicate that torture and abuse took place in the enforcement of RSDL.[79] In some cases, authorities reportedly enforced RSDL even when they did not allege any of the three types of offenses that permit this form of detention.[80] In the case of Jiang Tianyong, a disbarred rights lawyer who disappeared on November 21, 2016, authorities

reportedly did not provide his family notice of him being detained under RSDL within the timeframe required by law[81] and refused to disclose his detention location or to allow his family and lawyers to meet with him.[82] The location of Jiang's detention remained unknown for over six months.[83]

ACCESS TO COUNSEL

This past year, the Chinese government denied access to legal counsel to some individuals, particularly those detained in politically sensitive cases. Individuals charged with ESS crimes—which the government often used against rights advocates[84]—continued to face obstacles in meeting with their lawyers.[85] In cases involving ESS, terrorism, and serious bribery ("three categories of cases" (*sanlei anjian*)),[86] Article 33 of the PRC Lawyers Law as amended in 2012[87] qualifies detainees' right to meet with their lawyers by referencing the PRC Criminal Procedure Law, which requires lawyers to obtain approval from the agency investigating the case but does not provide for a specific timeframe within which the agency must decide on such an application.[88] In the case of detained lawyer Jiang Tianyong,[89] his lawyers questioned the legality of the authorities' decision to repeatedly deny Jiang access to counsel on ESS grounds yet permit a news reporter to interview him.[90]

This past year, authorities obstructed or denied access to counsel for those detained in cases involving rights advocacy or the exercise of internationally recognized freedoms,[91] and in some cases harassed or intimidated their lawyers.[92] Liu Zhengqing, lawyer of democracy advocate Chen Yunfei,[93] said that after a December 2016 court hearing in which he represented Chen before the Wuhou District People's Court in Chengdu municipality, Sichuan province, court officials detained him for four hours, searched his briefcase, and seized his computer.[94] Another report from this past year indicated that the lawyer initially retained by the family of petitioner Ding Meifang[95] withdrew representation after government officials reportedly asked the lawyer to demand that Ding make a guilty plea.[96]

In May 2017, authorities detained rights lawyer Chen Jian'gang, his wife, and their two minor children when they were traveling in Yunnan province.[97] Previously, Chen publicized accounts of authorities torturing his client[98] Xie Yang,[99] a rights lawyer detained as part of the crackdown against rights lawyers and advocates that began in and around July 2015 (July 2015 crackdown).[100]

OTHER DUE PROCESS CONCERNS

The following examples highlight certain due process violations that infringe on individuals' substantive rights:

- **Prolonged pretrial detention.** Although the PRC Criminal Procedure Law permits law enforcement officials to extend the prescribed investigation period,[101] prolonged pretrial detention constitutes a violation of international human rights standards.[102] Some detainees reportedly remained in prolonged pretrial detention,[103] in some cases because authorities extended the investigation period or canceled scheduled hearings.[104] One example suggests that cooperation with the authorities can re-

duce a detainee's time in detention: Zhang Wanhe,[105] whom authorities detained in June 2015 outside a courthouse where she participated in an advocacy event,[106] said that authorities tried and then released her in January 2017 after she admitted guilt and terminated her lawyer, whereas Yao Jianqing,[107] whom authorities detained at the same event, did not cooperate as Zhang did and remained in pretrial detention.[108]

• **Delay in judicial proceedings.** Delays in judicial proceedings likewise lengthen a person's time in detention.[109] In one example, after military veteran and petitioner Gao Hancheng[110] appealed a June 2016 conviction for "gathering a crowd to disturb social order," the Wuhan Intermediate People's Court in Hubei province, after three adjournments, held a pretrial conference for the first time on April 25, 2017, and did not issue a trial date.[111] While in detention, Gao reportedly had a stroke and lost mobility in January 2017; the prolonged detention reportedly contributed to the deterioration of his health.[112]

• **Procedural irregularities in law enforcement.** Reports from this past year indicate that law enforcement authorities in some localities did not present proper documentation before restricting citizens' liberty or conducting a search[113] in violation of China's domestic laws.[114]

Draft Amendment to the PRC People's Police Law

In December 2016, the Ministry of Public Security issued a draft amendment[115] to the PRC People's Police Law[116] that includes proposed statutory codification of existing regulations defining the scope of police authority to carry and use firearms.[117] The draft amendment seeks to authorize police to use firearms in five situations, including when someone commits or escapes after having committed an offense that seriously endangers "state security" or "public safety," and when someone damages property that the government has designated as a target of protection.[118] Noting the broad definitions of "state security" and "public safety" under Chinese law, Human Rights Watch (HRW) criticized the draft amendment for being inconsistent with international standards that prohibit law enforcement officials from using firearms unless it is necessary to prevent "imminent threat of death or serious injury . . .."[119] HRW also pointed out the lack of meaningful limitations on other police powers covered by the proposed amendment.[120] Radio Free Asia, for example, published multiple reports of such abuse of police power this past year.[121]

Torture and Abuse in Custody

This past year, reports continued to emerge that Chinese authorities tortured and abused individuals in detention,[122] including rights lawyers and advocates detained as part of the July 2015 crackdown. Family members of rights lawyer Li Chunfu[123] reported that he returned home in January 2017 in a severely altered physical and mental state, exhibiting paranoia and schizophrenic behavior[124] as well as having damage to his neck and spine.[125] Li told his wife that authorities had drugged him daily for

the first portion of his detention.[126] Rights advocate Wu Gan[127] and rights lawyer Wang Yu[128] both reported that authorities tortured them with methods including sleep deprivation and shackling of their hands and feet.[129] The China Human Rights Lawyers Concern Group reported in January 2017 that rights lawyers Wang Quanzhang[130] and Li Heping[131] had been tortured by electric shock to the point of fainting during the period they spent in RSDL.[132] Li Heping's wife also said that authorities had forcibly medicated Li for 22 months with a drug that caused "muscle pains, lethargy, and blurred vision" and shackled him for a month in such a way that he could not stand upright.[133] Other reports from this past year described additional instances in which authorities administered medication as a means of torture.[134]

Rights lawyer Xie Yang also gave detailed descriptions of the torture he suffered during his detention in connection with the July 2015 crackdown. In January 2017, Xie told his lawyers that during the portion of his detention spent under residential surveillance at a designated location (RSDL),[135] authorities deprived him of sleep, interrogated him for periods of over 20 hours, forced him to sit on stacked stools, punched him, kicked him, and kneed him in his abdomen and lower extremities on multiple occasions.[136] Xie noted that officials carried out these actions directly under the camera in the room to avoid being recorded.[137] Xie also identified over 20 officials who participated in his abuse[138] and revealed that officials repeatedly pressured him to confess and to keep quiet about his torture.[139] Xie said in a letter that he reported the torture to two procurators, but they did not make a record of it.[140] Party- and state-run media claimed that another detained lawyer fabricated the accounts of Xie's torture,[141] but Xie's lawyer affirmed their veracity.[142]

Inadequate Medical Treatment

The Commission further observed reports of authorities denying or failing to provide detainees adequate medical treatment,[143] which may amount to torture[144] or violation of other international human rights standards.[145] For example, political reform advocate and Nobel Peace Prize laureate Liu Xiaobo died of liver cancer in July 2017 while serving an 11-year sentence for "inciting subversion of state power."[146] Liu's health condition prompted questions of "whether the cancer could have been diagnosed earlier, or whether poor treatment contributed to his declining health."[147]

Lack of Accountability for Officials Involved in Torture

The Commission did not observe reports of Chinese authorities imposing criminal liability on the perpetrators of abuse in the above-mentioned cases, or in the case of Lei Yang. A resident of Beijing municipality, Lei Yang died in May 2016 shortly after plainclothes police officers in Beijing took him into custody.[148] In December, authorities announced their decision not to criminally prosecute the officers despite their finding that the officers committed "dereliction of duty"[149] and caused Lei's death by twice restraining him, including by kneeling and stomping on his neck and face, wrapping an arm around his neck, and pressing on the back

of his neck.[150] Chinese law requires criminal prosecution if a government official causes the death of one or more persons as a result of dereliction of duty.[151] The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China signed and ratified,[152] requires a State Party to prosecute the perpetrator of torture or other forms of mistreatment.[153]

Draft Law Affecting Public Security Bureau Detention Centers

The Chinese government issued a draft law that proposes to limit the use of shackling in detention, but legal experts question its effectiveness in curbing custodial abuse in general because it does not improve transparency or resolve an apparent conflict by continuing to allow police to run detention centers. In a January 2017 ruling, the Supreme People's Court (SPC) affirmed a lower court's dismissal of a compensation claim filed by a former death-row inmate who alleged that he suffered disfiguration and loss of mobility in his limbs as a result of wearing shackles during detention.[154] The SPC found that the treatment alleged by the claimant was consistent with the PRC Public Security Bureau Detention Center Regulations (PSB Detention Center Regulations),[155] which require every death-row inmate to be shackled.[156] The UN Standard Minimum Rules for the Treatment of Prisoners, however, prohibit the use of chains or irons as restraints and limit other kinds of restraints to the extent necessary for reasons such as prevention of escape during transfer, and of personal injury or property damage.[157] In June 2017, the Ministry of Public Security issued a draft law that would replace the PSB Detention Center Regulations.[158] The draft law limits the use of shackles to what is necessary for "preventing danger," bringing the current legal framework closer to international standards in this respect.[159] Lawyers and legal scholars, however, are skeptical about the draft law's effectiveness in curbing custodial abuse in general because it lacks provisions that improves transparency and it continues to give police the power to control PSB detention centers, an arrangement that conflicts with the role of police as investigators.[160]

Wrongful Conviction

In the past reporting year, the Chinese government made some efforts to address the problem of wrongful conviction, but custodial abuse and political interference continued to be subjects of concern.[161] According to a scholar, false confessions—obtained mainly through torture—are the predominant cause of wrongful convictions, and police obstruction in procuratorial investigations undermined efforts to curb this practice.[162] To prevent local influence on investigations, the Supreme People's Procuratorate reportedly drafted provisions allowing criminal petitions (*xingshi shensu*) involving possible grave injustice to be transferred to agencies in other locations.[163] The Commission did not observe the publication of these provisions.

In February 2017, the Supreme People's Court (SPC) reported that courts across China in 2016 corrected 11 cases of wrongful conviction involving 17 individuals.[164] In one case, the SPC's second circuit tribunal rescinded the murder and rape convictions of

Nie Shubin, who was executed in 1995, after another person confessed to the crimes in 2005.[165] The court concluded that, due to inconsistencies in Nie's confession, it could not preclude the possibility that investigators induced or directed him to confess, but it declined to find that torture took place.[166]

While the SPC reported that authorities continued to grant compensation in wrongful conviction cases,[167] a report citing official statistics notes that fewer courts disclosed state compensation statistics between 2014 and 2016, which a Chinese legal scholar said was inconsistent with central authorities' stated goal of improving judicial protection against wrongful conviction.[168]

Death Penalty

LACK OF TRANSPARENCY IN DEATH PENALTY CASES

The Chinese government's claim of limited use of the death sentence[169] remained unverifiable as authorities continued to treat the number of executions as a state secret. An April 2017 Amnesty International report estimated that the number of executions in China remained in the thousands, exceeding the number for all other countries combined, and reported that the Chinese government continued its policy of nondisclosure of death sentence statistics on state secrecy grounds.[170] Amnesty International found that death penalty-related documents published in China's official judicial document database represented a fraction of the execution reports retrieved from a search engine in China—about 5 percent in 2015 and 8.5 percent in 2016—which in turn is a fraction of credible estimates given by non-governmental organizations and scholars.[171]

JUDICIAL REVIEW OF DEATH PENALTY CASES

In the 10-year period after the Supreme People's Court (SPC) regained exclusive authority to review death penalty cases,[172] the low rate of legal representation in death penalty cases and the lack of a uniform legal standard of review have remained issues of concern. While the PRC Criminal Procedure Law requires legal representation in cases where the defendants may receive the death penalty,[173] there is no corresponding requirement in death penalty review cases before the SPC.[174] A study of judicial opinions published between 2014 and 2016 shows that legal counsel participated in 22 out of 255 (8.63 percent) death penalty review cases, and the majority of the defendants involved had junior high school or lower levels of education.[175] A legal practitioner reported difficulty in preparing an effective defense due to the lack of a uniform standard of review and further noted that some SPC judges disposed of cases without addressing the points raised by defense counsel.[176]

ORGAN HARVESTING FROM EXECUTED PRISONERS

This past year, the Commission did not observe any rulemaking efforts to ban harvesting organs from executed prisoners,[177] but authorities reportedly imposed sanctions on persons involved in one case of organ transplantation from an executed prisoner. Amnesty International observed that China is likely "still sourcing organs

from prisoners on death row" as of 2017, noting that senior Chinese health official Huang Jiefu, who spoke at an international summit on organ trafficking held at the Vatican in February 2017, did not deny that the practice continued.[178] Huang told reporters he was sure that there were some violations of China's ban on harvesting organs from executed prisoners, given China's population size.[179] In October 2016, Huang said at a conference in Beijing municipality that he received information about a paramilitary police hospital transplanting a kidney from an executed prisoner to a Canadian patient for 30,000 Canadian dollars (approximately US$21,900).[180] Huang said he relayed the information to the Ministry of Public Security and the National Health and Family Planning Commission, after which authorities revoked the license of the doctor and the hospital, sanctioned the hospital director, and detained court personnel who facilitated the transaction.[181]

Notes to Section II—Criminal Justice

[1] See, e.g., Rights Defense Network, "As June Fourth Approaches, Stability Maintenance Across the Country Intensifies, Dissidents and Citizens Who Defend Rights Targeted for Stability Maintenance" [Liusi linjin gedi weiwen yankong jiaju, yijian renshi ji weiquan gongmin bei mijixing weiwen], 1 June 17; Rights Defense Network, "Communist Party Member Zi Su Formally Arrested on 'Inciting Subversion of State Power Offense' for Asking Communist Party To Implement Direct Elections at 19th Party Congress" [Yaoqiu zhonggong 19 da zhixuan de zhonggong dangyuan zi su bei yi "shandong dianfu guojia zhengquan zui" zhengshi daibu], 15 June 17. See also Jerome A. Cohen, "Disappearance of Chinese Human Rights Lawyer: What It Means To Be Placed Under 'Residential Surveillance' in China," Jerry's Blog, 26 December 16; Sophie Richardson, Human Rights Watch, "Submission by Human Rights Watch to the National People's Congress Standing Committee on the Draft Revisions to the Police Law," 22 December 16; Chang Wang and Vivian Wu, Thomson Reuters, "China's Legal System: 2016 Reviews and 2017 Predictions," Legal Current (blog), 2 March 17; Alex Linder, "China's Chief Justice Lists Jailing Human Rights Lawyer as Legal System's Top Achievement of 2016," Shanghaiist, 14 March 17.

[2] Harry Wu and Cole Goodrich, "A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China," Human Rights Brief, Vol. 21, Issue 1 (Winter 2014), 4.

[3] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

[4] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 7 September 17. China has signed but not ratified the ICCPR. See also CECC, 2014 Annual Report, 9 October 14, 81; State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," 13 April 09, Introduction, sec. V(1). The 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009 stated that the "essentials" of the ICCPR were some of the "fundamental principles" on which the plan was framed, and that the government would "continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for ratification of the ICCPR." See also Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 4; International Justice Resource Center, "Increased Oppression of Chinese Human Rights Defenders Draws International Criticism," 22 February 16.

[5] Harry Wu and Cole Goodrich, "A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China," Human Rights Brief, Vol. 21, Issue 1 (Winter 2014), 4; Amnesty International, "China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015," October 2015, 16; Chinese Human Rights Defenders, "We Can Beat You to Death With Impunity," October 2014, 6. See also "Guo Gai and Wang Jianfen: Details of Black Jails in Wuxi: Rescue and Torture Reenactment" [Guo gai, wang jianfen: wuxi hei jianyu shimo: yingjiu he kuxing yanshi], Charter 08 (blog), 23 December 15.

[6] National People's Congress Standing Committee, Decision on Abolishing Laws and Regulations Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jueding], issued and effective 28 December 13; CECC, 2014 Annual Report, 9 October 14, 82–84.

[7] Amnesty International, "China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015," October 2015, 16; "Black Jails Still in Vogue in Mainland, Reeducation Through Labor Continues To Exist Under a Different Name" [Dalu hei jianyu shengxing laojiao huan tang bu huan yao], Radio Free Asia, 3 November 15. A petitioner reported that "black jails" provided no procedural protection and that human rights conditions had deteriorated after the abolition of RTL.

[8] Teng Biao, "What Is a 'Legal Education Center' in China," China Change, 3 April 14; "2016 Summary of Persecution Against Falun Gong Practitioners in Wuhan Municipality" [Wuhan shi falun gong xueyuan 2016 nian shou pohai zongshu], Clear Wisdom, 2 February 17. "Legal education centers" are sometimes called "brainwashing classes."

[9] See, e.g., "2016 Summary of Persecution Against Falun Gong Practitioners in Wuhan Municipality" [Wuhan shi falun gong xueyuan 2016 nian shou pohai zong shu], Clear Wisdom, 2 February 17; "2016 Case Summary of Persecution Against Falun Gong Practitioners in Guangdong" [2016 nian guangdong falun gong xueyuan shou pohai anli zongshu], Clear Wisdom, 28 January 17.

[10] Petitioners are citizens who use the "letters and visits system," also known as the petitioning system, to seek redress of their grievances against the government. See, e.g., "Two Petitioners Put in Black Jail for 13 Days, Coughed Up Blood After Being Beaten and Forced To Write About 'Learning Experience'" [Liang fangmin qiu hei jianyu 13 ri bei ou tuxie bi xie "xuexi xinde"], Radio Free Asia, 23 September 16; Rights Defense Network, "On Legal System Promotion Day, 25 Petitioners From Sichuan and Chongqing Detained and Put in Black Jail" [Fazhi xuanchuan ri sichuan, chongqing 25 ming fangmin zaodao kouya, guan hei jianyu], 4 December 16; "Sixteen Petitioners From Chongqing Expressing Injustice at Front Entrance of Zhongnanhai in Beijing, Detained in Black Jail" [16 ming chongqing fangmin beijing zhongnanhai zhengmen han yuan bei song hei jianyu jiya], Radio Free Asia, 21 December 16.

[11] See, e.g., Rights Defense Network, "Statistical Report on Shanghai Rights Defenders Persecuted in Connection With National Two Sessions" [Shanghai weiquan renshi yin quanguo lianghui er zao pohai de tongji baogao], 12 March 17; Rights Defense Network, "Statistical Report on Rights Defenders in Shanghai Who Were Put in Black Jails or Detained Before and After Two Sessions (Supplement)" [Lianghui qianhou shanghai weiquan renshi zao guan hei jianyu he juliu de tongji baogao (buchong)], 16 March 17; "Victims of Demolition, Hangzhou

Farmer Put in 'Black Jail,' Police Did Not Accept Case Despite Report Being Made" [Hangzhou chaiqian nongmin bei guan "hei jianyu" bao'an bu huo shouli], Radio Free Asia, 18 March 17. See also Liu Shaohua, "China Enters Two Sessions Period" [Zhongguo jinru lianghui shijian], People's Daily, 2 March 17.

[12] PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1). See also "[Editorial] Beware of Arbitrary Psychiatric Treatment Due to Petitioning Dilemma" [[Shelun] jingti xinfang kunju xia de jingshenbing shouzhi luanxiang], Southern Metropolitan Daily, 14 June 16.

[13] Supreme People's Procuratorate, Measures on Implementation of Compulsory Medical Treatment (Trial) [Renmin jianchayuan qiangzhi yiliao zhixing jiancha banfa (shixing)], issued 13 May 16, effective 2 June 16, arts. 9, 12.

[14] Civil Rights & Livelihood Watch, "2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

[15] Civil Rights & Livelihood Watch, "Anhui Petitioner Shi Chuanfeng Intends To Travel to Beijing, Psychiatric Facility Personnel Join Interception!" [Anhui fangmin shi chuanfeng yu jin jing jingshenbing yuan renyuan canyu jie fang!], 8 November 16. See also Civil Rights & Livelihood Watch, "2016 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)" [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

[16] Civil Rights & Livelihood Watch, "2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

[17] Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued 25 March 94, effective 1 May 94, art. 28. Article 28 of the 1994 provisions requires any person or organization having information about a case under investigation to comply with the *shuanggui* process. Chinese Communist Party Central Commission for Discipline Inspection, Opinion on Strengthening the Coordination Mechanisms in Case Investigation and on Further Regulating the Measure of "Double Designation" [Zhongyang jiwei guanyu wanshan cha ban anjian xietiao jizhi jinyibu gaijin he guifan "lianggui" cuoshi de yijian], issued 20 January 05, item 2(1); Flora Sapio, "Shuanggui and Extralegal Detention in China," China Information, Vol. 22, No. 1 (March 2008), 14–15. The 2005 Central Commission for Discipline Inspection opinion limits the application of *shuanggui* to Party members.

[18] Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued 25 March 94, effective 1 May 94, arts. 10, 28(3), 39; Human Rights Watch, "'Special Measures': Detention and Torture in the Chinese Communist Party's Shuanggui System," 6 December 16; Amnesty International, "No End in Sight: Torture and Forced Confessions in China," November 2015, 34, 47.

[19] Human Rights Watch, "'Special Measures': Detention and Torture in the Chinese Communist Party's Shuanggui System," 6 December 16; Flora Sapio, "Shuanggui and Extralegal Detention in China," China Information, Vol. 22, No. 1 (March 2008), 24.

[20] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9. See also CECC, 2015 Annual Report, 8 October 15, 102–3; CECC, 2014 Annual Report, 9 October 14, 87–88.

[21] Human Rights Watch, "'Special Measures': Detention and Torture in the Chinese Communist Party's Shuanggui System," 6 December 16.

[22] Nathan VanderKlippe, "Shuanggui: The Harsh, Hidden Side of China's War on Graft, and How One Man Disappeared Into It," Globe and Mail, 26 March 17.

[23] Ibid.

[24] National People's Congress Standing Committee, Decision on Launching State Supervision System Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province, [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu zai beijing shi, shanxi sheng, zhejiang sheng kaizhan guojia jiancha tizhi gaige shidian gongzuo de jueding], issued 25 December 16, effective 26 December 16, item 1; "Three Provincial-Level Administrative Jurisdictions, Beijing, Shanxi, and Zhejiang, Establish Supervisory Commissions" [Beijing, shanxi, zhejiang san sheng shi jiancha weiyuanhui chengli], Supervision Department of Central Commission for Discipline Inspection, 24 January 17. See also "Promote Comprehensive and Rigorous Development of Party Governance, Welcome the Opening of the Nineteenth Party Congress With Exceptional Performance—Work Report from the Chinese Communist Party's Eighteenth Central Commission for Discipline Inspection's Seventh Plenary Session" [Tuidong quanmian congyan zhi dang xiang zongshen fazhan yi youyi chengji yingjie dang de shijiuda zhaokai—zai zhongguo gongchandang di shiba jie zhongyang jilu jiancha weiyuanhui di qi ci quanti huiyi shang de gongzuo baogao], Xinhua, 19 January 17, sec. 1(2).

[25] National People's Congress Standing Committee, Decision on Launching State Supervision System Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province, [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu zai beijing shi, shanxi sheng, zhejiang sheng kaizhan guojia jiancha tizhi gaige shidian gongzuo de jueding], issued 25 December 16, effective 26 December 16, item 2. See also Ge Wenxiu et al., "Fifty-Nine Lawyers Including Ge Wenxiu Openly and Jointly Issued Four Suggestions to National People's Congress Regarding 'State Supervision Law (Draft)'" [Ge wenxiu deng 59 wei lushi lianming jiu "guojia jiancha fa (cao'an)" lifa xiang quanguo renda gongkai tichu sidian jianyi], 11 August 17, reprinted in Rights Defense Network, 13 August 17.

[26] Flora Sapio, "An Interview About Shuanggui With the Globe and Mail," REACH (blog), 10 January 17.

[27] Lin Zizhen, "Chen Guangzhong: Supervisory System Reform Requires Initiating a Systematic Legislative Amendment Process" [Chen guangzhong: jiancha tizhi gaige xu qidong xitong xiu fa gongcheng], Caixin, 17 January 17; Wang Lina, "'Detention Authority' Makes First Appearance in Supervision Pilot Reform, 'Shuanggui,' 'Shuangzhi' May Be Affected" [Jiancha gaige shidian shou xian "liuzhi quan" "shuanggui" "shuangzhi" huo shou yingxiang], Caijing, 31 December 16.

[28] UN Human Rights Council, Report of the Working Group on Arbitrary Detention, A/HRC/22/44, 24 December 12, para. 63.

[29] For more information on Xia Lin, see the Commission's Political Prisoner Database record 2014-00432.

[30] For more information on Wu Zeheng, see the Commission's Political Prisoner Database record 2017-00235.

[31] UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at Its 77th Session, 21–25 November 2016, Opinion No. 46/2016 concerning Wu Zeheng and 18 Others (China), A/HRC/WGAD/2016/46, 27 January 17, para. 64; UN Human Rights Council, Opinions adopted by the UN Working Group on Arbitrary Detention at Its 76th Session, 22–26 August 2016, Opinion No. 43/2016 Concerning Xia Lin (China), A/HRC/WGAD/2016/43, 12 October 16, para. 28.

[32] See, e.g., Rights Defense Network, "Bulletin on CRLW Director Liu Feiyue's Case: Family Members Receive 'Arrest Notice' From Suizhou, Hubei, PSB" [Minsheng guancha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong'anju jifa de "daibu tongzhishu"], 11 January 17; Rights Defense Network, "Director of Mainland NGO '64 Tianwang' Huang Qi Arrested by Authorities" [Dalu NGO "liusi tianwang" fuzeren huang qi yi bei dangju zhixing daibu], 20 December 16; "Li Heping Charged With 'Subversion of State Power'" [Li heping bei kong "dianfu guojia zhengquan zui"], Radio Free Asia, 9 December 16; "Lawyer Wang Quanzhang in 709 Case Formally Indicted on Subversion Charge" [709 an wang quanzhang lushi zhengshi bei qisu dianfu zuiming], Radio Free Asia, 15 February 17; "Indictment Against Xie Yang Exposed, Lawyer To Counter Each Allegation" [Xie yang an qisushu baoguang daili lushi jiang zhu tiao fanbo], Radio Free Asia, 1 February 17; "Sun Feng Convicted for Speech, Articles Posted Online Result in 5 Years' Imprisonment" [Sun feng bei yi yan ru zui wangshang fawen huan 5 nian jianjin], Radio Free Asia, 21 November 16; "Shenzhen's Li Jiangpeng Accused of 'Subversion,' Wang Jun's Pregnant Wife Remains Subject to Monitoring After Returning to Shenzhen" [Shenzhen li jiangpeng bei kong "dianfu" wang jun yun qi hui shen reng shou jiankong], Radio Free Asia, 10 April 17; Human Rights Watch, "China: Drop Charges Against Tibetan Education Activist," 15 January 17; Tibetan Centre for Human Rights and Democracy, "Charged of [sic] Inciting Separatism, Detained Former Tibetan Political Prisoner Tsegon Gyal on 'Silent Protest,'" 29 December 16.

[33] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 54(2), 56, 102–113. All crimes of "endangering state security" (ESS) carry a mandatory supplemental sentence of deprivation of political rights, which include the rights of speech, publication, assembly, association, procession, and demonstration. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. In addition to the severe criminal penalty, ESS offenses permit authorities to use "residential surveillance at a designated location," which in practice could "amount to incommunicado detention . . . putting detainees at a high risk of torture or ill-treatment."

[34] For more information on Su Changlan, see the Commission's Political Prisoner Database record 2014-00406.

[35] For more information on Chen Qitang, see the Commission's Political Prisoner Database record 2009-00002.

[36] "Su Changlan and Chen Qitang Sentenced to 3 Years and 4 Years and 6 Months Respectively, Citizens Expressed Support Online" [Su changlan, chen qitang fen huoxing 3 nian ji 4 nian ban gongmin wangluo biaoda shengyuan], Radio Free Asia, 31 March 17. The Guangdong High People's Court dismissed the appeals of Su and Chen on June 6, 2017. "Appeals of Su Changlan and Chen Qitang Dismissed" [Su changlan, chen qitang shangsu zao bohui], Radio Free Asia, 7 June 17.

[37] "Hong Kong Groups Went to China Liaison Office To Support Su Changlan and Tian Li" [Xianggang tuanti dao zhonglianban shengyuan su changlan, tian li], Radio Free Asia, 31 March 17; "Appeals of Su Changlan and Chen Qitang Dismissed" [Su changlan, chen qitang shangsu zao bohui], Radio Free Asia, 7 June 17.

[38] Hua Xuan, "The Logic of Different Areas Making Different Judgments When Petitioners 'Extort' Government" [Dang fangmin "qiaozha" zhengfu butong diqu butong pan de luoji], Southern Weekend, 28 July 16.

[39] See, e.g., Uncle Ou of Huiyang's Younger Sister (Huiyang ou bo meimei), "Progress Status of Case Against 'Uncle Ou of Huiyang' Li Jianxin" ["Huiyang ou bo" li jianxin anqing jinzhan qingkuang], Weibo post, 27 March 17, 9:36 a.m.; Voice of Petitioners, "Six Petitioners From Hebei Accused of Extortion, Family Members Gather and Kneel Down To Demand Explanation" [Hebei liu fangmin bei kong qiaozha lesuo jiashu jiti xiagui yao shuofa], reprinted in Civil Rights & Livelihood Watch, 19 January 17. For more information on Li Jianxin (also known as Uncle Ou of Huiyang (Huiyang Ou Bo)), see the Commission's Political Prisoner Database record 2016-00498.

[40] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 274. See also Supreme People's Court and Supreme People's Procuratorate, Interpretation on Certain Issues Concerning the Application of Law in Handling Criminal Cases Involving Extortion [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli qiaozha lesuo xingshi anjian shiyong falu ruogan wenti de jieshi], issued 1 April 13, effective 27 April 13, art. 1.

[41] Cao Bo and Xiao Zhonghua, "Doctrinal Critique of Using Extortion Charge To Regulate Petitioning Activity" [Yi qiaozha lesuo zui guizhi xinfang xingwei de jiaoyixue pipan], Journal of Law Application, No. 9 (2016), 43.

[42] Petitioners are citizens who use the "letters and visits system" to seek redress of their grievances against the government. See, e.g., Philip Wen, "Rare Disclosure Sheds Light on Plight of China's Aggrieved Petitioners," Reuters, 2 March 17. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection. Benjamin L. Liebman, "A Populist Threat to China's Courts?" in Chinese Justice: Civil Dispute Resolution in Contemporary China, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011), 309; Liang Shibin, "Resolutely Fight To Win the Battle on Clearing Backlog of Petitioning Cases" [Jianjue da ying huajie xinfang ji'an gong jian zhan], Legal Daily, 27 April 16.

[43] Chinese courts reportedly have not settled the legal question as to whether petitioning constitutes "extortion." See, e.g., Li Shide, "Judges Explaining Law: Does Extorting the Government by Means of Petitioning Constitute a Crime? How Should the Nature of the Matter Be Determined? (Model Cases)" [Faguan shuofa: yi shangfang yaoxie qiaozha lesuo zhengfu shifou goucheng fanzui? ying ruhe dingxing chuli? (dianxing anli)], Empirelawyers (*fake diguo*) (blog), 29 August 16; Cao Bo and Xiao Zhonghua, "Doctrinal Critique of Using Extortion Charge To Regulate Petitioning" [Yi qiaozha lesuo zui guizhi xinfang xingwei de jiaoyixue pipan], Legal Application, No. 9 (2016), 43. See also Zhushan County People's Procuratorate, "Improper Petitioning Can Easily Violate Ten Criminal Offenses!" [Shangfang budang, rongyi chufan shi zong zui!], 8 March 17.

[44] See, e.g., Linying County People's Court, Luohe Municipality, Henan Province, Criminal Judgment [Henan sheng linying xian renmin fayuan, xingshi panjue shu], (2013) Lin Xing Chu Zi No. 30, 18 October 16, reprinted in China Judgements Online, 4 November 16; Hailun City People's Court, Suihua Municipality, Heilongjiang Province, Criminal Judgment [Heilongjiang sheng hailun shi renmin fayuan xingshi panjue shu], (2016) Hei 1283 Xing Chu No. 120, 27 December 16, reprinted in China Judgements Online, 19 January 17.

[45] Cai Yiwen, "Petitioning Henan Farmer Prosecuted for 'Blackmailing' Officials," Sixth Tone, 30 March 17.

[46] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 290, 291.

[47] See, e.g., "'Gathering a Crowd To Disturb Social Order Case' Against 6 Nanjing Petitioners Commences, Public Blocked From Attending" [Nanjing 6 fangmin "juzhong raoluan shehui zhixu an" kaiting minzhong pangting zao ju], Radio Free Asia, 13 October 16; Rights Defense Network, "Old Lady Chen Xuebing of Guizhou Died in Injustice Over an Acre of Life-Sustaining Land Being Divided Into Three, Daughter Wang Hong Arrested for Petitioning" [Wei yimu sanfen huoming di, guizhou laotai chen xuebing bei yuansi nu'er wang hong shangfang zao daibu], 3 November 16; Rights Defense Network, "Ethnic Mongolian Rights Defender Wenming From Horqin Left Rear Banner, Tongliao Municipality, Inner Mongolia, Criminally Detained for Making a Post Online" [Neimenggu tongliao shi ke zuohou qi menggu zu weiquan gongmin wenming yin wangshang fa tie bei xingshi juliu], 20 December 16; "Filed Complaint Against Public Security Bureau Head, Arrest for Shenyang Rights Defender Lin Mingjie Approved" [Zhuanggao gong'an juzhang shenyang weiquan renshi lin mingjie bei pi bu], Radio Free Asia, 11 October 16; Rights Defense Network, "Trial for Guangdong Labor NGO Figure Meng Han, Charged on Suspicion of Gathering a Crowd to Disturb Social Order, To Begin November 3, 2016" [Guangdong laogong NGO renshi meng han shexian ju zhong raoluan shehui zhixu an jiang yu 2016 nian 11 yue 3 ri zhi 4 ri kaiting], 20 October 16; "Zeng Feiyang and Two Other Labor Advocates Receive Suspended Sentences, Released" [Zeng feiyang deng 3 laogong renshi bei pan huanxing huoshi], Radio Free Asia, 26 September 16.

[48] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 18, 20(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 18, 21, 22.

[49] For more information on the five individuals, see the following records in the Commission's Political Prisoner Database: 2016–00454 on Yang Zhaocun, 2016-00470 on Wang Lulu, 2016-00471 on Cheng Yajie, 2016-00472 on Zheng Lan, and 2016-00473 on Liu Yan.

[50] "5 Christians From Xinjiang Tried for Illegally Preaching" [Xinjiang 5 jidutu feifa chuandao shou shen], Radio Free Asia, 27 October 16; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05.

[51] Supreme People's Court, Implementing Measures on People's Courts' Carrying Out "Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law" [Renmin fayuan luoshi "baohu sifa renyuan yifa luxing fading zhize guiding" de shishi banfa], issued and effective 7 February 17, art. 11. The Supreme People's Court issued the implementing measures pursuant to a set of rules jointly issued by the general offices of the State Council and Chinese Communist Party Central Committee. Tang Weijian, "Interpretation Related to 'Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law'" ["Baohu sifa renyuan yifa luxing fading zhize guiding" xiangguan jiedu], China Peace Net, 28 July 16.

[52] See, e.g., "Lin Bingxing 'Picking Quarrels and Provoking Trouble,' Lawyer Expects Heavy Sentence" [Lin bingxing "xunxin zishi" lushi yuqi zhong pan], Radio Free Asia, 29 November 16; "Zhao Hongyan, Female Petitioner From Hefei, Sentenced to 2 Years' Imprisonment at Trial of First Instance for Picking Quarrels and Provoking Trouble, Lawyer Cheng Hai Retained To File Appeal" [Hefei nu fangmin zhao hongyan yishen bei yi xunxin zishi zui panxing 2 nian cheng hai lushi shou tuo shangsu], Radio Free Asia, 14 December 16; "Wang Fengyun, Petitioner From Inner Mongolia, Sentenced to 2 and a Half Years, Asserts Appeal at Court" [Neimeng fangmin wang fengyun bei pan 2 nian ban dang ting ti shangsu], Radio Free Asia, 29 March 17; Rights Defense Network, "Court Hearing Concludes in Wuxi 413 Crackdown Case, Court Did Not Announce Judgment" [Wuxi 413 da zhuabu an tingshen jieshu wei dangting xuanpan], 24 April 17; Rights Defense Network, "Fuzhou Crackdown Bulletin: Today 8 Released on Bail, 3 People Still Detained (October 12, 2016)" [Fuzhou da zhuabu tongbao: jin 8 ren qubao huoshi, reng you 3 ren zao jiya (2016 nian 10 yue 12 ri)], 12 October 16; Rights Defense Network, "Bulletin on 908 Suzhou Crackdown: Changsu Rights Defender Gu Xiaofeng Placed Under 'Residential Surveillance at a Designated Location' by Suzhou Police for 'Picking Quarrels and Provoking Trouble,' Gu Yimin Released on Bail Last Month, 11 People Remain Under Residential Surveillance at a Designated Location (February 7, 2017)" [Suzhou 908 da zhuabu tongbao: changshu weiquan gongmin gu xiaofeng bei suzhou jingfang yi "xunxin zishi zui" zhixing zhiding jusuo jianshijuzhu gu yimin shangyuedi huo qubao huoshi reng you 11 ren bei zhiding jianshi juzhu (2017 nian 2 yue 7 ri)], 7 February 17.

[53] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 293.

[54] Stanley Lubman, "'Picking Quarrels' Casts Shadow Over Chinese Law," Wall Street Journal, China Real Time Report (blog), 30 June 14.

[55] Supreme People's Court and Supreme People's Procuratorate, Interpretation of Certain Issues Concerning the Application of Law in the Handling of Criminal Cases Including Defamation by Means of the Internet [Guanyu banli liyong xinxi wangluo shishi feibang deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 10 September 13, art. 5.

[56] Edward Wong, "China Uses 'Picking Quarrels' Charge To Cast a Wider Net Online," New York Times, 26 July 15. See also "Hu Changgen Probably Being Retaliated Against for Courageous Online Speech, To Be Tried on Wednesday" [Hu changgen yongyu wangshang jinyan yi zao baofu zhou san shenxun], Radio Free Asia, 20 September 16; "Hearing on Wang Jiangfeng 'Picking Quarrels and Provoking Trouble Case' Temporarily Postponed, Family Emphasize Charge Unfounded" [Wang jiangfeng "xunxin zishi an" linshi yanqi jiashu qiangdiao zuiming moxuyou], Radio Free Asia, 21 February 17; "11 Petitioners Face Prosecution for Demonstration, Indicted on 'Picking Quarrels and Provoking Trouble'" [11 fangmin shiwei zao qingsuan bei qisu "xunxin zishi" zui], Radio Free Asia, 3 March 17.

[57] For more information on Shan Lihua, see the Commission's Political Prisoner Database record 2016-00033.

[58] Gangzha District People's Court, Nantong Municipality, Jiangsu Province, Criminal Judgment [Jiangsu sheng nantong shi gangzha qu renmin fayuan xingshi panjue shu], (2016) Su 0611 Xing Chu No. 50, 29 September 16, reprinted in Rights Defense Network, 29 September 16; "'Picking Quarrels and Provoking Trouble' Again, Jiangsu Rights Defender Shan Lihua Sentenced to 2 Years and 3 Months" [You shi "xunxin zishi" jiangsu weiquan renshi shan lihua panxing 2 nian 3 ge yue], Radio Free Asia, 29 September 16.

[59] For more information on the eight individuals, see the following records in the Commission's Political Prisoner Database: 2016-00463 on Zhuang Songkun, 2017-00100 on Hong Yongzhong, 2017-00101 on Wu Fang, 2017-00102 on Cai Jialin, 2017-00103 on Li Chulu, 2017-00104 on Wei Yonghan, 2017-00105 on Chen Suzhuan, and 2017-00107 on Yang Jinzhen.

[60] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 296.

[61] Haifeng County People's Court, "Haifeng County People's Court Publicly Announces First Instance Judgment in Case Against Nine People, Including Wei Yonghan and Zhang Bingchai, for Gathering a Crowd To Disturb Social Order, Illegal Assembly, Procession, or Demonstration, Gathering a Crowd To Disrupt Traffic, Obstructing Official Business, and Intentionally Disseminating False Information, Haifeng First Instance Judgment Announced" [Haifeng xian renmin fayuan yishen gongkai xuanpan wei yonghan, zhang bingchai deng 9 ren juzhong raoluan shehui zhixu, feifa jihui, youxing, shiwei, juzhong raoluan jiaotong zhixu, fanghai gongwu, guyi chuanbo xujia xinxi an haifeng yishen xuanpan], 26 December 16; "China Moves Ahead With Trials of Rebel Villagers in Secret," Radio Free Asia, 20 December 16; "China Jails Nine Protestors From Guangdong's Rebel Village of Wukan," Radio Free Asia, 27 December 16; Zhuang Liehong, "How Nine Wukan Villagers Were Illegally Tried and Sentenced in December, 2016," China Change, 5 January 17; "Day Before Lin Zulian's Trial, Tension Builds in Wukan Village Despite Relaxed Appearance" [Lin zulian shenxun qianxi wukan cun wai chi nei zhang], Radio Free Asia, 7 September 16. For background information on Wukan village, see CECC, 2012 Annual Report, 10 October 12, 129; CECC, 2014 Annual Report, 9 October 14, 142–43; CECC, 2016 Annual Report, 6 October 16, 240.

[62] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 225. See, e.g., "Exclusive: Xin Lijian, Outspoken Entrepreneur From Guangdong, Indicted on Two Charges: 'Illegal Business Activity and Destruction of Accounting Evidence' [Dujia: guangdong ganyan qiyejia xin lijian bei yi "feifa jingying, xiaohui kuaiji pingju" liang zui yisong qisu], Bowen Press, 5 November 16; "Writer Xiong Feijun Among

Three Criminally Detained, Defense Lawyer Will Request Bail" [Zuojia xiong feijun an san ren zao xingju daili lushi jiang ti qubao houshen], Radio Free Asia, 2 January 17; Human Rights Campaign in China, "Accused of Illegal Business Activity Due to Printing Religious Publications, Believer Li Hongmin of Guangfu Church in Guangzhou Sentenced to 10 Months and Fined Ten Thousand Yuan by Baiyun District Court" [Yin yinshua zongjiao kanwu bei kong feifa jingying zui guangzhou guangfu jiaohui xintu li hongmin zao baiyun qu fayuan panxing 10 ge yue ji chufa jin yiwan yuan], 27 March 17.

[63] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 246. See, e.g., "Lawyer Zhang Lei: Explanation Regarding Hubei Liu Yanli's Case (January 4, 2017)" [Zhang lei lushi: guanyu hubei liu yanli an de shuoming (2017 nian 1 yue 4 ri)], reprinted in Rights Defense Network, 4 January 17. For more information on Liu Yanli, see the Commission's Political Prisoner Database record 2016-00380.

[64] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 272. See, e.g., ChinaAid, "Pastor Gu Yuese Formally Arrested on January 7" [1 yue 7 ri gu yuese mushi zhengshi bei daibu], 9 January 17. For more information on Gu Yuese, see the Commission's Political Prisoner Database record 2016-00100.

[65] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 276. See, e.g., Rights Defense Network, "Five Farmers in Gushi County, Henan Province, Criminally Detained on 'Sabotaging Production Operation' for Protecting Dam and Field by Stopping Sand Trucks From Moving Sand" [Henan sheng gushi xian wu nongmin wei hudi baotian zuzhi yunshache yun sha bei yi "pohuai shengchan jingying zui" xing ju], 6 October 16.

[66] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300. See, e.g., Qiao Nong, ChinaAid, "Dali, Yunnan Christian Tu Yan Case Transferred to Procuratorate, Two Female Pastors in Chuxiong Arrested for Proselytizing" [Yunnan dali jidutu tu yan an yisong jian chuxiong liang nu mushi yin chuanjiao zao daibu], 7 February 17; "Accused Langfang Hebei Falun Gong Practitioner Zhu Xiaomei's 'Cult Case' Sent Back for Investigation" [Hebei langfang falun gong xueyuan zhu xiaomei bei kong "xiejiao an" tui zhen], Radio Free Asia, 4 May 17.

[67] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 309. See, e.g., "At Least Nine Rights Activists 'Secretly Detained' in China's Suzhou," Radio Free Asia, 24 March 17; "Xie Yang Indicted for Inciting Subversion of State and Disrupting Court Order" [Xie yang bei qisu shan dian guojia ji raoluan fating zhixu zui], Radio Free Asia, 21 December 16.

[68] See, e.g., PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 54, 121. The 2012 amendment to the PRC Criminal Procedure Law (CPL) provided for the exclusion of evidence obtained through illegal means such as torture, force, or threat, and required audiovisual recording of the interrogation process in serious cases involving life imprisonment or the death penalty. Xing Shiwei, "Audiovisual Recording Will Be Implemented in All Criminal Cases" [Suoyou xing'an xunwen jiang quan luyin luxiang], Beijing News, 22 September 15. In September 2015, the Ministry of Public Security (MPS) announced that law enforcement agencies were implementing the audiovisual recording system, as prescribed by the CPL, and that MPS planned eventually to expand the scope of the system to cover all criminal cases. Ministry of Public Security, Provisions on Accountability for Public Security Agencies and People's Police in Law Enforcement Misconduct [Gong'an jiguan renmin jingcha zhifa guocuo zeren zhuijiu guiding], issued 24 February 16, effective 1 March 16, arts. 12, 19. In March 2016, the MPS issued disciplinary rules to hold police officers accountable for misconduct and subject them to criminal, administrative, and disciplinary sanctions, including for obtaining confessions through torturing detainees and retaliating against whistleblowers or complainants.

[69] "Supreme People's Procuratorate Report on Strengthening Supervision on Investigation and Protecting Judicial Justice (Excerpts)" [Zuigao renmin jianchayuan guanyu jiaqiang zhencha jiandu, weihu sifa gongzheng qingkuang de baogao (zhaiyao)], Procuratorial Daily, 7 November 16; Zheng Bochao et al., "NPCSC Members Hope Procuratorate To Improve Effectiveness of Supervision" [Renda changweihui zucheng renyuan xiwang jianfang zengqiang jiandu shixiao], Procuratorial Daily, 8 November 16.

[70] Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 11 October 16, item 5. The 2016 opinion obligates procurators to ask criminal suspects before the conclusion of investigation about the existence of coerced confession or illegal evidence collection. Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on Certain Questions Regarding Excluding Illegal Evidence in Handling Criminal Cases [Guanyu banli xingshi anjian paichu feifa zhengju ruogan wenti de guiding], effective 1 July 10, art. 7. An earlier set of provisions required the procuratorate to produce evidence concerning the legality of the evidence only upon inquiry by the court, rather than questioning the criminal suspect at the pretrial stage.

[71] Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on Certain Issues Relating to Strictly Excluding Illegal Evidence in Criminal Cases, issued and effective 27 June 17.

[72] Margaret Lewis, "Penetrating Law Into the Walls of Chinese Detention Centers," University of Nottingham, China Policy Institute: Analysis (blog), 18 July 17. See also Jeremy Daum, "Exclusive Focus: Why China's Exclusionary Rules Won't Stop Police Torture," China Law Translate (blog), 1 July 17.

[73] "Supreme People's Procuratorate Work Report" [Zuigao renmin jianchayuan gongzuo baogao], 12 March 17, 7; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 247; "Supreme People's Procuratorate Report on Strengthening Supervision on Investigation and Protecting Judicial Justice (Excerpts)" [Zuigao renmin jianchayuan guanyu jiaqiang zhencha jiandu, weihu sifa gongzheng qingkuang de baogao (zhaiyao)], Procuratorial Daily, 7 November 16. This November report states that the procuratorate corrected 175,062 cases of illegal evidence collection practices between 2013 and 2016. The report does not provide disaggregated information in terms of the specific actions taken by the procuratorate.

[74] See, e.g., Craig Offman and Nathan VanderKlippe, "Detained Canadian Says China Tortured Her Into Giving Bribery Confession," Globe and Mail, 17 November 16; Te-Ping Chen, "China's Anticorruption Drive Ensnares the Lowly and Rattles Families," Wall Street Journal, 20 December 16.

[75] See, e.g., Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; "Former State Security Captain From Jinyang, Sichuan, Coerced To Confess Under Torture (I)" [Sichuan jinyang yuan guobao daduizhang bei xingxun bigong (shang)], Radio Free Asia, 8 March 17.

[76] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; Dui Hua Foundation, "China Issues Oversight Rules for 'Non-Residential' Residential Surveillance," Dui Hua Human Rights Journal, 9 February 16. The Dui Hua Foundation translated the term "residential surveillance at a designated location" as "designated-location residential surveillance." See also UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture used the translation "residential surveillance at a designated location."

[77] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 73, 77. See also Eva Pils et al., "'Rule by Fear?'" Asia Society, ChinaFile, 18 February 16. Scholar Eva Pils wrote: ". . . whereas in 2011, the authorities made people disappear stealthily and generally without admitting that this was happening, forced disappearances have now effectively become part of the system, and the authorities carry them out 'in accordance with law.'" UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture criticized this coercive measure because it "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment." Nathan VanderKlippe, "Canada, 10 Other Countries Call Out China for Torturing Human Rights Lawyers," Globe and Mail, 20 March 17.

[78] Elizabeth M. Lynch, "Codifying Illegality? The Case of Jiang Tianyong," China Law & Policy (blog), 20 January 17. See also Chinese Human Rights Defenders, "NGO Mid-Term Assessment of China's Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report)," 22 November 16, 56–57.

[79] Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; Wang Qiaoling, "A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody," reprinted in China Change, 15 January 17; China Human Rights Lawyers Concern Group (chrlcg), "Li Heping and Wang Quanzhang Tortured With Electric Shocks To Faint," Twitter post, 23 January 17, 1:17 a.m.

[80] See, e.g., "Two More People in Suzhou Crackdown Under Residential Surveillance" [Suzhou da zhuabu zai you liang ren jianshi juzhu], Radio Free Asia, 9 November 16; Rights Defense Network, "Rights Defense Network: Monthly Report on Detained Awaiting Trial and Forcibly Disappeared Individuals in Mainland China (March 31, 2017) Issue No. 18 (Total 199 Persons)" [Weiquan wang: zhongguo dalu jiya wei pan ji qiangpo shizong renyuan yue du baogao (2017 nian 3 yue 31 ri) di shiba qi (gong 199 ren)], 31 March 17.

[81] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; Zhuang An, "Suspected of Committing a Crime, Jiang Tianyong Duly Placed Under Criminal Coercive Measure" [Jiang tianyong shexian weifa fanzui bei yifa caiqu xingshi qiangzhi cuoshi], The Paper, 16 December 16; "Lawyer Tan Chenshou: Case Status Explanation Regarding Jiang Tianyong" [Tan chenshou lushi: jiang tianyong an ban'an qingkuang shuoming], China Free Press, 21 March 17.

[82] "Lawyer Tan Chenshou: Case Status Explanation Regarding Jiang Tianyong" [Tan chenshou lushi: jiang tianyong an ban'an qingkuang shuoming], China Free Press, 21 March 17; "Changsha PSB Denied Meeting Request, Jiang Tianyong's Father and Lawyers Lodged Complaint" [Changsha gong'an ju huijian jiang tianyong fu ji lushi ti kongsu], Radio Free Asia, 30 December 16.

[83] "709 Crackdown: Lawyer Jiang Tianyong Formally Arrested After Expiration of 'Residential Surveillance at a Designated Location'" [709 da zhuabu: jiang tianyong lushi "jianshi juzhu" qiman zao zhengshi daibu], Radio Free Asia, 1 June 17; "Jiang Tianyong's Family Received Ar-

rest Notice, Charge Changed for the Third Time" [Jiang tianyong jiashu shoudao daibu tongzhishu zhikong zuiming san ci biangeng], Radio Free Asia, 5 June 17.

[84] See, e.g., Tibetan Centre for Human Rights and Democracy, "Charged of Inciting Separatism, Detained Former Tibetan Political Prisoner Tsegon Gyal on 'Silent Protest,'" 29 December 16; Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 17, 26; "Punishing Rights Lawyers a Top Achievement, Says China," Al Jazeera, 12 March 17.

[85] See, e.g., "Study Abroad Student Quan Ping Wears T-Shirt That Satirizes Leader, Right to Defense Counsel Illegally Stripped" [Chuan wenhua shan fengci lingdaoren liuxuesheng quan ping bianhu lushi zao weigui boduo], Radio Free Asia, 13 February 17; Rights Defense Network, "Lawyer Chen Jinxue: Lawyer Applies for Meeting With Jiang Tianyong on Grounds That Meeting With Reporter Already Took Place, Changsha Municipal Public Security Bureau Again Ignores Lawyer" [Chen jinxue lushi: lushi yi jizhe yi jian wei you shenqing huijian jiang tianyong, changsha shi gong'anju you ju lushi yu men wai], 2 March 17; Civil Rights & Livelihood Watch, "Lawyer Wen Donghai's Third Application To Meet Liu Feiyue Denied" [Wen donghai lushi di san ci shenqing huijian liu feiyue zao ju], 24 March 17; Rights Defense Network, "Lawyer Sui Muqing: Circular on Huang Qi Case—Lawyer Not Permitted To Meet With Huang Qi or Make Bail Application on His Behalf (1 April, 2017)" [Sui muqing lushi: huang qi an tongbao—bu tongyi lushi huijian huang qi ji wei qi banli qubao (2017 nian 4 yue 1 ri)], 1 April 17; "Huang Qi of 64 Tianwang in Sichuan Has Worrying Health Conditions While Held in PSB Detention Center" [Sichuan liu si tianwang huang qi kanshousuo zhong bingkuang kanyou], Voice of America, 21 February 17.

[86] Tai Jianlin, "Lawyers' Meeting Rooms at PSB Detention Center Increased From Two to Nine" [Kanshousuo lushi huijian shi liang jian bian jiu jian], Legal Daily, reprinted in Xinhua, 24 May 16.

[87] PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, amended 26 October 12, effective 1 January 13, art. 33. For the prior version, see PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, effective 1 June 08, art. 33.

[88] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37; Amnesty International, "China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015," October 2015, 9.

[89] For more information on Jiang Tianyong, see the Commission's Political Prisoner Database record 2011-00179.

[90] Rights Defense Network, "Lawyers Chen Jinxue and Tan Chenshou: Lawyers' Opinion and Declaration Regarding Jiang Tianyong's Purported Acceptance of Being Interviewed by Global Times" [Chen jinxue lushi, tan chenshou lushi: guanyu jiang tianyong suowei jieshou huanqiu shibao caifang yi shi de lushi yijian ji shengming], 2 March 17; Rights Defense Network, "Lawyer Chen Jinxue: Lawyer Applies for Meeting With Jiang Tianyong on Grounds That Meeting With Reporter Already Took Place, Changsha Municipal Public Security Bureau Again Ignores Lawyer" [Chen jinxue lushi: lushi yi jizhe yi jian wei you shenqing huijian jiang tianyong, changsha shi gong'anju you ju lushi yu men wai], 2 March 17.

[91] See, e.g., "Zhang Wanhe in Shandong Weifang Case Completed Sentence and Released From Jail" [Shandong weifang an zhang wanhe xing man chuyu], Radio Free Asia, 4 January 17; "Suzhou Rights Advocate Gu Xiaofeng Taken Away by Police, Residence Raided" [Suzhou weiquan renshi gu xiaofeng bei jing daizou zhuzhai bei chao], Radio Free Asia, 6 February 17; Rights Defense Network, "Status Report of Lawyer Tan Chenshou's Meeting With Guiyang Living Stone Church Accountant and Christian Zhang Xiuhong, Who Was Sentenced to Five Years' Imprisonment on Illegal Business Activity" [Tan chenshou lushi huijian yishen bei yi feifa jingying zui panchu 5 nian youqi tuxing guiyang huoshi jiaohui kuaiji jidutu zhang xiuhong de qingkuang tongbao], 24 February 17.

[92] See, e.g., "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng" [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17.

[93] For more information on Chen Yunfei, see the Commission's Political Prisoner Database record 2010-00014.

[94] Liu Zhengqing, Human Rights in China, "Solemn Declaration Regarding Wuhou Court's Seizure of My Computer at Chen Yunfei's Hearing" [Guanyu chen yunfei an kaiting shi wuhou fayuan qiang wo diannao de zhengzhong shengming], 26 December 16; Chen Yunfei, "Lawyer Liu Zhengqing, Defense Lawyer for Chen Yunfei, Issued Letter Addressed to Chengdu Wuhou Court President" [Chen yunfei bianhu lushi lushi liu zhengqing zhi xin chengdu wuhou fayuan yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen liu chan gaozhong], Radio Free Asia, 26 December 16.

[95] For more information on Ding Meifang, see the Commission's Political Prisoner Database record 2017-00094.

[96] Rights Defense Network, "Hefei Female Petitioner Ding Meifang, Who Previously Voiced Support for Zhang Anni, Again Sentenced to 2 Years for Petitioning, Parents Adamantly Insist She Was Persecuted" [Ceng canyu shengyuan zhang anni de hefei shi nu fangmin ding meifang yin shangfang zaici bei panxing 2 nian, fumu jian cheng shi bei pohai], 10 January 17.

[97] "Over a Hundred Lawyers in China Issued Joint Letter Calling for Release of Human Rights Lawyer and His Family" [Zhongguo baiming lushi lianshu cu shifang renquan lushi ji jiaren], Voice of America, 4 May 17; Civil Rights & Livelihood Watch, "Six Individuals, Including Chen Jian'gang, Detained During Trip to Yunnan" [Chen jian'gang deng liuren yunnan luyou beizhua], 3 May 17.

[98] Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu

(er)], reprinted in Rights Defense Network, 19 January 17; "Chen Guiqiu Writes Letter to Government-Appointed Lawyer, Chen Jian'gang Summoned by Ministry of Justice Again" [Chen guiqiu zhi xin xie yang an guanpai lushi chen jian'gang zai bei sifaju yuetan], Radio Free Asia, 10 April 17.

[99] For more information on Xie Yang, see the Commission's Political Prisoner Database record 2015-00295.

[100] Rights Defense Network, "Lawyer Liu Zhengqing: Bulletin on Developments in 709 Xie Yang Case—Formal Indictment Received, Hearing Won't Be Held Until After Spring Festival (January 4, 2017)" [Liu zhengqing lushi: 709 xie yang an jinzhan qingkuang tongbao—nadao qisu shu chunjie qian buhui kaiting (2017 nian 1 yue 4 ri)], 4 January 17.

[101] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 154–57, 162.

[102] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 9(3), 9(4), 14(3)(c). The International Covenant on Civil and Political Rights entitles a person to be released or to "be brought promptly before a judge or other officer authorized by law to exercise judicial power" and "be tried without undue delay" for the purposes of determining the lawfulness of the detention and the criminal charge. See also Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) on 10 December 48, arts. 9, 10; UN General Assembly, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/43/173, 9 December 88, principles 4, 11.

[103] See, e.g., Huang Qi, 64 Tianwang, "Gathering a Crowd To Promote Mao Zedong and Xi Jinping, Mianyang Tries Deng Xuemei This Month" [Juzhong chuanbo mao zedong xi jinping mianyang ben yue shen deng xuemei], 4 April 16; "Su Changlan and Chen Qitang Sentenced to 3 Years and 4 Years and 6 Months Respectively, Citizens Expressed Support Online" [Su changlan, chen qitang fen huo xing 3 nian ji 4 nian ban gongmin wangluo biaoda shengyuan], Radio Free Asia, 31 March 17; "Appearing in Court in Pajamas and Having 'Chinese Dream,' Chen Yunfei Sentenced to 4 Years' Imprisonment" [Shenchuan shuiyi chuting zuo "zhongguo meng" chen yunfei bei panqiu 4 nian], Radio Free Asia, 31 March 17; Rights Defense Network, "Zhang Xiaoyu From Jiaozuo, Henan, Sentenced to 3 Years and 6 Months' Imprisonment at Trial of First Instance for Picking Quarrels and Provoking Trouble, Husband Xu Youchen Sentenced to Death" [Henan jiaozuo zhang xiaoyu yishen bei yi xunxin zishi zui panchu 3 nian 6 ge yue xingqi zhangfu xu youchen bei pan sixing], 10 January 17; "Liu Shaoming, a 1989 Veteran and a Labor Activist, Remains Imprisoned Without Sentence," China Change, 31 May 17; "PSB Detention Center Refused To Allow Dong Guangping To Receive Money Deposited for Him, Citizen Seeks Information Disclosure" [Kanshousuo ju wei dong guangping cunqian gongmin yaoqiu xinxi gongkai], Radio Free Asia, 23 May 17.

[104] See, e.g., China Labour Bulletin, "Labour Activist Meng Han Goes to Trial Amidst Intimidation and Blatant Procedural Violations," 24 October 16; Edward Wong, "Chinese Prosecutors Ask Court for More Time in Detained Tibetan's Case," New York Times, 28 December 16; "'June Fourth Liquor Case' Returned for Investigation a Third Time, Defendant's Counsel Sends Letter Urging Non-Prosecution" ["Liusi jiu an" di san ci tuizhen beigao lushi quxin yaoqiu bu qisu], Radio Free Asia, 1 March 17.

[105] For more information on Zhang Wanhe (also known as Zhang Weihong), see the Commission's Political Prisoner Database record 2016-00116.

[106] "In the Weifang Placard-Holding Case, Lawyer Met With Yao Jianqing" [Weifang jupai an lushi huijian yao jianqing], Radio Free Asia, 17 May 16.

[107] For more information on Yao Jianqing, see the Commission's Political Prisoner Database record 2016-00160.

[108] "Zhang Wanhe in Shandong Weifang Case Completed Sentence and Released From Jail" [Shandong weifang an zhang wanhe xing man chuyu], Radio Free Asia, 4 January 17.

[109] See, e.g., Wang Jian, "6 Petitioners From Hebei Charged With Extortion: Received 'Stipend for Food and Lodging' When Petitioning, Victim of Extortion Unknown" [Hebei 6 fangmin bei kong qiaozha: shangfang shi shou "shisu butie," qiaozha duixiang buming], The Paper, 22 October 16; Voice of Petitioners, "Six Petitioners From Hebei Charged With Extortion, Family Gathered and Knelt Down To Ask for Explanation" [Hebei liu fangmin bei kong qiaozha lesuo jiashu jiti xiagui yao shuofa], 19 January 17; Civil Rights & Livelihood Watch, "Hearing Adjourned in Case Against Shandong Petitioner Li Chunhua, Charged on Suspicion of Obstructing Official Business" [Shandong fangmin li chunhua shexian fang'ai gongwu an yanqi kaiting], 2 September 16; "Hu Changgen's Court Hearing Suddenly Cancelled" [Hu changgen tingshen tu bei quxiao], Radio Free Asia, 21 September 16; Huang Qi, 64 Tianwang, "Support Xi Jinping and Bo Xilai and Oppose Wu and Wen, Sichuan Deng Xuemei Sentenced to 2 Years" [Ting xi jinping bo xilai fan hu wen sichuan deng xuemei huoxing 2 nian], 10 November 16; "Yin Xu'an Trial of First Instance Concluded, Judgment To Be Announced Another Day" [Yin xu'an yishen jieshu zeri xuanpan], Radio Free Asia, 13 September 16; Rights Defense Network, "Rights Defense Network: Monthly Report on Individuals in Mainland China Not Yet Sentenced and Forcibly Disappeared (March 31, 2017) No. 18 (199 People in Total)" [Weiquan wang: zhongguo dalu jiya wei pan ji qiangpo shizong renyuan yuedu baogao (2017 nian 3 yue 31 ri) di shiba qi (gong 199 ren)], 31 March 17. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 202. Article 202 of the PRC Criminal Procedure Law provides that the court of first instance generally must render a judgment within two and at most three months after a case has been filed. A three-month extension may be granted by the high people's court for the following four reasons, as specified in Article 156: "1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal syndicates; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various quarters and for which it is difficult to obtain evidence." Further ex-

tension requires approval by the Supreme People's Court and is granted only under special circumstances.

[110] For more information on Gao Hancheng, see the Commission's Political Prisoner Database record 2017-00218.

[111] Voice of Petitioners, "Several Hundred Veterans Who Showed Support for Eight Veterans at Their Hearing, Including Gao Hancheng, Detained by Police" [Shubai laobing shengyuan gao hancheng deng ba laobing an kaiting zao jingfang zhuabu guanya], 27 April 17; "Pretrial Conference Held in Vietnam War Veteran Gao Hancheng's Case, Fellow Soldiers Who Show Support Intercepted" [Yuezhan laobing gao hancheng an zhaokai tingqian huiyi zhanyou shengyuan zao lanjie], Radio Free Asia, 27 April 17; Rights Defense Network, "Lawyers Li Yuhan and Wang Fei Filed Bail Application for the Fourth Time for War Veteran Gao Hancheng, Accused Wuhan Ankang Hospital of Torture" [Li yuhan wang fei lushi di si ci wei can zhan laobing gao hancheng shenqing qubao konggao wuhan ankang yiyuan nuedai], 26 February 17; "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng" [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 232. Article 232 of the PRC Criminal Procedure Law provides that the court of second instance generally must adjudicate a case within two months. A two-month extension may be granted by the high people's court for the following four reasons, as specified in Article 156: "1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal gangs; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various quarters and for which it is difficult to obtain evidence." Further extension requires approval by the Supreme People's Court and is granted only under special circumstances.

[112] Rights Defense Network, "Lawyers Li Yuhan and Wang Fei Filed Bail Application the Fourth Time for War Veteran Gao Hancheng, Accused Wuhan Ankang Hospital of Torture" [Li yuhan wang fei lushi disi ci wei canzhan laobing gao hancheng shenqing qubao konggao wuhan ankang yiyuan nuedai], 26 February 17; "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng" [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17.

[113] See, e.g., "Xie Yang's Legal Representative Chen Jian'gang Detained in Yunnan" [Xie yang daili lushi chen jian'gang zai yunnan beizhua], Radio Free Asia, 3 May 17; "Jiangsu Wang Jian To Be Tried on Wednesday" [Jiangsu wang jian zhou san shenxun], Radio Free Asia, 15 November 16; Rights Defense Network, "Chang Hongyan, Host of 'Petitioners Saturday,' Taken into Custody in Lu Village, Beijing, on Suspicion of Obstruction of Public Service, Under Which Arrest Was Approved" ["Fangmin xingqi liu" zhuchiren chang hongyan zai beijing lu cun bei yi shexian fanghai gongwu zui pibu zhua zou], 21 January 17; "Family Church in Xinjiang Weili Construction Corps Suffered Search and Seizure by Government" [Xinjiang weili jianshe bingtuan yi jiating jiaohui zao dangju chachao], Radio Free Asia, 1 March 17; Rights Defense Network, "Shandong Linqu Chen Zengjiang Detained While on a Ride, Ate Guaranty Document at Police Station and Beaten" [Shandong linqu chen zengjiang chengche bei zhua paichusuo nei tunshi baozheng shu zao da], 20 March 17; "Three Important Burial Sites Become Restricted Areas on 'Tomb Sweeping Day,' 10 People Detained While Paying Respect to Yang Jia" [San da muqu cheng "qingming" jindi ji yang jia 10 ren bei zhua], Radio Free Asia, 5 April 17.

[114] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 83, 91, 117, 122, 136; PRC People's Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended 26 October 12, effective, 1 January 13, art. 9.

[115] Ministry of Public Security, PRC People's Police Law (Amendment Draft) [Zhonghua renmin gongheguo renmin jingcha fa (xiuding cao'an gao)], 1 December 16, arts. 31–35. See also Liu Yizhan and Xiong Feng, "Three Points of Focus of Proposed Substantial Revision to People's Police Law" [Renmin jingcha fa ni daxiu jujiao san da guanzhu dian], Xinhua, 3 December 16.

[116] PRC People's Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended and effective 26 October 12.

[117] Ministry of Public Security, Provisions on the Administration and Use of Public Security Agencies' Official-Use Firearms [Gong'an jiguan gongwu yong qiang guanli shiyong guiding], issued and effective 9 October 99, arts. 2, 3; State Council, PRC Regulations on the People's Police Use of Police Equipment and Weapons [Zhonghua renmin gongheguo renmin jingcha shiyong jingxie he wuqi tiaoli], issued and effective 16 January 96, arts. 3, 9; Ministry of Public Security, Operating Rules and Procedures for On-Site Stopping of Illegal and Criminal Conduct of Public Security Agencies by the People's Police [Gong'an jiguan renmin jingcha xianchang zhizhi weifa fanzui xingwei caozuo guicheng], issued and effective 27 January 10, arts. 30, 31. See also PRC Firearms Management Law [Zhonghua renmin gongheguo qiangzhi guanli fa], passed 5 July 96, amended and effective 27 August 09, art. 5; Ministry of Public Security, Measures on Equipping Official-Use Firearms [Gongwu yong qiang peibei banfa], issued 26 May 98, amended and effective 28 August 02, art. I(1).

[118] Ministry of Public Security, PRC People's Police Law (Amendment Draft) [Zhonghua renmin gongheguo renmin jingcha fa (xiuding cao'an gao)], 1 December 16, art. 31.

[119] Sophie Richardson, Human Rights Watch, "Submission by Human Rights Watch to the National People's Congress Standing Committee on the Draft Revisions to the Police Law," reprinted in Human Rights Watch, 22 December 16, 2–3, citing UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba (27 August–7 September 1990), A/CONF.144/28/Rev.1, principle 9.

[120] Sophie Richardson, Human Rights Watch, "Submission by Human Rights Watch to the National People's Congress Standing Committee on the Draft Revisions to the Police Law," reprinted in Human Rights Watch, 22 December 16.

[121] See, e.g., "Dozens of Police Grab, Beat, and Detain Demolition Victims, Mother and Daughter With Disabilities; Accused of Wrongdoing After Sleeping in Government Building and Making Reports to Foreign Media" [Shushi jingcha zhua da juliu zao qiangchai canji munu lusu zhengfu xiang waimei baoliao huozui], Radio Free Asia, 25 May 17; "Man in Inner Mongolia Shot Dead After 'Attacking Police' While Intoxicated, Sparks Public Opinion and Debate" [Neimenggu nanzi jiuzui "xi jing" bei jibi yinfa yulun zhengyi], Radio Free Asia, 10 January 17; "Villagers From Taxian District, Anhui, Refuse To Relocate, Several Hundred Police Cordon Off Village, Beat and Grab Villagers" [Anhui taxian qu cunmin jujue banqian zao shubai jingcha feng cun zhua da], Radio Free Asia, 2 June 17.

[122] See, e.g., "Chu Ling Refuses To Remain Silent, Exposes Jiang Yefei Cruelly Beaten and Twice Underwent Operations" [Chu ling jujue zai chenmo pu jiang yefei bei dacan shoushu liangci], Radio Free Asia, 23 May 17; "Chen Yunfei Tortured and Abused While Serving Sentence" [Chen yunfei fuxing zhong shou kuxing nuedai], Radio Free Asia, 4 May 17; "Wang Yuping, Prisoner Convicted of Inciting Subversion, Suffering From Kidney Stones; Abused, Beaten, and Threatened in Jail" [Shandian fan wang yuping shenhuan jieshi yuzhong zao nuedai ouda weixie], Radio Free Asia, 8 September 16.

[123] For more information on Li Chunfu, see the Commission's Political Prisoner Database record 2015-00311.

[124] "Li Chunfu's Schizophrenia Suspected To Be Linked to Drug That Public Security Gave Him" [Li chunfu jingshen fenlie yi yu gongan gei ta yong yao youguan], Radio Free Asia, 16 January 17; Wang Qiaoling, "A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody," China Change, 15 January 17; Wang Qiaoling, "A Fourth Update on Lawyer Li Chunfu's Situation: 'What Are You Hiding From Me?'" China Change, 17 January 17; China Human Rights Lawyers Concern Group, "'709 Crackdown' Lawyers and Activists' Case Update* (2015.10.24–2015.10.30)," 30 October 15.

[125] Wang Qiaoling, "A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody," China Change, 15 January 17.

[126] Wang Qiaoling, "A Fourth Update on Lawyer Li Chunfu's Situation: 'What Are You Hiding From Me?'" China Change, 17 January 17.

[127] For more information on Wu Gan, see the Commission's Political Prisoner Database record 2010-00348.

[128] For more information on Wang Yu, see the Commission's Political Prisoner Database record 2015-00252.

[129] Yan Xin, "Complaint by Lawyer Yan Xin Addressed to Tianjin Municipal Procuratorate" [Yan xin lushi zhi tianjin shi jianchayuan de konggao han], reprinted in Human Rights in China, 16 December 16; Shen Yu, "Lawyer of 'Butcher' Wu Gan Writes Letter to Tianjin Municipal Procuratorate, Saying Wu Tortured by Domestic Security Officials" ["Tufu" wu gan lushi zhi xin tianjin shi jianchayuan zhi qi zaoyu guobao jingcha kuxing], Radio France Internationale, 16 December 16; "Wang Yu Reveals Custodial Abuse for the First Time, 709 Supporters Protest at Courthouse in the Hague" [Wang yu shouci baoguang yuzhong shou kuxing 709 shengyuanzhe hai ya fating kangyi], Radio Free Asia, 10 July 17.

[130] For more information on Wang Quanzhang, see the Commission's Political Prisoner Database record 2015-00278.

[131] For more information on Li Heping, see the Commission's Political Prisoner Database record 2015-00284.

[132] China Human Rights Lawyers Concern Group (chrlcg), "Li Heping and Wang Quanzhang Tortured With Electric Shocks To Faint" Twitter post, 23 January 17, 1:17 a.m.; "Li Heping, Wang Quanzhang Rendered Unconscious From Electric Shock" [Li heping, wang quanzhang ceng zao dianji zhi hunjue], Radio Free Asia, 23 January 17.

[133] June Cheng, "Wives of Chinese Torture Victims Beg Congress for Help," World, 19 May 17; "709 Crackdown: Lawyer Li Heping Released, Forced To Take Medicine While in Detention" [709 da zhuabu: li heping lushi huoshi zaiya qijian zao qiangpo fuyao], Radio Free Asia, 10 May 17.

[134] Bob Fu, "China's Tortured Lawyers," Wall Street Journal, 29 May 17; "Two More Individuals in 709 Case Reported To Have Been Forced To Take Medicine" [709 an zaiyou liang ren bei qiangbi fuyao], Radio Free Asia, 16 May 17; "July 9 Lawyer Li Shuyun Exposes Torture, Reveals Forced Drugging" [709 lushi li shuyun jie kuxing pilu beipo fuyao], Radio Free Asia, 14 May 17; John Sudworth, "Chinese Lawyer Li Heping 'Suffered Torture by Torture Instruments for a Month' at Tianjin PSB Detention Center" [Zhongguo lushi li heping zai tianjin kanshousuo "zheng yue zaoshou xingju zhemo"], BBC, 13 May 17; "Li Heping Exposes Torture Detail Again, Jiang Tianyong's Daughter Writes Open Letter to Father" [Li heping zai pu kuxing xijie jiang tianyong nu'er gongkai zhi fu xin], Radio Free Asia, 31 May 17.

[135] Civil Rights & Livelihood Watch, "Hunan Lawyer Xie Yang Placed Under Residential Surveillance at a Designated Location on Suspicion of Disturbing Court Order, Inciting Subversion of State Power" [Hunan xie yang lushi bei shexian raoluan fating zhixu, shandian zui zhiding jusuo jianshi juzhu], 15 July 15; Chinese Human Rights Defenders, "Individuals Affected by July 9 Crackdown on Rights Lawyers," 13 July 15, updated 6 February 17; Rights Defense Network, "In 709 Crackdown, Arrest Approved for Lawyer Xie Yang, Lawyer Xie Yanyi, and Lawyer Li Heping's Assistant Zhao Wei (Kao La)" [709 da zhuabu shijian zhong xie yang lushi, xie yanyi lushi, li heping lushi zhuli zhao wei (kao la) yi bei pizhun daibu], 11 January 16.

[136] Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17. According to the meeting record, a domestic security officer told Xie that the amount of rest Xie would be allowed to have was undefined in the law and would be entirely at the authorities' discretion, and could be as short as five minutes.

[137] Ibid.

[138] Ibid.; Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; "Tran-

script of Interviews With Lawyer Xie Yang (1)—Arrest, Questions About Chinese Human Rights Lawyers Group," China Change, last visited 8 August 17. Xie Yang identified the following officials who were involved in torturing and abusing him, directly or in complicity: 1) Captain Li Kewei of the Changsha Municipal Domestic Security Detachment; 2) Lieutenant Wang Dehua of the Changsha Municipal Domestic Security Detachment; 3) Captain Wang Tietuo of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 4) Lieutenant Zhu Heng of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 5) Instructor Ye Yun of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 6) Li Feng of the Hunan Domestic Security Corps; 7) Captain Xie Leshi of the Dongkou County Domestic Security Corps; 8) public security officers Zhou Lang, 9) Yin Zhuo, 10) Qu Ke, 11) Li Yang, 12) Zhou Yi, and 13) Zhuang Xiaoliang; 14) Department Director Liu Xiaohong of the Hunan Provincial People's Procuratorate Second Public Prosecution Department; 15) procurators Duan Xiaolong, 16) Jiang Bin, 17) Li Zhiming, 18) Wang Zhiyong, 19) Fang Hui, 20) Hu Yongchao, 21) Li Weining, and 22) a deputy director surnamed Jin; and 22) Bailiff Yuan Jin. See also "'China Human Rights Accountability Center' Issues a Public Announcement To Collect Personal Information on Seven Human Rights Abusers Who Tortured 709 Lawyer Xie Yang" ["Zhongguo renquan wenze zhongxin" fabu gonggao, zhengji dui 709 lushi xie yang shi yi kuxing de qi wei renquan shihaizhe geren xinxi], Radio Free Asia, 31 January 17.

[139] Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17.

[140] "Xie Yang of the 709 Case Personally Wrote Letter Seeking Accountability From Changsha Procurators" [709 an xie yang qinbi xin wenze changsha jianchaguan], Radio Free Asia, 21 January 17.

[141] "Investigation Reveals Fake 'Torture Stories' About Lawyer Xie Yang," Xinhua, reprinted in Global Times, 2 March 17; "Truth of 'Xie Yang Tortured' Revealed: Fabricated To Cater to the West" [Jiemi "xie yang zao kuxing" zhenxiang: wei yinghe xifang pingkong niezao], Global Times, 1 March 17; Zhang Yan, "Story of Torture Is 'Fake,'" China Daily, 2 March 17.

[142] Rights Defense Network, "Lawyer Chen Jian'gang: Before and After Meeting With Xie Yang" [Chen jian'gang lushi: huijian xie yang de qianhou], 3 March 17.

[143] See, e.g., "Lu Gengsong Tortured in Jail and His Health Deteriorates, Outside World Calls for Granting Political Prisoners Medical Parole" [Lu gengsong yu zhong shounue jiankang ehua waijie huyu yingjiu zhengzhifan baowai jiuyi], Radio Free Asia, 23 December 16; "Hubei Prisoner of Conscience Wang Yuping Has Worrying Health Concerns, Jiangsu Shan Lihua Lacks Medical Treatment and Medicine While Imprisoned" [Hubei liangxin fan wang yuping jiankang kanyou jiangsu shan lihua yu zhong que yi shao yao], Radio Free Asia, 13 April 17; "Hu Shigen's Seriously Deteriorating Health Exposes 'Deal,' Huang Wenxun Denied Tumor Treatment by Prison [Authorities]" [Hu shigen jiankang yanzhong shousun baoguang "jiaoyi" huang wenxun huan zhongliu jianyu ju zhi], Radio Free Asia, 13 July 17.

[144] UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/22/53, 1 February 13, paras. 17–22; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87.

[145] Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, arts. 22–26; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173 9 December 88, principle 24.

[146] Chris Buckley, "Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61," New York Times, 13 July 17.

[147] Austin Ramzy, "Chinese Hospital Invites Cancer Experts To Help Treat Nobel Laureate," New York Times, 4 July 17. See also Tom Phillips, "'Time Running Out' for Terminally Ill Chinese Dissident Liu Xiaobo," Guardian, 5 July 17; "Questions Raised About Liu Xiaobo's Prison Medical Treatment," Associated Press, 27 June 17.

[148] Didi Kirsten Tatlow, "Chinese Man's Death in Custody Prompts Suspicion of Police Brutality," New York Times, Sinosphere (blog), 12 May 16.

[149] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397.

[150] Beijing Municipal People's Procuratorate, "Beijing Procuratorate Lawfully Conducted Examination and Investigation on Five Police Officers, Including a Person Surnamed Xing, and Found Elements of Dereliction of Duty Offense Established" [Beijing jianfang yifa shencha rending xing moumou deng wu ming she'an jingwu renyuan fuhe wanhu zhishou zui goucheng tiaojian], 23 December 16; "Person in Charge of Fengtai District People's Procuratorate in Beijing Answers Reporters' Questions About Dereliction of Duty Case of Five Individuals, Including a Person Surnamed Xing" [Beijing shi fengtai qu renmin jianchayuan youguan fuzeren jiu xing moumou deng wu ren wanhu zhishou an da jizhe wen], Qianlong Web, 23 December 16; Chris Buckley and Adam Wu, "No Trial for Beijing Officers Over Death of Environmentalist," New York Times, 23 December 16; Beijing Municipal Public Security Bureau (Ping'an Beijing), "Police Officers and Persons Responsible for the Lei Yang Case Receive Party and Government Discipline" [Lei yang an she an jingwu renyuan he xiangguan zerenren shoudao dang zheng ji chuli], Weibo, 29 December 16, 4:00 p.m. Authorities reported that they imposed administrative sanctions on law enforcement personnel connected to the Lei Yang case.

[151] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397; Supreme People's Court and Supreme People's Procuratorate, Interpretation of Certain Issues Regarding the Application of Law in Handling Criminal Cases Involving Dereliction of Duty by Public Officials (One) [Guanyu banli duzhi xingshi anjian shiyong falu ruogan wenti de jieshi (yi)], issued 7 December 12, effective 9 January 13, art. 1(1).

[152] United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 11 May 17. China signed the convention on December 12, 1986, and ratified it on October 4, 1988.

[153] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, arts. 4, 7, 16(1). Article 7 of the Convention against Torture provides, "The State Party . . . shall submit the case to its competent authorities for the purpose of prosecution." Article 16(1) provides, "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1 . . .." See also Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 5 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 7 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"); Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 90, 7 ("Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law").

[154] Compensation Committee, Supreme People's Court, State Compensation Decision [Guojia peichang jueding shu], Case No. (2016) Zui Gao Fa Wei Pei 11 Hao, 24 January 17.

[155] PRC Public Security Bureau Detention Center Regulations [Zhonghua renmin gongheguo kanshousuo tiaoli], issued and effective 17 March 90, art. 17.

[156] Compensation Committee, Supreme People's Court, State Compensation Decision [Guojia peichang jueding shu], Case No. (2016) Zui Gao Fa Wei Pei 11 Hao, 24 January 17.

[157] Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, principles 33–34.

[158] Ministry of Public Security, "Ministry of Public Security's Public Comments Solicitation Notice on the PRC Public Security Bureau Detention Center Law (Draft for Solicitation of Comments)" [Gong'anbu guanyu "zhonghua renmin gongheguo kanshousuo fa 'gongkai zhengqiu yijian gao'" gongkai zhengqiu yijian de gonggao], 15 June 17; Ni Dandan, "Lawyers Skeptical About China's New Detention Center Law," Sixth Tone, 19 June 17.

[159] Ministry of Public Security, PRC Public Security Bureau Detention Center Law (Draft for Solicitation of Comments) [Zhonghua renmin gongheguo kanshousuo fa (gongkai zhengqiu yijian gao)], issued 19 June 17, art. 71; Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, principles 33–34.

[160] Margaret Lewis, "Penetrating Law Into the Walls of Chinese Detention Centers," University of Nottingham, China Policy Institute: Analysis (blog), 18 July 17; Cui Xiankang et al., "Draft Law on Detention Centers Won't Help Reduce Police Torture, Critics Say," Caixin, 20 June 17; "Over a Hundred Chinese Lawyers and Citizens Jointly Sign Citizen Opinion Letter on 'Public Security Bureau Detention Center Law'" [Zhongguo bai lushi he gongmin lianshu "kanshousuo fa" gongmin yijianshu], Radio Free Asia, 6 July 17; Ge Wenxiu et al., "PRC Public Security Bureau Detention Center Law (Public Comments Draft)" [Zhonghua renmin gongheguo kanshousuo fa (gongmin jianyi gao)], reprinted in Rights Defense Network, 5 July 17. See also Ni Dandan, "Lawyers Skeptical About China's New Detention Center Law," Sixth Tone, 19 June 17.

[161] For the Commission's past reporting on wrongful conviction, see CECC, 2014 Annual Report, 9 October 14, 88–89; CECC, 2015 Annual Report, 8 October 15, 106–8; and CECC, 2016 Annual Report, 6 October 16, 106.

[162] He Jiahong, Back From the Dead: Wrongful Convictions and Criminal Justice in China, (Honolulu: University of Hawai'i Press, 2016), 47, 50.

[163] Zhang Cong, "The Bottom Line of Adamantly Preventing Wrongful Convictions (Dialogue)" [Jianshou fangzhi yuanjia cuo'an de dixian (duihua)], People's Daily, 29 March 17; "SPP Official: Provisions on Conducting Criminal Petition Examination in a Different Locality Researched and Drafted" [Zuigaojian guanyuan: yi yanjiu qicao xingshi shensu anjian yidi shencha guiding], China News Service, 10 February 17; Zhou Bin, "Supreme Procuratorate Criminal Case Petition Office Director Explains Procuratorate's Work in Criminal Case Petitions: Firmly Guard Against Wrongful Convictions" [Zuigaojian xingshi shensu ting tingzhang jiedu xingshi shensu jiancha gongzuo: shoulao fangzhi yuanjia cuo'an dixian], Legal Daily, reprinted in Supreme People's Procuratorate, 22 February 17.

[164] Cao Yajing, "Supreme People's Court Issues Judicial Reform and Judicial Transparency White Papers" [Zuigao renmin fayuan fabu sifa gaige, sifa gongkai baipishu], People's Court Daily, reprinted in China Court Network, 27 February 17.

[165] Supreme People's Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao renmin fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 3, 30 November 16, reprinted in China Judgements Online, 2 December 16; Luo Sha and Bai Yang, "Supreme People's Court

Finds Nie Shubin Not Guilty After Retrial" [Zuigao renmin fayuan zaishen gaipan nie shubin wuzui], Xinhua, 2 December 16.

[166] Supreme People's Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao renmin fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 3, 30 November 16, reprinted in China Judgements Online, 2 December 16. In another case published during the Commission's 2017 reporting year, the Supreme People's Court rescinded several intentional homicide convictions without directly addressing the defendants' claims of torture. Supreme People's Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 2, 20 January 17, reprinted in China Judgements Online, 14 March 17; "Supreme Court Announces Judgment in Retrial in Case Involving Charges of Organizing, Leading, and Participating in Criminal Syndicates, Intentional Homicide, and Extortion Against Defendants, Including Sun Baoguo, Sun Baodong, and Sun Baomin" [Zuigaofa dui yuanshen beigaoren sun baoguo, sun baodong, sun baomin deng ren zuzhi, lingdao, canjia heishehui xingzhi zuzhi, guyi sharen, qiaozha lesuo deng zaishen yi an xuanpan], Xinhua, 23 January 17.

[167] Supreme People's Court, "Court Reform in China," 14 March 17, III. See also PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], passed 12 May 94, amended 29 April 10, 26 October 12, effective 1 January 13, art. 17; Supreme People's Court and Supreme People's Procuratorate, Interpretations on Certain Issues Regarding the Application of Law in Handling Criminal Compensation Cases [Guanyu banli xingshi peichang anjian shiyong falu ruogan wenti de jieshi], issued 28 December 15, effective 1 January 16, art. 21; "Supreme People's Court Issues Newest State Compensation Standard, Daily Compensation Amount for Infringement of Personal Freedom Set at 258.89 Yuan Per Day" [Zuigao renmin fayuan gongbu guojia peichang zuixin biaozhun qinfan gongmin renshen ziyou quan de peichangjin biaozhun wei meiri 258.89 yuan], People's Court Daily, reprinted in Supreme People's Court, 31 May 17; 2016 China Law Yearbook [2016 zhongguo falu nianjian] (Beijing: China Law Yearbook Press, 2016), 1299, table 9. According to the 2016 China Law Yearbook, in 2015, official data indicates that courts awarded compensation in 606 of 2,528 adjudicated cases involving compensation claims in criminal matters.

[168] Shan Yuxiao, "Awaiting Further Disclosure on State Compensation" [Guojia peichang dai jinyibu gongkai], Caixin, 28 February 17.

[169] "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17.

[170] Amnesty International, "China's Deadly Secrets," April 2017, 14, 27–28; Amnesty International, "Death Sentences and Executions 2016," April 2017, 2, 4, 19; Amnesty International, "Death Penalty: World's Biggest Executioner China Must Come Clean About 'Grotesque' Level of Capital Punishment," 11 April 17.

[171] Amnesty International, "China's Deadly Secrets," April 2017, 27–28.

[172] National People's Congress Standing Committee, PRC People's Courts Organic Law (Amended) [Zhonghua renmin gongheguo renmin fayuan zuzhi fa (xiuzheng)], passed 1 July 79, amended 2 September 83, 2 December 86, 31 October 06, effective 1 January 07, art. 12; National People's Congress Standing Committee, Decision on Amending PRC People's Courts Organic Law [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo renmin fayuan zuzhi fa" de jueding], issued 31 October 06, effective 1 January 07; Supreme People's Court, Decision on Issues Relating to the Unified Exercise of the Approval Authority on Death Penalty Cases [Zuigao renmin fayuan guanyu tongyi xingshi sixing anjian hezhunquan youguan wenti de jueding], issued 13 December 06, effective 1 January 07.

[173] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34; Supreme People's Court and Ministry of Justice, Several Provisions on Comprehensively Protecting Lawyers in Fulfilling Their Duty To Defend According to Law, and Ensuring Quality in the Handling of Death Penalty Cases [Zuigao renmin fayuan sifabu guanyu chongfen baozhang lushi yifa luxing bianhu zhize, quebao sixing anjian banli zhiliang de ruogan guiding], issued 21 May 08, art. 2.

[174] Hua Xuan, "Ten Years After Regaining Death Penalty Review Authority: What Can Lawyers Do for Death Row Inmates" [Sixing fuhe shangshou shinian: lushi neng wei sixingfan zuo shenme], Southern Weekend, 16 September 16; Li Haiyang, "Ten Years After Regaining Death Penalty Review Authority, Experts Call for Uniform Adjudication Standard" [Sixing fuhe quan shouhui shinian zhuanjia huyu tongyi caipan biaozhun], Legal Weekly of Business Daily, 10 October 16.

[175] Ibid.

[176] Ibid. See also Chinese Human Rights Defenders, "NGO Mid-Term Assessment of China's Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report)," 22 November 16, 31.

[177] Although the Chinese government has promulgated rules to regulate the sourcing of organs, it has not outlawed sourcing organs from executed prisoners. PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 234–1. The PRC Criminal Law prohibits organized trading of organs, the removal of organs without consent, and the inducement of another to donate organs by fraud or coercion. State Council, Regulations on Human Organ Transplants [Renti qiguan yizhi tiaoli], issued 31 March 07, effective 1 May 07, arts. 7, 21. The State Council's Regulations on Human Organ Transplants prohibit medical facilities from charging a fee for the transplanted organ. Ministry of Health, Certain Provisions on Standardizing Live Organ Transplantation [Weishengbu guanyu guifan huoti qiguan yizhi de ruogan guiding], issued and effective 28 December 09. In general, the Ministry of Health's Certain Provisions on Standardizing Live Organ Transplantation implement the State Council's Regulations on Human Organ Transplants. National Health and Family Planning Commission, Regulations on Administering Procurement and Distribution of

Human Organ Donations (Trial) [Renti juanxian qiguan huoqu yu fenpei guanli guiding (shixing)], issued 13 August 13, effective 1 September 13, arts. 5, 6. The trial Regulations on Administering Procurement and Distribution of Human Organ Donations create organ procurement organizations in every provincial-level administrative jurisdiction and require them to register procured organs in a national registry.

[178] Amnesty International, "China's Deadly Secrets," April 2017, 12; Stephanie Kirchgaessner, "China May Still Be Using Executed Prisoners' Organs, Official Admits," Guardian, 7 February 17.

[179] Stephanie Kirchgaessner, "China May Still Be Using Executed Prisoners' Organs, Official Admits," Guardian, 7 February 17. See also Amnesty International, "China's Deadly Secrets," April 2017, 12.

[180] "'Zero Tolerance on Transplantation of Organs Sourced From Executed Prisoners,' Huang Jiefu Said Armed Police Hospital's License Revoked for Illegal Operation" ["Ling rongren siqiu qiguan yizhi" huang jiefu zhi wujing yiyuan feifa shoushu zao chupai], Ming Pao, 17 October 16.

[181] Ibid.

FREEDOM OF RELIGION

International and Chinese Law on Religious Freedom

Both Chinese and international law provide guarantees for religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of the principles of religious freedom as Chinese authorities exercised broad discretion over the religious practice of Chinese citizens.

Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religion—which cannot be restricted—and the right to outwardly manifest those beliefs—which can be limited for certain, specific justifications.[1] These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).[2] China has signed[3] and stated its intent to ratify[4] the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose.[5]

Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[6] With essential terms such as "normal" undefined, it is unclear whether China's Constitution protects the same range of belief and outward manifestation that is recognized under international law.[7] In other ways, however, China's Constitution and other Chinese legal provisions[8] join the ICCPR in prohibiting discrimination based on religion[9] and loosely parallel the ICCPR's prohibition on coercion[10] by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.[11]

China's Constitution prohibits "making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State."[12] The ICCPR does allow State Parties to restrict outward manifestations of religion or belief, but such restrictions must be "prescribed by law and . . . necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."[13]

Religious Affairs Regulations and Policy

Religious affairs in China are administered by a network of Party committees, government agencies, and official religious organizations under the direction of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo).[14] The United Front Work Department (UFWD), under the Party's Central Committee, develops and oversees implementation of Party policies on religion and monitors religious groups and leaders on behalf of the Party.[15] The government agency responsible for religious affairs at the national level is the State Administration for Religious Affairs (SARA) under the State Council, while subnational bureaus manage religious affairs at lower levels.[16] These religious affairs agencies have effective authority over the state-sanctioned "patriotic" religious associations that act as liaisons between the government and practitioners of the five "main" religions in China,[17] while the UFWD vets the association leaders.[18] Public

security bureaus are generally responsible for enforcement of laws against religious activity deemed illegal.[19] The "610 Office" is a working group, made up of officials from a number of Party and government agencies, that was originally established in 1999 to coordinate and execute operations for campaigns aimed at eliminating the practice of Falun Gong.[20] In 2003, the "610 Office" was authorized to target other religions as well.[21]

The Chinese government's regulatory framework for religious affairs imposes numerous restrictions on religious freedom. The 2005 Regulations on Religious Affairs (RRA), in effect during this reporting period, protect "lawful" religious rights.[22] "Lawful" is not defined, and religious activity is subject to extensive government approvals and restrictions.[23] These include official guidelines for the content and distribution of religious publications, restrictions that limit religious activities to government-approved sites, and requirements that religious personnel be approved by local religious affairs authorities.[24]

Current regulations require religious groups to register with the government, and legal protection of religious activities is contingent on complying with registration requirements.[25] Registration requirements can be burdensome and sometimes impossible for religious groups to fulfill—for example, smaller groups may not have the requisite 50 individual members[26] or the resources to complete complex financial reporting requirements.[27] Officials will deny registration applications of religious groups that are not affiliated with a state-sanctioned patriotic association.[28] This poses a challenge for the registration of religious groups that refuse to join patriotic associations; some groups prefer not to join due to their desire to maintain autonomy or their view that doing so would violate their religious beliefs.[29] Registration and the regulatory system that it facilitates impose restrictions[30] on rights to religious freedom or belief recognized under international law, such as the right to meet as a religious group,[31] the right to determine religious leadership[32] and content of worship,[33] the right to religious education,[34] the right to publication and dissemination of religious materials,[35] and the right to international communication and exchange.[36]

Unregistered groups and registered groups alike operate in an environment that is uncertain, as officials may tolerate or punish them depending on whether their activities align with government and Party interests. In practice, experts observe that officials may tolerate the religious activities of unregistered groups,[37] especially if officials believe that the activities promote social or economic development interests.[38] Unregistered religious and spiritual communities are vulnerable to government harassment, detention, and other abuses,[39] yet groups may be sanctioned regardless of registration status when officials view them as posing a challenge to government authority or the Party's interests,[40] with some religious groups and practices banned outright.[41] The UN Special Rapporteur on freedom of religion and belief has stated that "registration as a precondition for practicing one's religion or belief" is a limitation interfering with the right to freedom of religion or belief.[42]

Revisions to the Regulations on Religious Affairs

The Chinese government released draft revisions to the Regulations on Religious Affairs in September 2016,[43] soliciting public comment for a one-month period.[44] In a written explanation, the government highlighted objectives that included addressing the use of religion to threaten national security, strengthening the role of patriotic religious organizations, regulating religious content on the Internet, allowing religious groups to register for legal status and obtain property rights over their assets, and combatting commercialization in the religious sector.[45] Some Chinese religious believers and scholars viewed a few of the proposed changes as potential improvements on current regulations, particularly the provision allowing religious groups to register for legal status.[46] The draft revisions also included new provisions codifying the role of public security in the implementation of religious affairs regulations[47] and increased government scrutiny of religious groups,[48] prompting observations that such measures would serve to increase government control of religious groups.[49] The draft revisions also included new penalties for those "providing facilities" for unauthorized religious activities,[50] which experts believed might be used to target unregistered Protestant groups.[51] Observers also noted that the draft revisions failed to clearly define some important terms, such as "extremism," "normal," and "abnormal," thus giving authorities broad discretion to restrict citizens' religious rights.[52] One Muslim leader said that such discretion over the definition of "extremism" in local regulations had already led to large-scale repression of religious freedom in the Xinjiang Uyghur Autonomous Region.[53] The release of the draft revisions followed a major leadership conference on religious policy convened by President and Party General Secretary Xi Jinping in April 2016,[54] during which Xi promoted the "sinicization" of religion in China, a term that officials have used often in recent years to encourage the adaptation of religious beliefs and activities to align with government and Party interests.[55] One international rights organization characterized the revisions as "implementing the new ideology [of sinicization] on a legislative level."[56] The revisions are in line with a long-term Party policy of using religion as an instrument for promoting national unity and social stability,[57] although commentators also drew parallels with recently implemented restrictions on civil society groups through legislative measures such as the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities.[58] In January 2017, the SARA included implementation of revisions to the RRA in its 2017 Work Objectives, stating that it would hold meetings and trainings regarding implementation and provide guidance to local governments to align local regulations with the revisions.[59]

On September 7, 2017, the State Council issued revisions to the RRA, to take effect on February 1, 2018.[60] The final revisions contained few changes from the draft released for public feedback.[61] One scholar stated that he believed some of the "candid" recommendations offered by lawyers and legal scholars went unconsidered and that the final revisions were "more restrictive" than the draft version.[62]

Other laws and Party policies also continued to restrict citizens' freedom to hold religious beliefs and practice religion. Article 300

of the PRC Criminal Law criminalizes "organizing and using a cult to undermine implementation of the law."[63] In January 2017, the Supreme People's Court and the Supreme People's Procuratorate issued a joint interpretation of Article 300 that set out new sentencing guidelines and expressly criminalized certain forms of Internet usage to disseminate information about a "cult," among other revisions.[64] One international rights organization speculated that the new sentencing guidelines might reduce the length of sentences under Article 300, yet also expressed concern about the authorization of new penalties, such as deprivation of political rights.[65] The revised interpretation took effect in February 2017.[66] In addition, the PRC National Security Law stipulates that "the use of religion to conduct illegal criminal activities that threaten state security" must be prevented and punished.[67] The law also contains mandates to "maintain the order of normal religious activities," "oppose the interference of foreign influence into domestic religious affairs," and "suppress cult organizations."[68] The longstanding[69] ban on religious belief for Party members remained in effect; SARA Director Wang Zuo'an reiterated the ban in a July 2017 article for a major Party journal,[70] noting that in recent years, certain high level officials had been found to believe in religion and that officials with religious beliefs would "undergo education to relinquish their beliefs" or face punishment.[71]

Chinese Buddhism (Non-Tibetan) and Taoism

While government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression, they nonetheless continued to subject these religions to extensive regulation and control. A large number of Chinese citizens engage in Buddhist and Taoist practices, with estimates of around 244 million Buddhists as of 2010,[72] and 173 million citizens engaging in some Taoist practices as of 2007.[73] [For information on Tibetan Buddhism, see Section V—Tibet.]

Government regulations continued to require Taoist and Buddhist temples to register with their local religious affairs bureau,[74] and to forbid unregistered sites from conducting religious activities and collecting donations.[75] Despite this prohibition, numerous active Buddhist and Taoist sites have not registered.[76]

The government and Party continued their wide-ranging control and support of officially sanctioned practice of Chinese Buddhism and Taoism. In addition to maintaining extensive regulations,[77] authorities continued to exercise control over sanctioned practice by, for example, administering sanctioned sites in conjunction with religious leaders.[78] Authorities ensure the political reliability of Taoist religious leadership by requiring all candidates for the clergy to obtain the approval of the local patriotic association and religious affairs bureau for ordination.[79]

Chinese officials continued to hold the leader of the Buddhist Huazang Dharma group, Wu Zeheng,[80] and several followers in custody. Authorities sentenced Wu to life in prison in 2015 on charges of "organizing and using a cult to undermine implementation of the law,"[81] rape, fraud, and the production and sale of poisonous or harmful food.[82] In November 2016, the UN Working Group on Arbitrary Detention issued opinions concluding that the

Chinese government arbitrarily detained Wu and his followers for "legitimate exercise of the right to freedom of opinion and expression, freedom of religion and freedom of association," opining that Wu and the other detainees should be released immediately and compensated for the violations of their rights.[83] Wu served an 11-year sentence from 1999 to 2010 for "economic crimes" after openly criticizing official restrictions on religious freedom in China.[84]

Christianity—Catholicism

The Chinese government maintained measures that impede the freedom under international standards[85] of Chinese Catholic congregations to be led by clergy who are selected and who conduct their ministry according to Catholic religious beliefs. The number of Catholics is estimated to be around 12 million, with the State Administration for Religious Affairs reporting that 5.7 million Catholics were part of officially sanctioned congregations in 2014.[86] The government continued to push for Chinese Catholic bishops to be "self-selected and self-ordained"[87]—selected through the patriotic religious organizations in consultation with government and Party officials, and then ordained by Chinese bishops without the involvement of the Holy See.[88] Many Chinese Catholics, sometimes known as "underground Catholics," avoid the ministry of these bishops because they believe legitimate ecclesiastical authority can be conferred only by the Pope's mandate.[89] Many Chinese Catholics also object to bishops who are members of the patriotic religious association for Chinese Catholics, the Catholic Patriotic Association (CPA).[90] The Holy See has declared the CPA "incompatible with Catholic doctrine" because it claims authority over Chinese bishops and their church communities while being backed by the Chinese government and maintaining independence from the Holy See.[91]

The Chinese government and the Holy See were reportedly close to an agreement about the system of bishop appointments in China in October 2016,[92] but the potential agreement was in question after Paul Lei Shiyin, an excommunicated bishop ordained without papal approval, participated in two ordination ceremonies for Chinese bishops later in the year.[93] Local observers reportedly believed that Lei's inclusion in the ordinations was directed by the Chinese government to signal its ultimate authority over the Catholic Church in China.[94] A Catholic news media outlet reported that a round of talks in June 2017 "was not smooth," ending with "no open gesture from either side."[95]

Government officials continued to detain or otherwise restrict the freedom of Catholic leaders in both the underground and official church. In April 2017, officials reportedly detained two underground Catholic bishops in undisclosed locations—Peter Shao Zhumin of the Diocese of Wenzhou in Zhejiang province[96] and Vincent Guo Xijin of the Diocese of Mindong in Fujian province.[97] The bishops were unable to preside over Easter services, and Catholic news media reported that the local governments intended to pressure the bishops into joining the CPA.[98] Guo was reportedly released in May 2017; Shao was released after five days in detention, but detained again in May 2017.[99] According to the Catholic news outlet LaCroix, this was the fourth time authorities had detained Shao since he became the Bishop of Wenzhou after his predecessor

passed away in September 2016.[100] As of August 2017, the Commission had not observed any reports as to the whereabouts or condition of Shao or of several underground Catholic leaders from Hebei province, including Coadjutor Bishop Cui Tai, Bishop Cosmos Shi Enxiang, and Bishop James Su Zhimin.[101] A bishop in the official church, Thaddeus Ma Daqin of the Diocese of Shanghai, remained under surveillance and extralegal confinement at Sheshan seminary in Shanghai municipality, although he reportedly rejoined the Shanghai branch of the CPA by January 2017.[102] Authorities had restricted Ma's freedom of movement and communication after his public resignation from the CPA during his ordination ceremony in July 2012.[103]

Christianity—Protestantism

Chinese government and Communist Party officials continued to subject Protestant Christian belief and practice to a wide range of restrictions, infringing upon the religious freedom of an estimated 60 to 80 million Chinese Protestants.[104]

Instances of official persecution of Protestant communities in 2016 reportedly increased from the prior year.[105] International rights organization ChinaAid said that the intensified clampdown of recent years may be due in part to official concern that Protestant communities pose a potential threat to the dominance of the Communist Party because of their size, socioeconomic diversity, independent and decentralized manner of organization, and connections with Christian groups based in foreign, democratic countries.[106] International observers asserted that official hostility toward Protestantism may also be connected to the Party's "sinicization" campaign in recent years aimed at adapting religious belief and practices in China to align with government and Party interests.[107]

Officials increased restrictions and monitoring for churches that have joined the Three-Self Patriotic Movement (TSPM), the state-controlled organization that manages Protestant religious practice.[108] These increased restrictions, commentators noted, continued a trend of expanding the enforcement of repressive policies from house churches to officially sanctioned churches.[109] Such measures included a prohibition on churches organizing summer activities for youth in Henan province [110] and a ban on minors participating in any church activities for many churches in Wenzhou municipality, Zhejiang province.[111] Earlier in the year, the Zhejiang TSPM reportedly issued a written requirement for all churches, including Catholic churches, to install surveillance cameras for the purported purpose of "strengthening anti-terrorism efforts." [112] Local officials began the forcible installation of cameras in some churches in March 2017 and reportedly beat those who attempted to oppose their efforts.[113]

Chinese officials continued policies aimed at pressuring unregistered Protestant congregations, commonly known as house churches, to join the TSPM.[114] As in previous years,[115] Protestant house churches continued to face raids during church gatherings,[116] eviction from meeting spaces,[117] and official bans on worship.[118] ChinaAid further reported that authorities forced some churches in Wenzhou to install surveillance cameras for government moni-

toring, in apparent connection with the TSPM notice mentioned above.[119] Authorities also reportedly subjected some believers to harassment,[120] violence,[121] or detention.[122] In Jiangxi province, local governments reportedly issued directives to forcibly remove crosses and perimeter walls from churches;[123] by August 2017, authorities had removed at least 10 church crosses,[124] leading local religious leaders to raise concerns about parallels to the official cross-removal campaign in Zhejiang beginning in 2014 that ultimately removed more than 2,000 crosses.[125] The Wenzhou Municipality Ethnic and Religious Affairs Bureau in Zhejiang announced a new plan for a program that would deploy over 1,500 religious affairs bureau liaisons to monitor the religious activity of all households in Lucheng district, Wenzhou.[126] In several instances, authorities detained house church members on charges of "organizing and using a cult to undermine implementation of the law," under Article 300 of the PRC Criminal Law.[127] Some researchers have noted with concern that some Chinese authorities may be applying the criminal "cult" designation to religious groups beyond those officially banned by the government to generally cover all religious organizations not officially registered with the government.[128] Chinese Protestant communities expressed concern that the revisions to the Regulations on Religious Affairs[129] would provide a legal basis for further restricting the activities of unregistered Protestant congregations.[130]

During this reporting year, prominent cases involving the detention of Protestant Christian believers included:

- **Li Hongmin.** Authorities arrested Li Hongmin, a member of a house church in Guangdong province, in July 2016 and tried him for "illegal business activity"[131] in October 2016.[132] The indictment accused him of printing Christian books without official permission.[133] In March 2017, authorities sentenced him to 10 months' imprisonment and a fine of 10,000 yuan.[134] Local authorities harassed his wife, Xu Lei, and pressured her landlord to evict her after she attempted to petition authorities in Beijing municipality regarding Li's detention.[135]
- **Living Stone Church members.** Authorities tried several members of the Living Stone Church, a house church in Guiyang municipality, Guizhou province, after extended periods of detention, including Pastor **Li Guozhi** (also known as Yang Hua, sentenced to two years and six months' imprisonment in December 2016 for "intentionally leaking state secrets"),[136] **Zhang Xiuhong** (a church deacon, sentenced to five years' imprisonment in February 2017 for "illegal business activity,"[137] later reduced in August 2017 to a three-year sentence, suspended for five years),[138] and church members **Wang Yao** and **Yu Lei** (tried in October 2016 for "intentionally leaking state secrets," both had yet to receive a ruling as of August 2017).[139] In March 2017, Pastor Yang Hua's lawyers asserted that he urgently needed to be hospitalized for a serious medical condition and asked the procuratorate to review the necessity of his detention.[140] The Guiyang government subjected many other Living Stone Church members to repressive measures such as fines, harassment, surveillance, and detention

after designating the church an "illegal social group" in 2015.[141]

• **Zhang Shaojie.** The pastor of a registered TSPM church in Nanle county, Puyang municipality, Henan province, Zhang Shaojie continued to serve a 12-year sentence issued in 2014 for "fraud" and "gathering a crowd to disturb social order."[142] In June 2017, his daughter reported that authorities were depriving him of sleep, food, and access to the outdoors, and also forbid him from discussing conditions in prison with family members during visits.[143] Authorities detained Zhang in November 2013, after a group of church members traveled to Beijing municipality to file a petition regarding a land dispute with local authorities.[144]

• **Gu Yuese.** Authorities in Hangzhou municipality, Zhejiang province, detained Gu Yuese for a second time in December 2016 and re-arrested him in January 2017 for "misappropriation of funds."[145] Gu is reportedly the highest level figure within a government-sponsored religious organization to have been arrested in nearly thirty years—he was the leader of China's largest officially sanctioned church[146] and chairperson of the China Christian Council, a patriotic religious organization, at the provincial level.[147] He was detained in January 2016 and stripped of these positions in February 2016 after he expressed opposition to the ongoing cross-removal campaign in Zhejiang.[148] Authorities had arrested Gu on the same charge in January 2016 and released him on bail in March 2016.[149]

Falun Gong

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment.[150] Due to extreme government suppression, it is difficult to determine the number of Falun Gong practitioners in China.[151] Officials have reportedly subjected practitioners to extreme physical and psychological coercion, with human rights organizations[152] and Falun Gong practitioners documenting coercive and violent practices against practitioners during custody, including physical violence,[153] forced drug administration,[154] and other forms of torture.[155] In March 2017, Minghui (Clear Wisdom), a U.S.-based news organization affiliated with Falun Gong, reported 80 confirmed deaths of Falun Gong practitioners in 2016 due to treatment while in custody.[156] Authorities commonly prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law.[157]

International observers continued to express concern over reports that numerous organ transplants in China have used the organs of detained prisoners, including Falun Gong practitioners.[158] International medical professionals were skeptical[159] of a Chinese health official's claims that organ procurement systems have been reformed in compliance with international standards, noting a lack of transparency[160] and discrepancies in official data.[161]

Islam

During this reporting year, officials maintained policies exerting strong influence and control over the religious belief and activities

of an estimated 10.5 million[162] Hui Muslim believers. Although policies for Hui Muslims remained less repressive than those affecting Muslims in the Xinjiang Uyghur Autonomous Region (XUAR),[163] hostile rhetoric targeting Muslims in general from both officials and the public[164] increased.[165] One expert said that this could increase the likelihood that policies affecting the religious freedom of Hui Muslims may become more restrictive.[166] [For information on freedom of religion for Uyghur and other minority group Muslim believers in the XUAR, see Section IV—Xinjiang.]

Ongoing policies included "political reliability" and "patriotic education" requirements for religious leaders. To be officially certified, imams must be educated at state-sanctioned Islamic schools and be approved by the local religious affairs bureau and the Islamic Association of China, the patriotic religious association for Chinese Muslims.[167] After certification, imams must continue to attend political training sessions.[168] Both the Islamic Association of China (IAC) and the State Administration for Religious Affairs (SARA) continued to promote interpretations of Islamic law and belief that support the Chinese political system.[169] All Chinese Muslims seeking to carry out the Hajj pilgrimage must fulfill requirements for "political reliability," including taking "patriotic education" classes, obtaining approval from their local religious affairs bureau, and participating only through tours arranged by the IAC.[170]

This past year, officials made a number of statements claiming a need to counter an alleged increase of Muslim extremist influence in Chinese society, while reportedly tacitly approving anti-Muslim commentary and the harassment of Muslim believers on social media networks. SARA Director Wang Zuo'an stated in November 2016 that Islamic extremism was spreading to China's "inland provincial areas," and that authorities should respect Islamic beliefs, but that religious influence on political, legal, or educational affairs would not be tolerated.[171] A U.S.-based scholar stated that "interest groups" had used the recently permissive environment for "Islamophobia" online to justify security measures taken against Uyghur communities in the XUAR.[172] Observers also noted a connection with the recent ascendance of Party officials who support hard-line policies on religion.[173] In one example from December 2016, a propaganda official in the XUAR used inflammatory language in an online post regarding the rebuilding of a historic mosque in Hefei municipality, Anhui province, by the local Hui Muslim community; locals subsequently held demonstrations against the mosque and threatened local Hui Muslim believers.[174] Domestic online commentators have also criticized the Chinese government's restrictions on Hui Muslim believers for being too lax relative to restrictions on Muslims in the XUAR.[175] One expert stated that the anti-Muslim anxiety generated on social media could put pressure on local officials to respond with policy measures,[176] making Hui Muslim communities vulnerable to increased surveillance and restrictions.[177]

Other Religious Communities

Religious communities outside of the five religions that are the main objects of religious affairs regulation[178] continue to exist in China; some enjoy official support, while others face suppression

from authorities. For example, despite lacking formal recognition at the national level, some folk religious sites[179] and Eastern Orthodox Christian communities[180] are recognized at the local level. In contrast, authorities maintained the restrictions imposed suddenly in 2014 on Jewish religious activity in Kaifeng municipality, Henan province.[181] The Chinese government also maintained its official policy of allowing some foreign religious communities to hold religious services for foreign nationals.[182]

Notes to Section II—Freedom of Religion

[1] Paul M. Taylor, Freedom of Religion: UN and European Human Rights Law and Practice (New York: Cambridge University Press, 2005), 19.

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18. Article 18 of the ICCPR upholds a person's right to "have or adopt a religion or belief" and the freedom to manifest that religion or belief "in worship, observance, practice and teaching." Article 18 also prohibits coercion that impairs an individual's freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81.

[3] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 18 July 17. China has signed but not ratified the ICCPR.

[4] State Council Information Office, "National Human Rights Action Plan of China (2016–2020)" [Guojia renquan xingdong jihua (2016–2020 nian)], 29 September 16, sec. 5. The Chinese government most recently stated its intent to ratify the ICCPR in its 2016–2020 National Human Rights Action Plan. See also State Council Information Office, "Progress in China's Human Rights in 2012," reprinted in Xinhua, May 2013, chap. VI; Permanent Mission of the People's Republic of China to the United Nations, "Aide Memoire," reprinted in United Nations, 13 April 06, para. IV; State Council and European Union, "Joint Statement of the 12th China-EU Summit," reprinted in PRC Ministry of Foreign Affairs, 30 November 09, para. 8.

[5] United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted 23 May 69, entry into force 27 January 80, arts. 18, 26.

[6] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

[7] Ibid., art. 36; Liu Peng, "Crisis of Faith," China Security, Vol. 4, No. 4 (Autumn 2008), 30.

[8] State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 2(2); PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

[9] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 26.

[10] Ibid., art. 18(2).

[11] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 2.

[12] PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

[13] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18; UN Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, 30 July 93, para. 8.

[14] China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 38–39.

[15] Ibid.; Carsten T. Vala, "Protestant Christianity and Civil Society in Authoritarian China," China Perspectives, No. 3 (October 2012), 46.

[16] China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 38–39.

[17] Vincent Goossaert and David A. Palmer, The Religious Question in Modern China (Chicago: University of Chicago Press, 2011), 153, 330. The "patriotic" religious associations are state-controlled institutions that represent the five "main" religions of China: the Buddhist Association of China, the China Islamic Association, the China Taoist Association, the Chinese Catholic Patriotic Association, the National Conference of Bishops (an organization led by Catholic clergy), the Three-Self (for "self-governing, self-supporting, and self-propagating") Patriotic Movement and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). According to Goossaert and Palmer, although "nominally independent," the "patriotic" religious associations are effectively under the authority of the State Council's agency for religious affairs.

[18] Ibid.,154.

[19] Jessica Batke, "PRC Religious Policy: Serving the Gods of the CCP," China Leadership Monitor, Hoover Institution, Stanford University, No. 52 (Winter 2017), 14 February 17, 3; Vincent Goossaert and David A. Palmer, The Religious Question in Modern China (Chicago: University of Chicago Press, 2011), 330.

[20] China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 41. See also Sarah Cook and Leeshai Lemish, "The 610 Office: Policing the Chinese Spirit," Jamestown Foundation, China Brief, Vol. 11, Issue 17, 16 September 11.

[21] Ibid.

[22] State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 3.

[23] State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05. The Regulations on Religious Affairs (RRA) contains provisions authorizing official intervention into religious practices, beliefs, and organization, e.g., art. 6 (requiring religious groups to register with the government); art. 8 (requiring institutions for religious education to apply for government approval); art. 11 (requiring hajj, the religious pilgrimage undertaken by Muslims, to be organized through the national religious body of Islam); art. 17 (requir-

ing sites for religious activities to set up management organizations and exercise democratic management); and art. 18 (requiring sites for religious activities to set up management systems for personnel, finance, accounting, hygiene, and health, among other requirements, all under the supervision of local government agencies).

[24] Ibid. The Regulations on Religious Affairs (RRA) contains provisions authorizing official intervention into religious practices, beliefs, and organization, e.g., art. 6 (requiring religious groups to register with the government); art. 7 (providing official guidelines for the content and distribution of religious publications); art. 8 (requiring institutions for religious education to apply for government approval); art. 11 (requiring hajj, the religious pilgrimage undertaken by Muslims, to be organized through the national religious body of Islam); art. 12 (requiring religious activities to be held at state-approved sites); art. 17 (requiring sites for religious activities to set up management organizations and exercise democratic management); art. 18 (requiring sites for religious activities to set up management systems for personnel, finance, accounting, hygiene, and health, among other requirements, all under the supervision of local government agencies); and art. 27 (subjecting religious personnel to qualification by a religious body and subsequent reporting to religious affairs bureaus).

[25] Ibid., art. 6. Article 6 requires religious organizations to register in accordance with the Regulations on the Management of the Registration of Social Organizations.

[26] Ibid., art. 10(1).

[27] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 16, 32–33.

[28] China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 27.

[29] "Some Perspectives and Analysis From Several Scholars and House Church Pastors on the 'Draft Revisions to the Regulations on Religious Affairs (Deliberation Draft)'" [Guanyu "zongjiao shiwu tiaoli xiuding cao'an (songsheng gao)" laizi jiwei zongjiao xuezhe yu jiating jiaohui muzhe de guandian yu fenxi], Christian Times, 16 September 16; Huoshi (Living Stone) Church Members, "The Huoshi Church Case—The Typical Pattern of Government Suppression of House Churches," reprinted in ChinaAid, 13 June 17; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 53.

[30] State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 6; State Council, Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued 25 October 98, amended and effective 6 February 16, art. 35. Article 6 of the Regulations on Religious Affairs require religious organizations to register in accordance with the Regulations on the Registration and Management of Social Organizations, and protects the religious activities of only those religious organizations in compliance with the latter regulations. The religious activities of all other religious organizations receive no such explicit protection under the Regulations and as such may be deemed illegal, resulting in a restriction of certain religious activities. See also ChinaAid, "Church Torn Apart by Abuse Pens Letter Describing Persecution," 13 June 17.

[31] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art. 6(a); State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 6; State Council, Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued 25 October 98, amended and effective 6 February 16, art. 35. While the Declaration includes the freedom to "worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes," Article 6 of the Regulations on Religious Affairs requires religious organizations to register in accordance with the Regulations on the Registration and Management of Social Organizations. The latter in turn prohibit activities conducted by unregistered social organizations (art. 35), thus restricting the right of unregistered religious groups to assemble and worship, as well as establish and maintain places for those purposes.

[32] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art. 6(g); State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 27. While the Declaration includes the freedom to "train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief," the Regulations on Religious Affairs permit only those religious personnel approved by the relevant religious associations, referred to as "religious organizations" (zongjiao tuanti), to conduct religious activities (art. 27). China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 27.

[33] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art. 6(c), (h); State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 12. While the Declaration includes the freedoms to "make, acquire, and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief" (art. 6(c)), and to "celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief" (art. 6(h)), the Regulations on Religious Affairs have provisions such as requiring group religious activities to be held at registered sites with "qualified" religious personnel and in "compliance with religious doctrines and canons" (art. 12).

[34] Ibid., arts. 5(2), 6(e); Ibid., arts. 3, 8, 9, 43. While the Declaration includes the freedom of every child to "have access to education in the matter of religion or belief in accordance with the wishes of his parents" (art. 5(2)), and the freedom to "teach a religion or belief in places suitable for these purposes" (art. 6(e)), the Regulations on Religious Affairs prohibit use of religion to "interfere with the educational system of the State" (art. 3) and require institutions for religious education to be approved at the national level (art. 8).

[35] Ibid., art. 6(d); Ibid., art. 7. While the Declaration includes the freedom to "write, issue and disseminate relevant publications" (art. 6(d)), the Regulations on Religious Affairs regulate the

contents of religious publications and require compliance with other administrative rules (art. 7).

[36] Ibid., art. 6(i); Ibid., arts. 10, 11, 22, 43. While the Declaration includes the freedom to "establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels" (art. 6(i)), the Regulations on Religious Affairs require separate approval for large-scale religious activity that involves those governed by different provincial-level administrations (art. 22) and further require the hajj pilgrimage and religious studies abroad to be arranged by the state-sanctioned national religious organizations (arts. 10–11).

[37] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 16; Ian Johnson, The Souls of China (New York: Pantheon Books, 2017), 28, 56–57; Tim Oakes and Donald S. Sutton, "Introduction," in Faiths on Display: Religion, Tourism, and the Chinese State (Lanham: Rowman & Littlefield Publishers, 2010), 15–17; Richard Madsen, "Church State Relations in China—Consequences for the Catholic Church," Religions & Christianity in Today's China, Vol. 5, Nos. 3–4 (2015), 66.

[38] Tim Oakes and Donald S. Sutton, "Introduction," in Faiths on Display: Religion, Tourism, and the Chinese State (Lanham: Rowman & Littlefield Publishers, 2010), 15–17; Richard Madsen, "Church State Relations in China—Consequences for the Catholic Church," Religions & Christianity in Today's China, Vol. 5, Nos. 3–4 (2015), 66.

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[178] State Council Information Office, "The Situation of Religious Freedom in China" [Zhongguo de zongjiao xinyang ziyou zhuangkuang], October 1997, sec. I. The central government has referred to the five religions as China's "main religions," stating that the religions citizens "mainly" follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. Henan Province People's Congress Standing Committee, Henan Province Regulations on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2; Shaanxi Province People's Congress Standing Committee, Shaanxi Province Regulations on Religious Affairs [Shaanxi sheng zongjiao shiwu tiaoli], issued 23 September 00, amended 30 July 08, effective 1 October 08, art. 2. Some local regulations on religious affairs define "religion" to mean only these five religions.

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ETHNIC MINORITY RIGHTS

Introduction

During the Commission's 2017 reporting year, Chinese government and Communist Party officials continued to act in contravention of domestic and international law with regard to members of China's 55 recognized minority "nationalities."[1] The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of these "nationalities," in addition to a system of regional autonomy in designated areas.[2] Article 27 of the International Covenant on Civil and Political Rights, which China has signed and declared an intention to ratify, contains safeguards for the rights of "ethnic, religious or linguistic minorities" within a state.[3] In practice, however, Chinese authorities reportedly implemented policies that marginalized the cultures and languages of ethnic minority populations.[4] [See Section IV—Xinjiang and Section V—Tibet for additional information on these areas.]

State Minority Policy

According to the 2016–2020 National Human Rights Action Plan issued by the State Council, Chinese authorities will "prioritize" rights for ethnic minorities including "[t]heir ability to participate in the deliberation and administration of state affairs," their right to economic development, and their right "to learn, use and develop their own spoken and written languages."[5] Nevertheless, during this reporting year, officials continued to promote top-down development initiatives that restricted ethnic minorities' ability to preserve and practice their cultures and languages.[6] The UN Special Rapporteur on extreme poverty and human rights, Philip Alston, following his 2016 visit to China, issued a report criticizing what he saw as authorities' lack of consultation with ethnic minorities regarding economic development that affects them, and he recommended that the State Ethnic Affairs Commission develop policies integrating human rights considerations into all aspects of its policymaking.[7] He noted that "most ethnic minorities in China are exposed to serious human rights challenges, including significantly higher poverty rates, ethnic discrimination and forced relocation."[8]

LIMITS ON MONGOLIAN-LANGUAGE INSTRUCTION

Mongol parents and students in the Inner Mongolia Autonomous Region (IMAR) reportedly faced limits on access to Mongolian-language instruction during the past reporting year, in spite of Chinese law protecting the use of minority languages.[9] In late 2016, Mongol parents in Chifeng municipality, IMAR, published open letters on social media[10] and demonstrated outside government offices to protest the appointment of Han Chinese principals to the only two kindergartens in Chifeng that provide instruction in the Mongolian language.[11] The administrations of the two schools reportedly restricted the use of the Mongolian language, and at least one of the schools banned Mongol teachers from speaking Mongolian in the office.[12] In April 2017, four rights advocates, representing 429 Mongol teachers who had taught in the Mongolian language in Horchin (Ke'erqin) Right Forward Banner, Hinggan

(Xing'an) League, IMAR, petitioned regional government authorities in Hohhot municipality, IMAR, over authorities' dismissal of the teachers from their jobs beginning in the year 2000, which they said authorities did without providing justification.[13]

Grasslands Protests in Inner Mongolia

During this reporting year, Mongol herders in the IMAR demonstrated over the state's role in the loss of their traditional grazing lands, the harmful ecological effect of state development on grassland and livestock,[14] and the state's failure to provide herders with adequate compensation for their land.[15] As in past reporting years,[16] authorities detained many of the Mongol herders who peacefully protested, including those who voiced their concerns online or talked with foreign reporters about their complaints.[17]

Representative examples of protests by Mongol herders and villagers included the following:

- On **October 17, 2016,** in Hailas (Hailasu) township, Ongniud (Wengniute) Banner, Chifeng, nearly 200 herders marched toward the construction site of a state-run pig farm and blocked the road, in protest against what they alleged was the farm's occupation of their traditional grazing lands.[18] Local officials reportedly sent more than 400 police officers to deal with the protest; the police beat many herders and detained at least three.[19]
- On **November 2, 2016,** dozens of herders in Zaruud (Zalute) Banner, Tongliao municipality, IMAR, protested in front of banner government offices over an aluminum plant's pollution of a local river, which the herders said had poisoned their sheep.[20] Security personnel reportedly detained nine of the herders, and prevented others from attending the protest.[21]
- On **April 10, 2017,** over 300 herders in Horchin (Ke'erqin) Left Rear Banner, Tongliao, gathered in an attempt to block bulldozers and tractors from turning up earth on their grazing lands for a government afforestation project.[22] On April 13, security personnel reportedly took 13 of the herders into custody, placing them under administrative detention for 10 days.[23]
- On **April 10, 2017,** in Horchin (Ke'erqin) Right Forward Banner, Hinggan (Xing'an) League, IMAR, over 3,000 Mongols protested in the streets and in front of a local government building, demanding compensation for Mongols whose traditional land had reportedly been taken or ruined due to state initiatives and policies.[24] Protesters clashed with nearly 1,000 security personnel, who reportedly detained at least 30 people and beat many protesters, some severely.[25]

In addition, in early August 2017, in Evenk Autonomous Banner, Hulunbei'er municipality, IMAR, more than 100 ethnic Evenki herders reportedly protested over restrictions on livestock grazing on local grasslands.[26] Police reportedly beat and injured many of the herders.[27]

Beginning on May 10, authorities in Xilingol (Xilinguole) League, IMAR, reportedly administratively detained Mongol Yangjindolma for 15 days for "inciting and planning an illegal gathering."[28] She told Radio Free Asia (RFA) that she had planned an activity to call

for the designation of a "Protect the Grasslands Day," and to commemorate the sixth anniversary of the death of Mongol herder Mergen, who was run over by a coal truck in 2011 while protesting against a mining company's destruction of grasslands.[29] On June 20, Yangjindolma submitted a petition in Hohhot municipality, IMAR, the regional capital, to protest against her alleged detention and torture.[30] She told RFA that authorities had shackled her to a "tiger bench" for 24 hours while interrogating her.[31]

Hada Continues To Protest Official Mistreatment

Mongol rights advocate Hada reportedly continued to press authorities to hold officials accountable for mistreating him during his 15-year prison sentence and subsequent detention and surveillance.[32] IMAR authorities imprisoned Hada for 15 years starting in 1995 and then extralegally detained him for another 4 years,[33] following his organization of peaceful demonstrations for Mongol rights and his establishment of the banned Southern Mongolian Democratic Alliance.[34] In a November 2016 interview, he described his current living conditions, in an apartment heavily surveilled by security personnel, as similar to those he experienced under detention, and complained that authorities had at times cut off his family's water and heat in an effort to compel him to "cooperate with them and give up [his] ideas."[35] In the same interview, his wife Xinna said Chinese officials were determined to force Hada to "admit to his crimes."[36] In a separate development, in May 2017, authorities in Hohhot reportedly forcibly demolished a building that Xinna used to store books and other items without her consent.[37] In the summer of 2017, authorities reportedly restricted her Internet access.[38]

In an example of government restrictions on Mongols' freedom of speech, in October 2016, authorities shut down the Genghis Khan website, after numerous tributes to recently deceased Mongol rights advocate and author Govruud Huuchinhuu appeared on the site.[39] Authorities had for years persecuted Huuchinhuu in part due to her advocacy on behalf of Hada.[40]

Notes to Section II—Ethnic Minority Rights

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[2] PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyu zizhi fa], passed 31 May 84, effective 1 October 84, amended 28 February 01. For protections related to languages, religious beliefs, and customs, see Articles 10, 11, 21, 36, 37, 47, 49, and 53.

[3] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 27.

[4] See, e.g., "China Bans 'Extreme' Islamic Baby Names Among Xinjiang's Uyghurs," Radio Free Asia, 20 April 17; Southern Mongolian Human Rights Information Center, "Parents Protest Appointment of Chinese Principals and Ban of Mongolian Language in Kindergartens," 22 November 16; Letter to the Ambassador and Permanent Representative, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, from Six Special Rapporteurs (each covering a separate area of human rights): the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief, AL CHN 10/2016, 7 November 16.

[5] State Council Information Office, "National Human Rights Action Plan of China (2016–2020)" [Guojia renquan xingdong jihua (2016–2020 nian)], 29 September 16, sec. 3(1); State Council Information Office, "Full Text: National Human Rights Action Plan of China (2016–2020)," August 2016, reprinted in Xinhua, 29 September 16, sec. III(1).

[6] See, e.g., Uyghur Human Rights Project, "End of the Road: One Belt, One Road and the Cumulative Economic Marginalization of the Uyghurs," 6 March 17, 13–14, 31; Simon Denyer, "China Says Tourism Is Tibet's Best Hope. But Can Its Culture Survive the Onslaught?" Washington Post, 6 October 16.

[7] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 45.

[8] Ibid., para. 44.

[9] "Parents Protest Curbs on Mongolian Language Teaching in Chinese Schools," Radio Free Asia, 5 December 16. See also "Inner Mongolian Mother Language Substitute Teachers Petition IMAR Government, Request Truth Behind Dismissals" [Neimenggu muyu daike jiaoshi zizhiqu zhengfu qingyuan yaoqiu chaming jiegu zhenxiang], Radio Free Asia, 19 April 17. For Chinese law protecting the use of minority languages, religious beliefs, and customs, see PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyu zizhi fa], passed 31 May 84, effective 1 October 84, amended 28 February 01, arts 10–11, 21, 36–37, 47, 49, 53.

[10] Southern Mongolian Human Rights Information Center, "Parents Protest Appointment of Chinese Principals and Ban of Mongolian Language in Kindergartens," 22 November 16.

[11] "Parents Protest Curbs on Mongolian Language Teaching in Chinese Schools," Radio Free Asia, 5 December 16.

[12] Southern Mongolian Human Rights Information Center, "Parents Protest Appointment of Chinese Principals and Ban of Mongolian Language in Kindergartens," 22 November 16.

[13] "Inner Mongolian Mother Language Substitute Teachers Petition IMAR Government, Request Truth Behind Dismissals" [Neimenggu muyu daike jiaoshi zizhiqu zhengfu qingyuan yaoqiu chaming jiegu zhenxiang], Radio Free Asia, 19 April 17. See also Rights Defense Network, "The Voice of IMAR Xing'an League Substitute Teachers" [Neimenggu xing'an meng daike jiaoshi de xinsheng], 19 April 17.

[14] Southern Mongolian Human Rights Information Center, "Mongolian Herders Stage Protest, Demanding Halt of COFCO Pig Farm Project," 21 October 16; "'The Leaseholders Have Destroyed the Forest,'" Radio Free Asia, 19 April 17; "More Than a Hundred Herders Block Pig Farm Construction Site in Chifeng, IMAR, Protest Against Pollution of Grasslands and Disruption of Means of Livelihood" [Neimeng chifeng bai duo mumin du yangzhuchang gongdi kangyi wuran caoyuan duan shenglu], Radio Free Asia, 22 October 16; "Several Hundred Inner Mongolian Farmers and Herders Block Road To Protest COFCO Pollution, 18 Individuals Taken Into Custody" [Nei menggu shubai nongmumin du lu kangyi zhongliang jituan wuran 18 ren bei zhua], Radio Free Asia, 29 May 17; "Inner Mongolian Farmers and Herders Protesting Pollution From State-Owned Enterprise Criminally Detained, 2 Approved for Arrest" [Nei menggu nongmumin kangyi guoqi wuran bei xingju 2 ren bei pibu], Radio Free Asia, 12 July 17.

[15] Southern Mongolian Human Rights Information Center, "3,000 Mongolians Take to the Streets, 30 Arrested, Protest Continues," 12 April 17; "Violent Conflict as Inner Mongolian Herders Protest Against Occupation of Grasslands Without Compensation, 7 People Are Detained" [Neimeng mumin kangyi qiangzhan caochang wu butie bao chongtu 7 ren bei bu], Radio Free Asia, 18 May 17.

[16] See, e.g., CECC, 2016 Annual Report, 6 October 16, 143–44; CECC, 2015 Annual Report, 8 October 15, 138–39.

[17] "Ethnic Mongolian Activist Detained After Tweet About Land Dispute," Radio Free Asia, 20 December 16; "China To Prosecute Ethnic Mongolian Over Tweet About Land Dispute," Radio Free Asia, 6 February 17; "Two Mongol Youths in Inner Mongolia Who Criticized Officials on WeChat Detained" [Neimeng liang menggu zu qingnian weixin piping guanyuan bei ju], Radio Free Asia, 27 February 17; "Mongol Youth Arrested for Online Posts, Wife Sends Open Letter to IMAR Secretary Asking for Help" [Menggu zu qingnian wangshang fatie bei bu qizi xiang neimeng shuji fa gongkai xin qiuzhu], Radio Free Asia, 7 February 17.

[18] Southern Mongolian Human Rights Information Center, "Mongolian Herders Stage Protest, Demanding Halt of COFCO Pig Farm Project," 21 October 16. For reports on the herders' concerns about untreated sewage and other pollutants from the state-run pig farm, see "Several Hundred Inner Mongolian Farmers and Herders Block Road To Protest COFCO Pollution, 18 Individuals Taken Into Custody" [Nei menggu shubai nongmumin du lu kangyi zhongliang jituan wuran 18 ren bei zhua], Radio Free Asia, 29 May 17; "Inner Mongolian Farmers and Herders Protesting Pollution From State-Owned Enterprise Criminally Detained, 2 Approved for Arrest" [Nei menggu nongmumin kangyi guoqi wuran bei xingju 2 ren bei pibu], Radio Free Asia, 12 July 17.

[19] Southern Mongolian Human Rights Information Center, "Mongolian Herders Stage Protest, Demanding Halt of COFCO Pig Farm Project," 21 October 16.

[20] "Herders Protest Pollution in Tongliao, Inner Mongolia, 9 People Are Detained" [Neimenggu tongliao mumin kangyi wuran 9 ren bei bu], Radio Free Asia, 3 November 16; Rights Defense Network, "Nine Rights Defenders in Arikunduleng, Zaruud Banner, IMAR, Detained by Authorities for Opposing Huolin River Aluminum Plant Pollution" [Neimenggu zalute qi arikunduleng 9 weiquan gongmin yin kangyi huolin he luchang wuran bei dangju zhuabu], 3 November 16.

[21] Ibid. For more information, see the Commission's Political Prisoner Database records 2017-00244 on Buren, 2017-00250 on Tian Hu, 2017-00251 on Eridemutu, 2017-00252 on Shuang Fu, 2017-00253 on Huricha, 2017-00254 on Alata, 2017-00255 on Buhechaolu, and 2017-00256 on Hanggaili. One of the nine herders was unnamed.

[22] Southern Mongolian Human Rights Information Center, "Herders Protest Afforestation Project, 13 Detained," 15 April 17.

[23] Ibid. See also "Hundreds of Herders Suppressed for Protesting Occupation of Grasslands, 13 People Detained" [Shu bai mumin kangyi caochang bei zhan shou zhenya 13 ren bei juliu], Radio Free Asia, 14 April 17.

[24] Southern Mongolian Human Rights Information Center, "3,000 Mongolians Take to the Streets, 30 Arrested, Protest Continues," 12 April 17.

[25] Ibid.

[26] "Clashes as Ethnic Evenk Herders Protest China's Grazing Ban in Inner Mongolia," Radio Free Asia, 4 August 17; "Inner Mongolian Herders Clash With Police Over Grasslands Protest, Etuoke Forward Banner Herders Say Thousands of Mu of Grassland Have Been Seized" [Nei menggu mumin caochang jiufen yu jing chongtu e qian qi mumin su qian mu caochang bei qiangzhan], Radio Free Asia, 4 August 17.

[27] Ibid.

[28] "Ethnic Mongolian Activist Lodges Formal Complaint Over 'Tiger Bench' Torture, Interrogation," Radio Free Asia, 22 June 17; "Organizer of Event Commemorating Mergen Detained, Herders Call on Government To Designate Grasslands' Environmental Protection Day" [Zuzhi jinian morigen huodong bei juliu mumin cu zhengfu queding caoyuan huanbao ri], Radio Free Asia, 22 June 17.

[29] Ibid. For Commission analysis on the death of Mergen, see "Mongols Protest in Inner Mongolia After Clashes Over Grasslands Use, Mining Operations," Congressional-Executive Commission on China, 1 July 11.

[30] "Ethnic Mongolian Activist Lodges Formal Complaint Over 'Tiger Bench' Torture, Interrogation," Radio Free Asia, 22 June 17; "Organizer of Event Commemorating Mergen Detained, Herders Call on Government To Designate Grasslands' Environmental Protection Day" [Zuzhi jinian morigen huodong bei juliu mumin cu zhengfu queding caoyuan huanbao ri], Radio Free Asia, 22 June 17.

[31] Ibid.

[32] "Ethnic Mongolian Dissident Appeals 'Separatism' Conviction to China's Highest Court," Radio Free Asia, 23 November 16. See also Southern Mongolian Human Rights Information Center, "Hada's Appeal to the Supreme People's Court of the People's Republic of China," 21 November 16; Kerry Brown, "Lost in Time: Hada, an Inner Mongolian Dissident," openDemocracy, 7 December 16.

[33] Southern Mongolian Human Rights Information Center, "Hada's Appeal to the Supreme People's Court of the People's Republic of China," 21 November 16; Southern Mongolian Human Rights Information Center, "Mongolian Dissident's Son Arrested and Detained for 'Obstructing Official Business,'" 16 October 15.

[34] "Inner Mongolian Dissident's Family Targeted," Radio Free Asia, 5 December 10; Hada, Xinna, and Uiles, "Open Letter From Hada and His Family Members," reprinted in Southern Mongolian Human Rights Information Center, 2 July 14; Southern Mongolian Human Rights Information Center, "SMHRIC Statement to the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association," 19 February 14. For Commission analysis on Hada, Xinna, and Uiles, see "Authorities Heighten Persecution of Detained Mongol Rights Advocate's Wife and Son," CECC China Human Rights and Rule of Law Update, No. 1, 3 January 13, 2. For more information, see the Commission's Political Prisoner Database records 2004-02045 on Hada, 2010-00704 on Xinna, and 2010-00705 on Uiles.

[35] "Ethnic Mongolian Dissident Appeals 'Separatism' Conviction to China's Highest Court," Radio Free Asia, 23 November 16.

[36] Ibid.

[37] "Mongolian Rights Advocate Xinna's Building Demolished" [Menggu zu weiquan renshi xinna jiafang wu zao tou chai], Radio Free Asia, 23 May 17.

[38] Ben Blanchard, "China Marks 70 Years of Inner Mongolia's Founding, Activist Complains of Curbs," Reuters, 8 August 17; "Mongolian Rights Advocate Xinna's WeChat [Account] Shut Down, Mongol Herder Detained for Forwarding Picture of Xi Jinping" [Menggu zu weiquan renshi xinna weixin bei fenghao menggu zu mumin zhuanfa xi jinping xiang bei juliu], Radio Free Asia, 21 June 17.

[39] "'She Was the Pride of the Mongolian People,'" Radio Free Asia, 28 October 16.

[40] Ibid. Southern Mongolian Human Rights Information Center, "Southern Mongolian Human Rights Defender, Dissident Writer and Activist Huuchinhuu Died," 25 October 16. See also CECC, 2015 Annual Report, 8 October 15, 140.

Population Control

International Standards and China's Coercive Population Policies

During the Commission's 2017 reporting year, Chinese authorities continued to actively promote and implement coercive population control policies that violate international standards. 2016 marked the first full year that the Chinese Communist Party and central government authorities implemented the "universal two-child policy" that allows all married couples to have two children.[1] Authorities continued to place an emphasis on birth limits and adherence to family planning as a "basic national policy."[2] The amended PRC Population and Family Planning Law and provincial-level regulations limit couples' freedom to build their families as they see fit, and include provisions that require couples be married to have children and limit them to bearing two children.[3] Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province, including some exceptions for ethnic minorities,[4] remarried couples, and couples who have children with disabilities.[5] Officials reportedly continued to enforce compliance with population planning targets using methods including heavy fines,[6] detention,[7] forced sterilization,[8] and abortion.[9]

Coercive controls imposed on Chinese women and their families, and additional abuses engendered by China's population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development.[10] China was a state participant in the negotiation and adoption of both.[11] Acts of official coercion committed in the implementation of population control policies contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention),[12] which China has ratified.[13] In November 2015, the UN Committee against Torture conducted its most recent periodic review of China's compliance with the Convention.[14] In its concluding observations, the Committee stated its concerns about China's "use of coercive measures for the implementation of the population policy," and "reports of coerced sterilization and forced abortions, [and] the lack of information on the number of investigations into such allegations."[15]

Implementation of the Universal Two-Child Policy

Amid demographic and economic concerns voiced by population experts and research institutions,[16] central Party authorities issued a decision at the Fifth Plenum of the 18th Central Committee of the Chinese Communist Party in October 2015 to adopt a "universal two-child policy" (*quanmian erhai*), thereby allowing all married couples to have two children.[17] On December 27, 2015, the National People's Congress Standing Committee amended the PRC Population and Family Planning Law, which became effective on January 1, 2016.[18] As of August 2017, 30 provincial-level jurisdictions had revised their population and family planning regulations in accordance with the amended national law.[19] Despite these policy and legislative revisions, central government officials emphasized that family planning policy will remain a "basic national pol-

icy" (*jiben guoce*)[20] and stressed the need to "maintain and strengthen" the family planning apparatus at the grassroots level.[21] Human rights advocates, demographic experts, and others expressed concerns that the coercive implementation of family planning measures and human rights abuses will persist despite the adoption of the universal two-child policy.[22]

Chinese government statistics showed that the universal two-child policy had limited to moderate impact during its first year of implementation in 2016. During the Commission's previous reporting year, the National Health and Family Planning Commission (NHFPC) had predicted that the universal two-child policy would result in population growth,[23] with an additional 3 million children born per year[24] and an estimated total of 17.5 to 21 million children born per year during the 13th Five-Year Plan period (2016–2020).[25] According to data released by the National Bureau of Statistics of China (NBS) in January 2017, the number of total births in 2016 was 17.86 million, 1.31 million more births than the 2015 NBS figure of 16.55 million.[26] The NHFPC employed a different methodology; its data showed that the number of total births in 2016 was 18.46 million, or approximately 1.91 million more births than the 2015 NBS figure.[27] Although both the NBS and NHFPC figures were lower than the predicted annual growth of 3 million additional births, NHFPC officials stated that the growth had met official expectations[28] and that the universal two-child policy was effective,[29] and predicted that the growth would continue.[30] The numbers of total births in 2016 as reported by NBS and NHFPC—of which approximately 45 percent were second children—were the highest since 2000.[31]

Some government reports and observers differed from the NHFPC over the impact of the universal two-child policy, suggesting that the growth in the number of births in 2016 might be a short-term phenomenon.[32] Some married couples were reportedly waiting for the government policy to change in 2016 in order to avoid fines associated with having a second child, while others were waiting to have a child in the Year of the Monkey, a more auspicious year for having children according to the traditional lunar calendar.[33] Reports suggested that the impact of the universal two-child policy may be limited in the long term, as the fertility rate is likely to remain low.[34] Other population experts, such as Yi Fuxian and Huang Wenzheng, expressed reservations about the official birth data, estimating a lower number of total births in 2016 in the range of 12 million to 13 million.[35] Some experts also noted that the universal two-child policy does not adequately address the issue of low fertility rate and the high costs associated with controlling fertility, and urged the Chinese government to end all birth restrictions.[36]

Many married couples were reportedly reluctant to have a second child due to a number of factors, including the high cost of rearing an additional child,[37] lack of adequate child care and education options,[38] lack of energy to look after children,[39] disruption to career development,[40] and the perception that having one child is enough due to decades-long government propaganda.[41] Central government authorities pledged to implement "supporting policy measures" to address these concerns, including efforts to enhance public services

for women and children's health care,[42] child care, and education,[43] in order to "promote long-term and balanced population development."[44] During this reporting year, government authorities continued to implement the birth registration system and promoted registration of children online, allowing married couples to register their first two children without going through complicated approval or application processes[45] that were common prior to the 2016 amendment to the PRC Population and Family Planning Law.[46]

Coercive Implementation

Abuses committed during the implementation of family planning policies continued during the Commission's 2017 reporting year. The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the "legitimate rights and interests" of citizens while implementing family planning policies.[47] Some provincial-level population planning regulations and local family planning agencies, however, continued to explicitly instruct officials to carry out abortions, often referred to as "remedial measures" (*bujiu cuoshi*), for "out-of-plan" pregnancies.[48]

OFFICIAL CAMPAIGNS

Language used in official speeches and government reports from jurisdictions across China continued to reflect an emphasis on the harsh enforcement of family planning measures. During this reporting year, as in previous years,[49] official reports from several provinces across China—including Hainan,[50] Henan,[51] Hubei,[52] Hunan,[53] and Jiangxi[54]—continued to promote "family planning work" that entailed harsh and invasive family planning measures. Phrases such as "fight the family planning battle" (*da hao jisheng fanshen zhan*),[55] "resolutely implement" (*hen zhua*),[56] and "spare no efforts" (*quanli yifu*)[57] continued to appear in official speeches and government reports, indicating sustained efforts to promote these family planning campaigns.[58]

Some local government authorities stated in official reports that the goal of "family planning work" is to "maintain a low birth level" (*wending di shengyu shuiping*),[59] while others emphasized the need to strictly control and punish "illegal reproductive behaviors"[60] and implement "remedial measures" to address "illegal pregnancies."[61] Authorities imposed implementation targets,[62] demanded family planning officials carry out the invasive "three inspections" (intrauterine device (IUD), pregnancy, and health inspections)[63] and "four procedures" (IUD insertion, first-trimester abortion, mid- to late-term abortion, and sterilization),[64] and demanded the collection of "social compensation fees" (*shehui fuyang fei*).[65] In one example, a government report from Shaoyang municipality, Hunan, indicated that municipal authorities carried out 2,320 "birth-control" operations in 2016—1,790 IUD insertions, 430 IUD removals, 10 sterilizations, and 90 abortions.[66]

Case of Forced Sterilization in Yunnan Province

According to state-funded news media Sixth Tone and Party-run media Beijing News, in February 2017, government officials in Luokan township, Zhenxiong county, Zhaotong municipality, Yunnan province, detained Hu Zhenggao and later beat him and forced him to undergo a vasectomy.[67] The alleged incident occurred when Hu, currently a registered resident of Sichuan province, returned to his hometown in Yunnan for the lunar New Year holiday.[68] Local authorities accused Hu, a father of four, of violating the family planning policy[69] and demanded that he either pay 20,000 yuan (approximately US$2,900) or undergo a vasectomy.[70] Hu had three children with his ex-wife—who underwent sterilization afterward—and had paid a fine in 2000 for violating the family planning policy.[71] In 2015, Hu had another child with his current wife in Sichuan, and Sichuan authorities reportedly approved the birth.[72] Zhenxiong authorities denied that Hu had been threatened or maltreated, insisting that Hu had "volunteered to undergo the vasectomy,"[73] and that enforcement action was lawful.[74]

According to Sixth Tone, village-level leaders in Zhenxiong confirmed that such operations are commonplace, as the county government imposes annual quotas on village officials to carry out sterilizations.[75] One village was punished by cuts in government funding and public sector jobs after it had failed to meet its sterilization target.[76] Following the news reports, the Yunnan Province Health and Family Planning Commission directed local authorities to investigate the incident.[77] According to a March 2017 Beijing Youth Daily report, the Zhenxiong County Party Standing Committee ordered the county's Party Discipline Inspection Commission to "admonish" Luokan township leaders and urged them to hold relevant family planning personnel accountable.[78] Futhermore, the Yunnan Province Health and Family Planning Commission issued a circular forbidding local governments from carrying out forcible family planning operations.[79]

PUNISHMENT FOR NONCOMPLIANCE

Chinese authorities continued to use various methods of punishment to enforce citizens' compliance with population planning policies. In accordance with national-level legal provisions,[80] local governments have directed officials to punish noncompliance through heavy fines, termed "social compensation fees," which reportedly compel couples to choose between undergoing an unwanted abortion and incurring a fine much greater than the average annual income in their locality.[81] On November 10, 2016, official Chinese news media Taihai Net reported a case in which local authorities in Wuping county, Longyan municipality, Fujian province, launched a "special action group" to forcibly collect "social compensation fees" from violators who had children in excess of birth quotas.[82] During an enforcement campaign, Wuping authorities detained two individuals surnamed Cheng and Lan who had refused to pay the fines.[83] The report also warned that the authorities would continue to forcibly collect "social compensation fees" within their jurisdiction and "to punish and educate" violators, in order to "effectively curb illegal births."[84]

This past year, domestic news media reported an increase in the number of administrative lawsuits Chinese citizens filed against family planning agencies for the collection of "social compensation fees."[85] These cases were related to married couples who gave birth to a second child in violation of previous family planning policies and birth limits.[86] Some observers called on government authorities to rescind these imposed fines;[87] during the annual parliamentary meetings in March, several National People's Congress delegates and members of the Chinese People's Political Consultative Conference also urged the government to abolish the "social compensation fees system."[88] The State Council issued draft Regulations on the Collection and Management of Social Compensation Fees in November 2014;[89] as of July 2017, the Commission had not observed reports of the Chinese government issuing the regulations.

In addition to fines, officials imposed or threatened other punishments for family planning violations. These punishments included detention,[90] forced sterilization,[91] and abortion.[92] The PRC Population and Family Planning Law prohibits and provides punishments for officials' infringement on citizens' personal, property, and other rights while implementing population planning policies.[93]

Hukou Reform Addressing the Issue of "Illegal Residents"

During the Commission's 2017 reporting year, central and local governments continued to implement household registration (*hukou*) reforms to register "illegal residents" (*heihu*), a term commonly used to refer to people who lack *hukou* in China. According to 2010 national census data, there were approximately 13 million "illegal residents" in China,[94] of whom over 60 percent were people born in excess of birth quotas.[95] Other reports indicated that the number of "illegal residents" might be higher than 13 million.[96] These "illegal residents" face considerable difficulty accessing social benefits typically afforded to registered citizens, including government-subsidized healthcare, public education, and social security.[97] According to U.S.-based news media Duowei, survey data from the Chinese Academy of Macroeconomic Research of the National Development and Reform Commission showed that nearly half of the 13 million unregistered population were illiterate or people who had never received formal education, and about 43.8 percent of the unregistered population were unemployed.[98]

Hukou Reform Addressing the Issue of "Illegal Residents"—Continued

Central Party and government authorities issued directives during the Commission's previous reporting year to address the issue of "illegal residents."[99] According to a March 2017 People's Daily report, all 31 provincial-level governments have issued implementing opinions for *hukou* reform, and approximately 14 million "illegal residents" have registered for *hukou* since November 2012.[100] The state-run media China Central Television reported in February 2017 that authorities registered 1.435 million "illegal residents" in 2016.[101] Some "illegal residents," however, reportedly continued to face difficulty in registering for *hukou,* including those born to unmarried parents.[102] According to a March 2017 People's Daily report, a Ministry of Public Security (MPS) official stated that the MPS aims to completely resolve the issue of "illegal residents" within the next two to three years.[103] [For more information on China's *hukou* system, see Section II—Freedom of Residence and Movement.]

Demographic Consequences of Population Control Policies

Decades of population control policies have exacerbated China's demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from approximately 3 births per woman in the late 1970s[104] to a reported 1.7 births per woman in 2017, below the replacement rate of 2.1 births per woman necessary to maintain a stable population.[105] The fertility rate is even lower in some major cities, such as Shanghai municipality, which has a fertility rate of approximately 0.7 births per woman, reportedly one of the lowest in the world.[106]

China's low fertility rate has contributed to a rapidly aging population and a shrinking workforce. According to a January 2017 National Bureau of Statistics of China (NBS) report, from 2015 to 2016, China's working-age population (persons between the ages of 16 and 59) declined by 3.49 million people to 907.47 million, continuing a downward trend from the previous year.[107] At the same time, the elderly population (persons aged 60 or older) increased by approximately 8.86 million in 2016 to 230.86 million people, or 16.7 percent of the total population.[108] According to the 2017 State Council National Population Development Plan, China's working-age population is expected to decline rapidly from 2021 to 2030, while the elderly population will increase markedly during the same period and is predicted to reach a quarter of the population by 2030.[109] Some population experts suggested that the elderly population would account for approximately one-third of China's total population by 2050, according to a China Daily report.[110] These demographic trends reportedly may burden China's health care, public services, and retirement systems,[111] and weaken China's economy as labor costs rise and competitiveness erodes.[112]

The Chinese government's restrictive family planning policies also have exacerbated China's sex ratio imbalance. Although Chinese authorities continue to implement a ban on "non-medically

necessary sex determination and sex-selective abortion,"[113] some people reportedly continue the practice in keeping with a traditional cultural preference for sons.[114] According to an NBS report, China's overall sex ratio in 2016 was 104.98 males to 100 females, and there were approximately 33.59 million more males than females in China (708.15 million males to 674.56 million females).[115] Demographic experts have expressed concerns that the sex ratio imbalance in China could lead to "violent crime,"[116] "sex crimes," "trafficking of women,"[117] and social instability.[118] This past year, international media reports continued to suggest a link between China's large number of "surplus males"[119] and the trafficking of foreign women—from countries including Cambodia,[120] Burma (Myanmar),[121] North Korea,[122] and Vietnam[123]—into China for forced marriage or commercial sexual exploitation. [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Reports also indicate that decades of birth limits under China's population control policies combined with a traditional preference for sons may have contributed to a black market for illegal adoptions.[124] In November 2016, public security authorities in seven provinces detained 157 individuals involved in the acquisition and selling of children, and rescued 36 children, some of whom reportedly were 10 days old when taken.[125] As of December 2016, authorities had not been able to locate the parents of at least nine of the children.[126] According to reports, some parents sold their children because of financial difficulty, while some buyers wanted male children due to a traditional preference for sons.[127]

Notes to Section II—Population Control

[1] National Health and Family Planning Commission, "December 12, 2016, National Health and Family Planning Commission Regular Press Conference Text Record" [2016 nian 12 yue 12 ri guojia weisheng jishengwei lixing xinwen fabuhui wenzi shilu], 12 December 16; PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18.

[2] State Council, National Population Development Plan (2016–2030) [Guojia renkou fazhan guihua (2016–2030 nian)], issued 30 December 16, chaps. 2(1), 3(1); National Health and Family Planning Commission, "December 12, 2016, National Health and Family Planning Commission Regular Press Conference Text Record" [2016 nian 12 yue 12 ri guojia weisheng jishengwei lixing xinwen fabuhui wenzi shilu], 12 December 16; National Health and Family Planning Commission, "State Council Policy Regular Press Conference: '13th Five-Year Plan' Health Plan and Deepening Medical and Health System Reform Plan During the '13th Five-Year Plan' Period" [Guowuyuan zhengce lixing chuifeng hui: "'shisan wu' weisheng yu jiankang guihua" ji "'shisan wu' qijian shenhua yiyao weisheng tizhi gaige guihua" youguan qingkuang], 23 December 16.

[3] PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18. Article 18 of the Population and Family Planning Law stipulates, "the state advocates two children per married couple." For provincial population regulations that require couples be married to have children and limit them to bearing two children, see, e.g., Fujian Province People's Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 29 April 88, amended 28 June 91, 25 October 97, 18 November 00, 26 July 02, 14 December 12, 29 March 14, 19 February 16, arts. 8, 12; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuang zu zizhiqu renkou he jihua shengyu tiaoli], issued 23 March 12, amended 13 January 14, 15 January 16, art. 13.

[4] See, e.g., Fujian Province People's Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 29 April 88, amended 28 June 91, 25 October 97, 18 November 00, 26 July 02, 14 December 12, 29 March 14, 19 February 16, art. 9(4–5); Heilongjiang Province People's Congress Standing Committee, Heilongjiang Province Population and Family Planning Regulations [Heilongjiang sheng renkou yu jihua shengyu tiaoli], issued 18 October 02, amended 13 December 13, 22 April 14, 17 April 15, 21 April 16, art. 13.

[5] For provincial population planning provisions that allow these exceptions for having an additional child, see, e.g., Zhejiang Province People's Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 18(1–4); Sichuan Province People's Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13(1); Guangxi Zhuang Autonomous Region People's Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuang zu zizhiqu renkou he jihua shengyu tiaoli], issued 23 March 12, amended 13 January 14, 15 January 16, art. 14(1–5); Jiangxi Province People's Congress Standing Committee, Jiangxi Province Population and Family Planning Regulations [Jiangxi sheng renkou yu jihua shengyu tiaoli], issued 16 June 90, amended 30 June 95, 20 June 97, 29 July 02, 27 March 09, 16 January 14, 20 January 16, reprinted in People's Daily, art. 9(2–3).

[6] See, e.g., Song Shiqing and Liu Jiaying, "China Fining Parents for Second Kid Born Before One-Child Policy Scrapped," Caixin, 6 February 17; "Wuping Court Detains Another 2 People, Special Action To Forcibly Collect Social Compensation Fees Continues According to Law!" [Wuping fayuan you ju 2 ren yifa qiangzhi zhengshou shehui fuyang fei zhuanxiang xingdong zai chixu!], Taihai Net, 15 November 16.

[7] See, e.g., Sun Ruili and Li Jin, "Man Forcibly Sterilized in Zhenxiong, Yunnan: [I] Never Want To Go Back to That Place Again" [Yunnan zhenxiong bei qiangzhi jieza nanzi: yibeizi buxiang zai hui nage difang], Beijing News, 14 February 17; "Wuping Court Detains Another 2 People, Special Action To Forcibly Collect Social Compensation Fees Continues According to Law!" [Wuping fayuan you ju 2 ren yifa qiangzhi zhengshou shehui fuyang fei zhuanxiang xingdong zai chixu!], Taihai Net, 15 November 16.

[8] See, e.g., Sun Ruili and Li Jin, "Man Forcibly Sterilized in Zhenxiong, Yunnan: [I] Never Want To Go Back to That Place Again" [Yunnan zhenxiong bei qiangzhi jieza nanzi: yibeizi buxiang zai hui nage difang], Beijing News, 14 February 17; Zhao Meng and Fu Danni, "Sterilization Quotas Endure in Two-Child Policy Era," Sixth Tone, 22 February 17.

[9] See, e.g., John Sudworth, "China's Forbidden Babies Still an Issue," BBC, 28 October 16. See also Reggie Littlejohn, Women's Rights Without Frontiers, "Will You Let Them Get Away With This?" 19 December 16.

[10] Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on 15 September 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, paras. 9(Annex 1), 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "[e]nsure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;" (para. 9) and "[t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment (para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development, 13

September 94, paras. 7.2, 8.25. Paragraph 7.2 states, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . .." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning." For coercive controls imposed on Chinese women and their families, see, e.g., Wang Lianzhang, "Chinese Father of Four Forced To Undergo Vasectomy," Sixth Tone, 14 February 17; John Sudworth, "China's Forbidden Babies Still an Issue," BBC, 28 October 16; "Wuping Court Detains Another 2 People, Special Action To Forcibly Collect Social Compensation Fees Continues According to Law!" [Wuping fayuan you ju 2 ren yifa qiangzhi zhengshou shehui fuyang fei zhuanxiang xingdong zai chixu!], Taihai Net, 15 November 16; Zhao Meng and Fu Danni, "Sterilization Quotas Endure in Two-Child Policy Era," Sixth Tone, 22 February 17.

[11] United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, 27 October 95, chap. II, para. 3; chap. VI, para. 12. China was one of the participating States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, Report of the International Conference on Population and Development (ICPD), A/Conf.171/13, 18 October 94, chap. II, sec. C; chap. VI, sec. 1. China was one of the participating States at the ICPD, which reached general agreement on the Programme of Action. The Programme of Action is provided as an annex to the above ICPD report.

[12] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 51. In 2016, the UN Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and regrets the lack of information on the number of investigations into such allegations . . . [and] the lack of information regarding redress provided to victims of past violations." For acts of coercion committed in the implementation of population planning policies, see, e.g., Wang Lianzhang, "Chinese Father of Four Forced To Undergo Vasectomy," Sixth Tone, 14 February 17; Zhao Meng and Fu Danni, "Sterilization Quotas Endure in Two-Child Policy Era," Sixth Tone, 22 February 17.

[13] United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 22 March 17. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988.

[14] UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16.

[15] Ibid., para. 51.

[16] "What's It Like To Be an 'Invisible' Child Under China's One-Child Policy?" Catholic News Agency, 5 March 17; Wang Ling, "Population Report to the Decisionmaking Level, Proposes To Immediately Implement Universal Two-Child [Policy]" [Renkou baogao shangdi juece ceng jianyi liji fangkai quanmian sheng erhai], China Business Network, 16 October 15; Olivia Lowenberg, "Why China Is Shifting to a 'Two-Child' Policy," Christian Science Monitor, Global News Blog, 21 October 15.

[17] Chinese Communist Party Central Committee, "Chinese Communist Party 18th Party Congress Fifth Plenum Announcement," [Zhongguo gongchandang di shiba jie zhongyang weiyuanhui di wu ci quanti huiyi gongbao], 29 October 15; Peng Xiaofei et al., "China To Adopt Universal 'Two-Child' Policy" [Woguo quanmian fangkai "erhai" zhengce], Beijing Youth Daily, 30 October 15.

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Freedom of Residence and Movement

Freedom of Residence

During the Commission's 2017 reporting year, the Chinese government continued to restrict the freedom of residence of Chinese citizens through the use of the household registration (*hukou*) system, established in 1958.[1] The *hukou* system classifies Chinese citizens as rural or urban, conferring certain legal rights and access to public services based on the classification.[2] Implementation of this system discriminates against rural *hukou* holders and migrants to urban areas by denying them equal access to public benefits and services enjoyed by registered urban residents, including housing, education, and social insurance.[3] The *hukou* system contravenes international human rights standards guaranteeing freedom of residence and prohibiting discrimination on the basis of "national or social origin, . . . birth or other status."[4]

The Chinese government continued to implement reforms to residence policies, including the *hukou* and residence permit systems. *Hukou* reform, including the expansion to new urban residents and migrants of public benefits traditionally tied to *hukou* status, remained a policy goal for the Chinese government, as outlined in several national-level policy documents.[5] In line with previous policy pronouncements aimed at increasing China's rate of urbanization,[6] in September 2016, the State Council issued a plan building on previous efforts to facilitate 100 million residents in obtaining urban *hukou* by 2020.[7] The plan also calls for 45 percent of the population to have urban *hukou* by 2020.[8] According to a February 2017 National Bureau of Statistics of China report, at the end of 2016, China's urban population stood at over 792.9 million people, or 57.4 percent of the population;[9] 41.2 percent of the population were urban residents with urban-registered *hukou*.[10]

After the State Council issued national provisional regulations on residence permits that took effect in January 2016,[11] at least 29 provincial-level jurisdictions had reportedly issued implementing measures for residence permits as of August 2017.[12] The Ministry of Public Security (MPS) reportedly announced that provincial- and local-level governments issued more than 28.9 million residence permits nationwide in 2016.[13] The MPS also reportedly announced that provincial and local authorities nationwide abolished all previous temporary residence permit systems (*zanzhuzheng*) and replaced them with the newer residence permit systems (*juzhuzheng*).[14]

In February 2017, the MPS reportedly confirmed a State Council decision[15] that urban areas with fewer than 3 million permanent residents would not be permitted under *hukou* reform policies to implement points systems to determine applicants' eligibility for obtaining local *hukou*.[16] These systems assign values, determined by local governments, to migrants based on factors including education level, contributions to social insurance, and preferred work experience.[17] Urban areas with populations above 3 million will be able to keep points systems and tighter restrictions on migrants' ability to apply for local *hukou*.[18] A draft Beijing municipality planning document, for example, proposed setting a cap on Beijing's population at 23 million in 2020.[19]

While some policymakers recognized the difficulties migrant workers face in settling in large cities and obtaining *hukou* or residence permits there, as well as the need to relax restrictions on in-migration,[20] policy experts noted that existing proposals to reform the *hukou* and residence permit systems did not meaningfully address disparities in rural and urban status, especially as many rural-to-urban migrants seek economic opportunity in larger cities where in-migration remained strictly controlled.[21]

International Travel

Chinese authorities continued to deny some citizens who criticized the government, those citizens' relatives and associates, and others—including ethnic minorities—their internationally recognized right to leave the country. Article 12 of the International Covenant on Civil and Political Rights, which China has signed and committed to ratify,[22] provides that "[e]veryone shall be free to leave any country . . .."[23] Under Article 12, countries may restrict this right, but only "to protect national security, public order" and other select public interests.[24] Chinese laws grant officials the authority to prevent from leaving the country those deemed threatening to state security or whose "exit from China is not allowed."[25] Chinese officials used this authority to arbitrarily keep government critics, rights defenders, and others from leaving China.[26] The Commission observed the following representative cases during the 2017 reporting year:

- Chinese authorities continued[27] to restrict the travel rights of individuals in connection with a nationwide crackdown on public interest lawyers and rights advocates that began in or around July 2015.[28] For example, in March 2017, public security authorities in Shaanxi province refused to issue rights defender **Lu Dongli** a passport or permit to travel to Hong Kong or Macau, reportedly in connection with his support for detainees in the July 2015 crackdown as well as his interviews with foreign media about the crackdown.[29]
- Beginning in October 2016, public security officials in several county-level jurisdictions of the Xinjiang Uyghur Autonomous Region (XUAR) reportedly ordered residents of those areas to turn in their passports to authorities.[30] Officials also required residents to apply for approval before traveling abroad.[31] Rights organizations criticized the passport confiscations as restricting the movement of XUAR residents[32] and serving as "collective punishment."[33] In 2017, officials in some XUAR jurisdictions also reportedly ordered around 200,000 ethnic Kazakhs to turn in their passports and Kazakhstan permanent residence permits, though officials subsequently returned at least some of the documents.[34] [For more information, see Section IV—Xinjiang—Freedom of Movement.]
- Chinese authorities threatened Tibetans who traveled, or planned to travel, to India to participate in a January 2017 religious gathering led by the Dalai Lama.[35] Officials in some parts of Gansu, Qinghai, and Sichuan provinces seized passports from Tibetan residents to prevent them from traveling.[36] Chinese authorities in some Tibetan areas destroyed the reli-

gious pilgrims' passports upon their return to China and questioned them about their activities in India.[37]

• In March 2017, Chinese authorities prevented **Feng Chongyi,** a Chinese citizen and Australian permanent resident, from leaving China after he spent several weeks conducting research on Chinese rights lawyers.[38] Border control officials in Guangzhou municipality, Guangdong province, detained Feng on March 24 at the Guangzhou airport; authorities later held him at a Guangzhou hotel.[39] Feng's lawyer said that authorities accused Feng of "threatening national security," and surmised that the travel restrictions were due to Feng's research on rights lawyers detained in the crackdown beginning in or around July 2015.[40] Authorities allowed Feng to return to Australia in early April.[41] Feng told Australian media that his detention was meant to deter other academics from researching "sensitive issues or sensitive topics" related to China.[42]

• In March 2017, Chinese authorities reportedly prevented several dozen mainland Chinese residents from traveling to Hong Kong to participate in a history seminar on the 1950s Anti-Rightist Movement.[43] Chinese authorities used a variety of means to dissuade or prevent seminar participants from attending, including confiscating their travel permits.[44]

Domestic Movement

During this reporting year, the Commission observed reports of Chinese government officials punishing rights advocates and their families and associates, and targeting members of some ethnic minority groups, by restricting their freedom of movement domestically. Article 12 of the International Covenant on Civil and Political Rights provides that "[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement . . .."[45] Authorities increased restrictions on freedom of movement during politically sensitive periods, including before and during the May 2017 Belt and Road Initiative forum in Beijing municipality[46] and the June 2017 anniversary of the 1989 Tiananmen protests.[47]

During the March 2017 meetings of the National People's Congress and the Chinese People's Political Consultative Conference in Beijing ("Two Sessions"), Chinese authorities repeatedly seized or detained critics of the government as well as petitioners who sought meetings in Beijing with government officials, temporarily restricting their movement and sometimes forcibly returning them to their places of residence.[48] During this time, authorities sent some individuals on "forced travel" (*bei luyou*), compelling them to leave their places of residence and preventing them from traveling to politically sensitive areas, especially Beijing.[49] For example, authorities in Qianjiang municipality, Hubei province, forced former independent local people's congress candidate Yao Lifa to leave Qianjiang during the Two Sessions, reportedly moving him between five different provinces for 18 days before allowing him to return to Qianjiang.[50] Local authorities sometimes held these individuals in "black jails" (*hei jianyu*), a form of extralegal confinement.[51] Authorities also continued restrictions on the movement of lawyers,

particularly lawyers who have worked on behalf of rights advocates or political prisoners, such as Liu Zhengqing[52] and Chen Jian'gang.[53] Before the May 2017 trial of Chen's former client Xie Yang, authorities in Yunnan province briefly detained Chen and his family, later forcibly escorting him back to Beijing.[54]

Tibetans, Uyghurs, and other residents of ethnic minority areas in particular faced strict controls on their freedom of movement. Tibetans and residents of Tibetan areas had restrictions placed on their freedom of movement around the time of the March 2017 anniversary of the 1959 Tibetan uprising against Chinese rule, including the imposition of requirements on some Tibetans to obtain local government approval for local travel.[55] In February 2017, authorities in Gansu province prevented more than one thousand Tibetans from traveling to participate in a Tibetan Buddhist gathering at Kirti Monastery in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province.[56] Security officials in Bayinguoleng (Bayingol) Mongol Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, reportedly ordered all drivers to have satellite navigation systems installed in their cars by June 30, 2017,[57] effectively allowing authorities to surveil drivers.[58] Authorities characterized the order as a counter-terrorism measure.[59] [For more information on government restrictions on Uyghurs and Tibetans, see Section IV—Xinjiang and Section V—Tibet.]

Notes to Section II—Freedom of Residence and Movement

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[7] State Council General Office, "Plan Promoting 100 Million Individuals in Cities Without Household Registration To Obtain Hukou" [Tuidong 1 yi fei huji renkou zai chengshi luohu fang'an], issued 30 September 16.

[8] Ibid., 1(3).

[9] National Bureau of Statistics of China, "People's Republic of China 2016 National Economic and Social Development Statistical Bulletin" [Zhonghua renmin gongheguo 2016 nian guomin jingji he shehui fazhan tongji gongbao], 28 February 17.

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[11] State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 26 November 15, effective 1 January 16.

[12] Han Pengfei, "Ministry of Public Security: Full Coverage of Residence Permit System To Be Implemented Within the Year" [Gong'anbu: juzhuzheng zhidu yu nian nei shixian quan fugai], China Macroeconomic Information Network, 8 August 17; "Residence Permit System To Achieve Full Coverage Within the Year" [Juzhuzheng zhidu quan fugai jiang yu nian nei shixian], Xinhua, 6 August 17. See, e.g., Chongqing Municipal People's Government, Chongqing Municipality Implementing Measures for Residence Permits [Chongqing shi juzhuzheng shishi banfa], issued 18 September 16; Henan Province People's Government, Henan Provincel Implementing Measures for Residence Permits [Henan sheng juzhuzheng shishi banfa], issued 8 December 16.

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[16] "Ministry of Public Security: Urban Areas With Under 3 Million Permanent Residents May Not Implement Points Systems for Obtaining Hukou" [Gong'anbu: chengqu changzhu renkou 300 wan yixia chengshi bude shishi jifen luohu], Caixin, 9 February 17.

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[18] "Ministry of Public Security: Urban Areas With Under 3 Million Permanent Residents May Not Implement Points Systems for Obtaining Hukou" [Gong'anbu: chengqu changzhu renkou 300 wan yixia chengshi bude shishi jifen luohu], Caixin, 9 February 17.

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Dongxu, "China Democratic League Central Committee: Propose Abolishing 'Invisible Threshold' for Migrant Workers Settling in Cities" [Minmeng zhongyang: jianyi xiaochu nongmingong luohu chengzhen de "yinxing menkan"], Caixin, 9 March 17.

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[23] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(2).

[24] Ibid., art. 12(3).

[25] PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], issued 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Administration Law [Zhonghua renmin gongheguo chujing rujing guanli fa], issued 30 June 12, effective 1 July 13, art. 12(5).

[26] See, e.g., "Christian Pastor Accused of [Being] 'Falun Gong,' Denied Issuance of Passport and Hong Kong-Macau Travel Permit" [Jidujiao mushi bei zhi "falun gong" ju fa huzhao ji gang'ao tongxing zheng], Radio Free Asia, 16 November 16; "Pastor Zhang Chongzhu Prevented From Leaving Country" [Zhang chongzhu mushi bei xianzhi chujing], Radio Free Asia, 13 June 17; "China Demands Ethnic Kazakh Nationals Hand Over Passports, Hundreds of Thousands Unable To Unite With Family" [Zhongguo yaoqiu hasakezu guomin jiao hui huzhao shu shiwan ren wufa yu jiaren tuanju], Radio Free Asia, 13 June 17.

[27] CECC, 2016 Annual Report, 6 October 16, 170–71.

[28] Rights Defense Network, "Jiangsu Rights Defender Xu Qin Blocked From Traveling to Hong Kong, Shaanxi's Lu Dongli Denied Common Passport and HK–Macau Travel Permit on Suspicion of Involvement in 'July 9' Incident" [Jiangsu weiquan renshi xu qin chujing fu xianggang bei zu shaanxi lu dongli shexian canyu "709" shijian bu yu qianfa putong huzhao he gang'ao tongxingzheng], 15 March 17; "Two Rights Defenders Prohibited From Leaving Country To Go to Hong Kong" [Liang weiquan renshi bei jin chujing dao xianggang], Radio Free Asia, 15 March 17; Rights Defense Network, "Feng Zhenghu: The Tribulations of China's Lawyers—42 Lawyers and Others Prevented From Leaving Country" [Feng zhenghu: zhongguo lushi de zaoyu—42 ming lushi deng ren bei xianzhi chujing], 2 July 17.

[29] Rights Defense Network, "Jiangsu Rights Defender Xu Qin Blocked From Traveling to Hong Kong, Shaanxi's Lu Dongli Denied Common Passport and HK–Macau Travel Permit on Suspicion of Involvement in 'July 9' Incident" [Jiangsu weiquan renshi xu qin chujing fu xianggang bei zu shaanxi lu dongli shexian canyu "709" shijian bu yu qianfa putong huzhao he gang'ao tongxingzheng], 15 March 17; "Two Rights Defenders Prohibited From Leaving Country To Go to Hong Kong" [Liang weiquan renshi bei jin chujing dao xianggang], Radio Free Asia, 15 March 17; "Passport Not Processed for Suspected Involvement in 709 Case, Lu Dongli Sues Qianyang County Public Security Bureau" [She 709 an bu yu ban huzhao lu dongli qisu qianyang xian gong'anju], Radio Free Asia, 17 March 17.

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[32] World Uyghur Congress, "The World Uyghur Congress Raises Strong Concerns Over the Confiscation of Passports," 21 October 16; Human Rights Watch, "China: Passports Arbitrarily Recalled in Xinjiang," 21 November 16.

[33] Human Rights Watch, "China: Passports Arbitrarily Recalled in Xinjiang," 21 November 16.

[34] "Protests Continue in Kazakhstan Over China's Treatment of Kazakhs," Radio Free Asia, 6 July 17; "Dozens of Ethnic Kazakhs Detained Amid Security Crackdown in China's Xinjiang," Radio Free Asia, 1 August 17.

[35] "China Seizes Tibetans' Passports in a Bid To Block Travel," Radio Free Asia, 14 November 16; Annie Gowen, "Hundreds of Tibetans Defy China, Gather at Birthplace of Buddhism in India," Washington Post, 13 January 17.

[36] "China Seizes Tibetans' Passports in a Bid To Block Travel," Radio Free Asia, 14 November 16.

[37] "Tibetans Ordered Home by China Are Questioned by Police, Lose Their Passports," Radio Free Asia, 23 January 17; "Tibetan Pilgrims See Passports Destroyed on Their Return," Radio Free Asia, 31 January 17.

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[39] Chris Buckley, "China Bars Professor at Australian University From Leaving, Lawyer Says," New York Times, 26 March 17; "Australia-Based Scholar Feng Chongyi Still Held in Soft Detention in Guangzhou" [Lu ao xuezhe feng chongyi reng bei ruanjin guangzhou], Radio Free Asia, 27 March 17.

[40] "Australia-Based Scholar Feng Chongyi Still Held in Soft Detention in Guangzhou" [Lu ao xuezhe feng chongyi reng bei ruanjin guangzhou], Radio Free Asia, 27 March 17.

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[43] "Dozens of Mainlanders Blocked From Going to Hong Kong To Attend Seminar on Anti-Rightist Movement" [Dalu shu shi ren bei jin lai gang chuxi fanyou yundong yantaohui], Radio Free Asia, 28 March 17.

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[45] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).

[46] See, e.g., "China Ups 'Stability Maintenance' Alert as PLA Veterans Head to Beijing," Radio Free Asia, 25 April 17; "China in Nationwide Security Crackdown During New Silk Road Forum," Radio Free Asia, 15 May 17; Nathan VanderKlippe, "China Jails Its Citizens as It Touts Global Benefits of 'New Silk Road,'" Globe and Mail, 17 May 17.

[47] See, e.g., "As Sensitive Dates Approach, Guangzhou Begins To Pressure Rights Defenders" [Min'gan rizi jiang zhi sui kaishi dui weiquan renshi shiya], Radio Free Asia, 18 May 17; "China Puts Activists Under House Arrest, Surveillance Ahead of Massacre Anniversary," Radio Free Asia, 30 May 17; "Chinese Writer and Lawyer Girlfriend Forced To Leave Guangzhou on Sensitive Dates" [Zhongguo zuojia ji lushi nuyou min'gan ri bei bi li guangzhou], Voice of America, 30 May 17; "Chinese Police Tighten Security in Beijing, Round Up Activists for Tiananmen Massacre Anniversary," Radio Free Asia, 4 June 17.

[48] See, e.g., "With National Two Sessions About To Convene, Local Governments on Guard Against Petitioners Heading to Beijing" [Quanguo lianghui jijiang zhaokai difang zhengfu yanfang fangmin fu jing], Radio Free Asia, 9 February 17; "As Beijing's Two Sessions Near, Authorities Hold Large-Scale Clearing Out of Petitioner Villages" [Beijing lianghui jiang zhi dangju daju saodang shangfang cun], Radio Free Asia, 13 February 17; "With 'Two Sessions' Drawing Near, Large-Scale Suppression of Dissidents in Many Areas" ["Lianghui" linjin gedi da guimo yazhi yiyi renshi], Radio Free Asia, 28 February 17.

[49] See, e.g., "Hu Jia's Two Sessions 'Forced Travel' Excessively Long, Health Suffers Without Way To Take Scheduled Medicine" [Hu jia lianghui "bei luyou" chaoshi wufa dingshi fuyao jiankang shousun], Radio Free Asia, 21 March 17.

[50] Rights Defense Network, "Former Qianjiang, Hubei, People's Congress Deputy, Yao Lifa Has Freedom of Person Restricted and Forced To Travel for 18 Days Before and After Two Sessions" [Hubei qianjiang shi qian renda daibiao yao lifa lianghui qianhou bei xianzhi renshen ziyou qiangzhi luyou 18 tian], 18 March 17. For more information on Yao Lifa, see the Commission's Political Prisoner Database record 2011-00532.

[51] See, e.g., Rights Defense Network, "Statistical Report on Rights Defenders in Shanghai Who Were Put in Black Jails or Detained Before and After the Two Sessions (Supplement)" [Lianghui qianhou shanghai weiquan renshi zao guan hei jianyu he juliu de tongji baogao (buchong)], 16 March 17; Rights Defense Network, "Zhuhai Authorities Build Black Jail on Hilltop, Chen Fengming Held for 18 Days [During] 'Two Sessions'" [Zhuhai dangju shanding shang jian hei jianyu, chen fengming "lianghui" bei qiujin 18 tian], 19 March 17.

[52] Civil Rights & Livelihood Watch, "Lawyer Liu Zhengqing Prevented From Traveling to Beijing To Work on Case Because of 'Convening of Two Sessions'" [Liu zhengqing lushi fu jing ban'an bei yi "kai lianghui" wei you lanjie], 27 February 17.

[53] Amnesty International, "China: Human Rights Lawyer Released on Bail Amid Relentless Crackdown," 10 May 17.

[54] "Xie Yang's Legal Representative Chen Jian'gang Detained in Yunnan" [Xie yang daili lushi chen jian'gang zai yunnan bei zhua], Radio Free Asia, 3 May 17; Amnesty International, "China: Human Rights Lawyer Released on Bail Amid Relentless Crackdown," 10 May 17. See also Office of the UN High Commissioner for Human Rights, "Press Briefing Notes on China," 5 May 17.

[55] "During Sensitive Period in March, Multiple Places in Tibetan Areas Under Strict Controls and Surveillance" [San yue min'gan qi zang qu duo di bei yanguan yankong], Radio Free Asia, 14 March 17.

[56] "Police Block Over One Thousand Tibetans From Traveling to Sichuan To Participate in Religious Activity" [Jingfang zu'nao yu qian zangren fu chuan canyu zongjiao huodong], Radio Free Asia, 16 February 17.

[57] Edward Wong, "Western China Region Aims To Track People by Requiring Car Navigation," New York Times, 24 February 17; "China Orders Satellite Positioning Installed in All Cars in Autonomous Prefecture in Xinjiang" [Zhongguo xialing xinjiang yi zizhizhou quanbu qiche anzhuang weixing dingwei], Radio Free Asia, 21 February 17.

[58] Tom Phillips, "China Orders GPS Tracking of Every Car in Troubled Region," Guardian, 20 February 17; Philip Wen, "Region in China's Restive Xinjiang To Track Vehicles as Anti-Terror Measure," Reuters, 21 February 17.

[59] Ibid.

STATUS OF WOMEN

Public Participation

POLITICAL DECISIONMAKING

The Chinese government is obligated under its international commitments[1] and domestic laws[2] to ensure gender-equal political participation; women, however, continued to be underrepresented in political decisionmaking positions. Female representation in top-level Communist Party and government leadership remains low or non-existent,[3] and one scholar noted that it would likely remain negligible after the leadership change at the 19th National Congress of the Chinese Communist Party scheduled for autumn 2017.[4]

Overall, representation at upper and lower levels of the government continues to fall short of the 30 percent target recommended by the UN Commission on the Status of Women.[5] The proportion of female delegates at the 12th National People's Congress (NPC), seated in 2013, was 23.4 percent.[6] A draft decision presented during the annual session of the 12th NPC in March 2017 projected that a greater proportion of female delegates would be elected to the 13th NPC in January 2018, but did not specify how.[7]

CIVIL SOCIETY AND ADVOCACY

During the Commission's 2017 reporting year, Chinese officials prevented some women's rights advocates from engaging in activism and providing services—a continuation of the intensifying restrictions on women's rights advocacy that began in 2015[8]—while promoting Party-affiliated alternatives for protecting women's rights and interests.

A leading feminist activist described the political environment as "very difficult" and reported that independent groups were unable to organize activities on behalf of women's rights.[9] Activists also voiced serious concern about online censorship after a social media company blocked a prominent social media account for women's rights, "Feminist Voices," for 30 days in February 2017.[10] The account shutdown was allegedly directed by the Cyberspace Administration of China, the government agency responsible for overseeing all online content.[11] [For more information on censorship, see Section II—Freedom of Expression.]

May 2017 "Human Billboard" Anti-Sexual Harassment Campaign

On May 1, 2017,[12] women's rights advocate Zhang Leilei initiated an anti-sexual harassment campaign with the feminist group Women Awakening Network[13] based in Guangzhou municipality, Guangdong province.[14] feminist group Women Awakening Network.[14] Zhang recruited 100 volunteers from across China via social media as "human billboards" who would publicly carry posters to raise awareness about preventing sexual harassment on public transportation.[15] Volunteers from at least 23 cities participated and around 10 feminist or LGBT groups held activities in conjunction with the campaign.[16] Zhang started the campaign after authorities repeatedly refused permission for a crowd-funded advertisement against sexual harassment in a Guangzhou subway station.[17] On May 17, 2017, authorities ordered Zhang to halt the billboard campaign because it was "too large," comparing it to the planned anti-sexual harassment activity in March 2015 that led to the criminal detention of five women's rights advocates (also known as the Feminist Five).[18] They also told Zhang to suspend all other activities and leave the city for the remainder of the year due to heightened public security in anticipation of the 2017 Fortune Global Forum to be held in Guangzhou in December.[19] Guangzhou authorities also searched the home of three others involved in the campaign.[20] Zhang subsequently suspended the campaign and canceled a series of planned follow-up activities.[21]

In September 2016, the Party's Central Committee General Office launched a nationwide initiative to reform the Party-affiliated All-China Women's Federation (ACWF).[22] The reforms direct the ACWF to more actively intervene in individual cases to protect women against violations of their rights and interests, to improve aid delivery, and to enhance the ACWF's online presence.[23] The initiative also charged the ACWF with "leading women to listen to the Party [and] follow the path of the Party" and "strengthening the leadership of the Party."[24]

The Chinese government also continued to target individual women's rights advocates with criminal prosecution and other forms of harassment and intimidation.

- The Foshan Intermediate People's Court in Guangdong province convicted **Su Changlan,**[25] an influential organizer and advocate for women's rights and democratic village elections, of "inciting subversion of state power" on March 31, 2017.[26] The court sentenced Su to three years in prison and a subsequent three-year deprivation of political rights.[27] Su is expected to be released in October 2017.[28] Authorities repeatedly violated her legal and procedural rights by holding her in secret detention, denying her legal counsel, repeatedly extending her detention before her trial in April 2016, and deferring a judgment four times.[29] In June 2017, her brother reported that her life was "definitely in danger" because of inadequate medical treatment,[30] and Amnesty International said in August 2017 that her health suffered "a sharp deterioration due to ill-treatment and poor detention conditions over the past years."[31] The UN Working Group on Arbitrary Detention in 2015 determined

that the Chinese government had arbitrarily detained Su and called on the government to release her immediately and grant reparation for harm suffered during her detention.[32] Public security officials detained Su in October 2014 after she voiced support for the pro-democracy demonstrations in Hong Kong.[33]

• Also on March 31, 2017, the same Foshan court sentenced **Chen Qitang,**[34] to four years and six months' imprisonment and three years' deprivation of political rights for "inciting subversion of state power."[35] Chen had worked with Su to document domestic violence in Guangdong and actively published essays critical of government policies.[36] Authorities prolonged his detention for more than two years.[37]

• The Gangzha District People's Court in Nantong municipality, Jiangsu province, convicted **Shan Lihua,**[38] a women's rights advocate, of "picking quarrels and provoking trouble" in September 2016.[39] During her detention, authorities reportedly subjected Shan to torture and other rights violations; her brother stated that officials at the Nantong PSB Detention Center beat her "until she couldn't stand,"[40] and that authorities refused her access to counsel.[41] The judgment sentencing Shan referenced her protesting the sexual abuse of students by school officials in Hainan province in 2013 and the detention of women's rights advocate Ye Haiyan.[42]

• Local authorities in Beijing municipality repeatedly pressured **Ye Haiyan,** a prominent advocate for women, commercial sex workers, and people living with AIDS, to move residences between January and March 2017.[43] [For more information on restrictions on residence and movement prior to the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference, see Section II—Freedom of Residence and Movement.] Ye reportedly remained under constant surveillance by authorities, and was unable to participate in public demonstrations or leave the country after Chinese authorities told her that her passport was "lost" after she attempted to apply for a visa in 2014.[44] A U.S.-based filmmaker making a documentary about Ye's activism reported that officials threatened the filmmaker's family in China in order to discourage her from releasing the film.[45]

Gender-Based Discrimination

EMPLOYMENT

Women in China continued to face a variety of institutional, legal, and social barriers to equal employment, which the Chinese government is obligated to address under its international commitments[46] and domestic laws.[47] Employers frequently discriminate against women in recruiting,[48] hiring,[49] and promotion.[50] Although existing laws prohibit such practices,[51] the system for enforcement remains inadequate: Repercussions for violating the law are rare[52] and negligible,[53] and victims of discrimination at work are reluctant to seek a legal remedy due to the risk of dismissal and time involved.[54] Discriminatory legal policies also continued to bar women from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.[55] Dis-

parities in the workplace also manifested in widespread sexual harassment[56] and women earning on average 65 percent of what men earn.[57] Although the Commission did not observe statistics on the pay gap for rural women this past year, in 2011 women's income was 56 percent that of men's in rural areas,[58] despite the fact that women reportedly make up a majority of the rural labor force, according to a February 2015 news report.[59]

Experts and female respondents to a recent survey attributed much of the discrimination against women in employment to employers' desire to avoid the cost of maternity leave for female employees.[60] An All-China Women's Federation survey found that 54.7 percent of employers asked women about their marital status and reproduction-related issues during the interview process, and many women reported that employer concerns about maternity had resulted in reduced salary and impeded career development and advancement.[61] In another survey, the greatest proportion of women reporting gender discrimination were those between 25 and 34, particularly those without children.[62] Experts said that such discrimination would likely be exacerbated by the "universal two-child policy" implemented in January 2016.[63] [For more information on the "universal two-child policy," see Section II—Population Control.]

Some women continued to demand more active enforcement of existing Chinese law through gender discrimination lawsuits, the first of which was reportedly settled out of court in 2013.[64] In September 2016, Gao Xiao (pseudonym) obtained a judgment from the Guangzhou Intermediate People's Court in Guangdong province for 2,000 yuan (US$300) and a public apology from a restaurant chain that refused to interview or hire her for a chef's apprentice position based on her gender.[65] In March 2017, following the company's inaction, the court again ordered the restaurant to publicly apologize.[66] In another case in July 2017, a university student filed the first gender-based employment discrimination suit in Shenzhen municipality, Guangdong, against the Shenzhen Municipal Human Resources and Social Security Bureau for failing to address her complaint regarding a discriminatory job recruitment advertisement posted online by a local business.[67]

Some Chinese government officials promoted the use of law to resolve gender discrimination issues in employment. The Supreme People's Court (SPC) included a recent gender discrimination case among the guiding cases released in August 2016,[68] making it a judgment that courts "at all levels should refer to . . . when adjudicating similar cases."[69] The judgment granted compensation to a female plaintiff who sued a courier service that refused to hire her because of her gender.[70] SPC official Guo Feng said that imposing civil liability would deter employers from discriminating on the basis of gender.[71] In March 2017, several National People's Congress (NPC) delegates spoke out in support of creating an anti-discrimination law for employment to address widespread discrimination.[72]

PROPERTY RIGHTS

Women, particularly after marriage, continued to lack secure rights to property in both rural and urban areas due to a combina-

tion of legal policies and traditionalist cultural pressures. One NPC Standing Committee member noted that rural women continue to face challenges in asserting rights to land due to a lack of decision-making power at both the household and village level.[73] According to a 2016 interview with a Chinese professor, 18 percent of married rural women did not have their names included on the land contracts of the household of either their husband or parents, and nearly 53 percent of married women had had land contracts canceled by their home villages as of 2014.[74] Urban women also face difficulties defending their property rights; for example, in fall 2016, a court ruled against a woman who, after her husband proposed divorce, sued to have her name added to the title of a home she had contributed to purchasing.[75] A 2011 Supreme People's Court interpretation of the PRC Marriage Law grants property in a divorce to the party named on the deed.[76] Research from 2012 indicated that a majority of married women or their families contribute to the purchase of homes, but most women are not named on the deed of the home.[77]

Violence Against Women

Women in China continued to face challenges with domestic and sexual violence as officials continued to develop a legal and institutional infrastructure to prevent such abuse. All-China Women's Federation statistics show that "30 percent of married women have experienced some form of domestic violence."[78] At the end of June 2017, courts reportedly had issued 1,284 total protection orders under the PRC Anti-Domestic Violence Law,[79] in effect since March 2016.[80] Experts on the domestic violence law note that challenges to implementation include lack of awareness,[81] inadequate resources for training of officials,[82] gender discrimination within the legal system,[83] and enforcement that prioritizes family cohesion and "social stability" over the safety of victims.[84] Victims of sexual violence also face challenges in obtaining legal redress—experts note that victims of sexual harassment are reluctant to come forward due to pressure from family and society.[85] A 2013 UN study found that nearly one in five Chinese women reported being the victims of rape,[86] and a 2015 survey of Chinese college students found that 34.8 percent of female respondents (and 35.6 percent of male respondents) had experienced sexual harassment or violence.[87] The non-governmental organization China Labour Bulletin noted that while sexual harassment is "widespread," it is rare for women to obtain justice through the legal system.[88]

Notes to Section II—Status of Women

[1] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, arts. 7, 24. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to "ensure to women, on equal terms with men," the right "[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government . . .." United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 13 July 17. China signed the convention on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles.

[2] PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, amended 28 August 05, effective 1 December 05, art. 11; PRC Electoral Law of the National People's Congress and Local People's Congresses [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, 29 August 15, art. 6. Both of these laws stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses.

[3] "China Political Leaders" [Zhongguo zhengyao], Chinese Communist Party News, People's Daily, last visited 17 July 17; "Chinese Communist Party 18th Central Leadership Organization Members' Biographies" [Zhonggong shiba jie zhongyang lingdao jigou chengyuan jianli], Xinhua, 15 November 12. Within Party leadership, only 2 of the 25 members of the Political Bureau of the Communist Party Central Committee (Politburo) are women, and there are no women among the 7 members of the Politburo Standing Committee—the most powerful governing body in China. There are no women serving as Party secretaries at the provincial level. In government leadership, women hold 2 out of 25 national-level ministerial positions and 2 out of 31 governorships of provinces, provincial-level municipalities, and autonomous regions. For more information on female members of the Politburo since 1945, see CECC, 2015 Annual Report, 8 October 15, Notes to Section II—Status of Women, 176, endnote 5.

[4] Cheng Li, Brookings Institute, "Status of China's Women Leaders on the Eve of 19th Party Congress," 30 March 17.

[5] Ibid.; Women's Studies Institute of China, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7)," September 2014, 1–2; Permanent Mission of the People's Republic of China to the United Nations, Introductory Statement by H.E. Mme. Song Xiuyuan, Head of the Chinese Delegation, Consideration of China's Combined Seventh and Eighth Periodic Reports by the Committee on the Elimination of Discrimination against Women, 23 October 14, sec. 3. According to official statistics from 2013, women made up 23.4 percent of the 12th National People's Congress and 22.6 percent of all village committee members. "Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women," UN Chronicle, Vol. 27, No. 2, June 1990, reprinted in Popline. The target of 30-percent female representation in leadership positions by 1995 was recommended by the UN Commission on the Status of Women at its 34th session in 1990.

[6] Women's Studies Institute of China, "The Shadow Report of Chinese Women's NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7)," September 2014, 1–2. In the 12th Session of the National People's Congress, which began in 2013, women held 23.4 percent of seats.

[7] Wang Chen, "Explanation of the '(Draft) Decision of the 5th Meeting of the 12th National People's Congress on Member Quotas and Election Issues for the 13th National People's Congress'" [Guanyu "di shi'er jie quanguo renmin daibiao dahui di wuci huiyi guanyu di shisan jie quanguo renmin daibiao dahui daibiao ming'e he xuanju wenti de jueding (cao'an)" de shuoming], National People's Congress, 8 March 17, item 3.

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HUMAN TRAFFICKING

Defining Human Trafficking

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol),[1] China is obligated to enact legislation criminalizing human trafficking as defined by the UN TIP Protocol.[2] The definition of human trafficking under the PRC Criminal Law,[3] however, remains inconsistent with UN TIP Protocol standards.[4] The UN TIP Protocol definition of human trafficking involves three components: the action of recruiting, transporting, harboring, or receiving persons; the means of coercion, deception, or control;[5] and "the purpose of exploitation," including sexual exploitation or forced labor.[6] Chinese law focuses on the act of selling a woman or child,[7] rather than the purpose of exploitation.[8] The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the UN TIP Protocol,[9] including certain types of non-physical coercion;[10] offenses against male victims;[11] and forced labor,[12] though forced labor is illegal under a separate provision of the law.[13] In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions.[14] Under the UN TIP Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.[15] Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in general;[16] in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.[17] A scholar with the Centre for Human Rights Studies at the University of Zurich, Switzerland, argued that the discrepancies in the Chinese legal definition make international comparisons of human trafficking difficult and have "serious, negative implications for formulating an effective national anti-trafficking strategy."[18]

Trends and Developments

CROSS-BORDER TRAFFICKING

China remains a destination country for the trafficking of men, women, and children from throughout Asia,[19] and a source country for trafficking to Europe, the United States, and elsewhere.[20] Vietnamese media reported an increase in the number of victims of human trafficking in 2016; the majority of cases were reportedly women trafficked to China for forced marriage or sexual exploitation.[21] According to a study of trafficked men and boys, Vietnamese males were also trafficked to China for the purpose of forced labor in factories.[22] Burmese and Cambodian nationals were reportedly trafficked to China for forced marriage and forced labor,[23] and Nepalese and Lao women were reportedly trafficked to China for sexual exploitation.[24] According to the UN Office on Drugs and Crime and the International Organization for Migration, China is also a source country for human trafficking to Europe.[25] This past year, the Commission observed reports of alleged human trafficking of Chinese nationals to the United States[26] and elsewhere[27] for forced labor and sexual exploitation.

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT), men, women, and children were trafficked within China's borders for forced labor, forced begging, forced marriage, and sexual exploitation.[28] During this reporting year, the Commission observed domestic media reports of women, including women with intellectual disabilities, trafficked for the purpose of forced marriage,[29] and of men trafficked for forced labor in brick kilns in Yunnan, Guizhou, and Guangdong provinces.[30] A case involving the use of child labor by clothing manufacturers in Jiangsu province,[31] also appeared to constitute trafficking for forced labor, as employers reportedly used violence against the children and withheld pay and identity documents.[32] [For more information on this case and child labor in China, see Section II—Worker Rights—Child Labor.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government subjected individuals to forced labor during pretrial detention and while held in administrative detention centers. The International Labour Organization (ILO) definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . .";[33] however, the Commission observed reports of individuals performing forced labor in detention before trial.[34] In a form of administrative detention known as compulsory drug detoxification, authorities detained suspected drug users without trial and reportedly required them to perform labor.[35] According to a March 2017 article in the state-run news agency Xinhua, one compulsory drug detoxification center in Shaanxi province typically held detainees for two years.[36] The center provided education and training for two months, and for the remainder of the time, detainees "participated in handicraft labor."[37] As the government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes forced labor under the ILO definition[38] and human trafficking under the UN TIP Protocol.[39] Compulsory drug detoxification centers are similar to reeducation through labor (RTL),[40] another form of administrative punishment in which detainees were detained without trial[41] and subjected to forced labor.[42] Although the government abolished RTL in 2013,[43] Zhang Sujun, Vice Minister of the Ministry of Justice, said in November 2014 that authorities had converted most RTL facilities to compulsory drug detoxification centers.[44]

According to the World Uyghur Congress (WUC), authorities in the Xinjiang Uyghur Autonomous Region (XUAR) subjected some Uyghur residents to *hashar,* a type of forced labor for public works projects.[45] A November 2016 WUC report found that some local governments in the XUAR periodically required Uyghur residents to participate in forced labor under threat of financial penalty and detention.[46] In February 2017, Uyghur farmers told Radio Free Asia that local officials claimed to have abolished *hashar,* yet still required Uyghur residents to participate in flood control and tree planting.[47] Government-sponsored compulsory labor constitutes forced labor as defined by the ILO[48] and human trafficking under

the UN TIP Protocol.[49] [For more information on forced labor in the XUAR, see Section IV—Xinjiang.]

Risk Factors

This past year, Chinese workers migrating within China and individuals with disabilities were at risk of human trafficking, and government restrictions on worker rights exacerbated this risk. Despite reforms, international observers reported that the household registration (*hukou*) system continued to disadvantage and marginalize internal migrant workers,[50] reportedly exacerbating their vulnerability to trafficking.[51] Migrant workers' children, often unable to migrate with their parents due in part to the *hukou* system,[52] were also at an increased risk for human trafficking.[53] [For more information on the *hukou* system, see Section II—Freedom of Residence and Movement.] Individuals with disabilities were at risk for forced marriage and forced labor, including forced begging.[54] The Chinese government limits workers' right to freedom of association by restricting independent unions[55] and limiting the right to collective bargaining.[56] A September 2016 UN report noted that the government's failure to protect workers' fundamental right to freedom of association limits workers' ability to advocate for their rights, "directly contribut[ing] to problems such as human trafficking and slavery."[57] [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

In addition to domestic human trafficking, men, women, and children in neighboring countries face the risk of human trafficking into China. Poverty in Southeast Asian countries contributes to human trafficking from that region.[58] Migrants and women are particularly at risk.[59] The Chinese government continued to treat North Korean refugees as economic migrants and maintained a policy of repatriating undocumented North Koreans,[60] leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage.[61] Additionally, the government of the Democratic People's Republic of Korea (DPRK) reportedly continued to generate revenue by sending North Korean nationals to work in China under conditions that one expert described as slave labor.[62] Reporting from this past year indicated that North Korean security personnel accompanied the workers and withheld their passports.[63] Workers reportedly worked up to 20 hours per day and typically did not receive their wages until they returned to North Korea.[64] [For more information, see Section II—North Korean Refugees in China.]

China's sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias for sons[65]—created a demand for marriageable women that may contribute to human trafficking for forced marriage and sexual exploitation.[66] According to the National Bureau of Statistics of China, in 2016, China had approximately 33.59 million more men than women.[67] The official sex ratio at birth was approximately 113.5 boys born for every 100 girls in 2015.[68] According to demographers, a typical sex ratio at birth is within the range of 103 to 107 boys born for every 100 girls.[69] As of August 2017, the government had not released the sex ratio at birth for 2016. [For more information on China's population policies, see Section II—Population Control.]

Anti-Trafficking Efforts

During this reporting year, the Supreme People's Court (SPC) issued an interpretation on the trafficking of women and children, while the number of human trafficking cases tried in the courts declined. The December 2016 SPC interpretation clarified the application of the law in trying trafficking cases.[70] The interpretation specified the meaning of certain terms used in anti-trafficking provisions of the PRC Criminal Law,[71] including defining "children" as under the age of 14.[72] This is inconsistent with the UN TIP Protocol, which defines children as under the age of 18.[73] Additionally, the SPC Information Center and Judicial Cases Research Institute reported that Chinese courts tried 4 percent fewer human trafficking cases in the first nine months of 2016 than in the same period in 2015.[74]

The Ministry of Public Security maintained a mobile application (app) launched in May 2016 to locate missing children.[75] The app reportedly assisted in locating 533 missing children, including 21 trafficked children, as of December 2016.[76] This figure relies upon the definition of human trafficking in Chinese law,[77] which does not conform to the UN TIP Protocol.[78]

The Chinese government continued its involvement in the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT),[79] developing with other member states a set of common indicators of human trafficking and common guidelines for identifying trafficking victims.[80] UN Action for Cooperation against Trafficking in Persons (UN-ACT), a project of the UN Development Programme that serves as the COMMIT Secretariat,[81] reported that the new indicators and guidelines aimed to improve victim identification and service provision.[82]

Hong Kong

This past year, Hong Kong remained[83] a destination for human trafficking, with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2016 annual digest reported that in 2015, there were over 340,000 MDWs working for households in Hong Kong, the majority of whom came from the Philippines and Indonesia.[84] According to local and regional non-governmental organizations, MDWs are often in debt due to excessive fees paid to employment agencies both in their home countries and in Hong Kong, and many employers exert control over MDWs by confiscating their passports, preventing them from contacting friends and family, and in some cases through physical and emotional abuse.[85] Local advocacy groups noted that two regulations—requiring MDWs to live with their employers[86] and to leave Hong Kong within two weeks of termination of a contract[87]—contributed to MDWs' risk of exploitation for forced labor.[88]

A December 2016 ruling by the High Court of the Hong Kong Special Administrative Region, Court of First Instance, found that Hong Kong's laws do not adequately address human trafficking.[89] The current definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons "for the purpose of prostitution" and not other forms of trafficking such

as trafficking within Hong Kong's borders and forced labor.[90] A victim of human trafficking challenged the Hong Kong government in court, arguing that Hong Kong's Bill of Rights Ordinance requires the Hong Kong government to enact stronger anti-trafficking legislation.[91] In December 2016, the court ruled in favor of the victim, finding that the Hong Kong government had an obligation under the Bill of Rights Ordinance "to enact measures to ensure the prohibition of forced or compulsory labour."[92] Hong Kong lawmaker Kenneth Leung submitted questions to the Hong Kong government regarding what steps it had taken following the December 2016 ruling.[93] The government responded in June 2017 that it "attaches great importance to combating [trafficking in persons]," but also stated that human trafficking "is not prevalent or widespread in Hong Kong," and that human trafficking "is effectively prohibited by various pieces of existing legislation in Hong Kong."[94] While China acceded to the UN TIP Protocol in 2010, the Chinese central government has not extended the Protocol to apply to Hong Kong.[95] [For more information on Hong Kong, see Section VI—Developments in Hong Kong and Macau.]

Notes to Section II—Human Trafficking

[1] United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 12 May 17.

[2] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 5.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, 28 March 17, para. 14.

[3] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240.

[4] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03. Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol, Article 3(a)), the trafficking of men (covered under the definition of "trafficking in persons" in Article 3(a) of the UN TIP Protocol), and stipulating the "purpose of exploitation" (see UN TIP Protocol, Article 3(a)). For an examination of the ways in which Chinese laws are inconsistent with the UN TIP Protocol, see Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 148–77.

[5] UN Office on Drugs and Crime, "What Is Human Trafficking?" last visited 11 June 17; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.

[6] Ibid.; Ibid., art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the UN TIP Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement," 2005, 7–15; International Labour Office, International Labour Organization, "Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children," Second Edition, 2012, 12, 19; International Labour Organization, "Questions and Answers on Forced Labour," last visited 13 April 17.

[7] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240. The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]."

[8] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 159.

[9] Ibid., 151, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also UN Office on Drugs and Crime, "What Is Human Trafficking?" last visited 12 April 17.

[10] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," 19 June 13, 130.

[11] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 160, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also Supreme People's Court Information Center and Judicial Cases Research Institute, "Judicial Big Data Special Report on Crimes Involving Trafficking" [Sifa da shuju zhuanti baogao she guai fanzui], 22 December 16, 11. The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, traf-

ficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]."

[12] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

[13] PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 244.

[14] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 166–67, 170–71; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]." In contrast, the purpose of exploitation is a key element of the UN TIP Protocol definition of human trafficking. For reports from the 2017 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Chen Xiaobo, "Zhejiang Announces Sentences in Large Cross-Provincial Infant Trafficking Case, First Defendant Receives Suspended Death Sentence" [Zhejiang xuanpan yiqi teda kuasheng fanying an di yi beigaoren bei pan sihuan], Xinhua, 4 November 16; Zhu Hengshun, "Combating Trafficking in Women and Children Also Requires Amending the 'Adoption Law'" [Daji guaimai ertong funu yexu xiugai "shouyang fa"], Beijing News, 24 December 16.

[15] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c). The purpose of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and Protocols Thereto, A/55/383/Add.1, 3 November 00, para. 66; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 171.

[16] Anne T. Gallagher, "Editorial: The Problems and Prospects of Trafficking Prosecutions: Ending Impunity and Securing Justice," Anti-Trafficking Review, Issue 6 (2016), 2–3; Jan van Dijk and Peter G.M. van der Heijden, "Multiple Systems Estimation for Estimating the Number of Victims of Human Trafficking Across the World," UN Office on Drugs and Crime, 15 June 16, 2–4; Patrick L. Kerr and Rachel Dash, "Ethical Considerations in Mandatory Disclosure of Data Acquired While Caring for Human Trafficking Survivors," AMA Journal of Ethics, Vol. 19, No. 1 (January 2017), 45–46.

[17] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 177; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2016, 131.

[18] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 176–77.

[19] See, e.g., Nicola S. Pocock et al., "Labour Trafficking Among Men and Boys in the Greater Mekong Subregion: Exploitation, Violence, Occupational Health Risks and Injuries," PLoS ONE, Vol. 11, No. 12 (16 December 16), 7; "Chinese Marriage Proposals Become Prostitution Nightmares for Some Lao Girls," Radio Free Asia, 13 February 17; UN Office on Drugs and Crime, "Global Report on Trafficking in Persons 2016," December 2016, 106.

[20] See, e.g., UN Office on Drugs and Crime, "Global Report on Trafficking in Persons 2016," December 2016, 76, 106; Polaris, "More Assistance. More Action. 2016 Statistics From the National Human Trafficking Hotline and BeFree Textline," January 2017, 2; Kong Linghan, "Chinese Individuals With Disabilities Trafficked to Malaysia To Beg" [Zhongguo canjiren bei guaipian dao malaixiya xingqi], Beijing Youth Daily, 19 October 16.

[21] "Rise in Organised Crime Reported," Viet Nam News, 8 March 17; "Vietnam's Human Trafficking Victims Rise 13 Pct in 2016," VnExpress International, 6 January 17; "VN Faces Growing Human Trafficking to China," Viet Nam News, 24 October 16. See also Zhang Yan, "China, Vietnam Fight Human-Trafficking," China Daily, 22 May 17.

[22] Nicola S. Pocock et al., "Labour Trafficking Among Men and Boys in the Greater Mekong Subregion: Exploitation, Violence, Occupational Health Risks and Injuries," PLoS ONE, Vol. 11, No. 12 (16 December 16), 7.

[23] Office To Monitor Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—Burma," June 2017; San Yamin Aung, "Government Releases Trafficking Statistics for

2016," Irrawaddy, 11 January 17; Nadia Jung, Chab Dai Coalition, "New Trends and Observations in Cambodian Trafficking Cases," 20 July 17; Khy Sovuthy and Zsombor Peter, "Hopeful Fashion Students Trafficked to China To Work in Factory," Cambodia Daily, 9 January 17.

[24] Office To Monitor Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—Nepal," June 2017; Bikash Sangraula, "Traffickers Ensnaring Easy Targets in Nepal 2 Years After Quakes," Kyodo News, 24 April 17; "Chinese Marriage Proposals Become Prostitution Nightmares for Some Lao Girls," Radio Free Asia, 13 February 17.

[25] UN Office on Drugs and Crime, "Global Report on Trafficking in Persons 2016," December 2016, 76. See also International Organization for Migration, "China, EU Work To Combat Human Trafficking," 15 November 16.

[26] See, e.g., Polaris, "More Assistance. More Action. 2016 Statistics From the National Human Trafficking Hotline and BeFree Textline," January 2017, 2; Lee Rood, "Des Moines Identified as Top 100 Human Trafficking Site," Des Moines Register, 16 November 16; "Wis. Veterinarian Sentenced for Sex, Labor Trafficking in Twin Cities," WCCO CBS Minnesota, 8 March 17.

[27] See, e.g., Kong Linghan, "Chinese Individuals With Disabilities Trafficked to Malaysia To Beg" [Zhongguo canjiren bei guaipian dao malaixiya xingqi], Beijing Youth Daily, 19 October 16; Chester Robards, "Human Rights Group Wants Probe After DPM Revealed CCA Workers' Passports Withheld," Nassau Guardian, 20 March 17; Isla Binnie, "Spanish Police Arrest 25 in Suspected Chinese Mafia Bust," Reuters, 19 April 17; UN Office on Drugs and Crime, "Global Report on Trafficking in Persons 2016," December 2016, 106.

[28] UN Action for Cooperation against Trafficking in Persons (UN-ACT), "China," last visited 13 April 17.

[29] See, e.g., Chen Tong, "Woman With Intellectual Disability Trafficked Several Times, Tuanfeng Police Crack Trafficking in Women Case, 3 Caught" [Zhizhang nu bei duo ci guaimai tuanfeng jingfang pohuo guaimai funu an 3 ren luowang], China News Service, 25 November 16; Li Bin, "Man Who Trafficked Woman With Intellectual Disability Sentenced" [Nanzi guaimai zhizhang nu bei panxing], Anhui Legal News, 6 December 16; Sun Shengfeng and Yi Zhang, "Ziyuan Girl Went Out To Work, Trafficked to Fujian Mountains, To Be Wife of Man in His Forties" [Ziyuan shaonu waichu dagong bei guaimai dao fujian shanli gei 4 xun nanzi dang laopo], Guilin Life, 25 January 17.

[30] Chen Jin and Ma Junjie, "Putian Man Trapped in Illegal Yunnan Brick Kiln for 13 Years: Only Two Meals a Day, Beaten for Running Away" [Putian nanzi bei kun yunnan hei zhuan chang 13 nian: yitian jin liang dun fan taopao zao duda], Southeast Net, 10 November 16; Qiu Yanxia, "Lincang Man Escapes Illegal Brick Kiln, Warm-Hearted Traffic Police Help Him Return Home" [Lincang nanzi taochu hei zhuan chang nuanxin jiaojing zhu qi hui jiaxiang], Qujing Daily, 16 March 17.

[31] "Sale of Yunnan Child Workers Exposed in China's Clothing Capital: Yunnan Kids Easily Cheated" [Zhongguo fuzhuang zhi du bei pu maimai yunnan tonggong: yunnan wa hao pian], Chuncheng Evening Post, reprinted in Sina, 21 November 16.

[32] Ibid.; International Labour Organization, "Questions and Answers on Forced Labour," last visited 13 April 17. The International Labour Organization lists "withholding of wages or identity documents [and] physical or sexual violence" as indicators of forced labor. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c), (d). Note that for children under age 18, the means described in Article 3(a) are not required for an action to constitute human trafficking.

[33] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2.1, 2.2(c); "Ratifications of CO29—Forced Labour Convention, 1930 (No. 29)," International Labour Organization, last visited 10 July 17. Article 2.1 defines forced or compulsory labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." China has not ratified this convention.

[34] Rights Defense Network, "Lawyers Huang Simin and Ge Yongxi: Record of Pre-Spring Festival Meeting With Li Tingyu (January 14, 2017)" [Huang simin lushi, ge yongxi lushi: chunjie qian huijian li tingyu xiao ji (2017 nian 1 yue 14 ri)], 15 January 17; Yang Baolu, "'Hope for Acquittal, Don't Want To Lose My Job'" ["Qiwang wu zui panjue, bu xiang diudiao gongzuo"], Beijing Youth Daily, 16 February 17.

[35] Patrick Tibke, International Drug Policy Consortium, "Drug Dependence Treatment in China: A Policy Analysis," February 2017, 4, 8; Global Commission on Drug Policy, "Advancing Drug Policy Reform: A New Approach to Decriminalization," 2016, 14. For relevant legal provisions, see PRC Narcotics Law [Zhonghua renmin gongheguo jindu fa], passed 29 December 07, effective 1 June 08, arts. 38, 41, 43, 47; State Council, Drug Detoxification Regulations [Jiedu tiaoli], issued 26 June 11; Ministry of Justice, Judicial and Administrative Bureaus Compulsory Drug Detoxification Work Regulations [Sifa xingzheng jiguan qiangzhi geli jiedu gongzuo guiding], issued 3 April 13, effective 1 June 13. See also Human Rights Watch, "'Where Darkness Knows No Limits': Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31.

[36] "Shaanxi Province Women's Compulsory Drug Detoxification Center Hosts Open House, Calls on Everyone To Stay Away From Drugs" [Shaanxi sheng nu qiangzhi geli jiedusuo kaifang ri huodong huyu dajia yuanli dupin], Xinhua, 8 March 17.

[37] Ibid.

[38] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2. See also Patrick Tibke, International Drug Policy Consortium, "Drug Dependence Treatment in China: A Policy Analysis," February 2017, 8; Human Rights Watch, "'Where Darkness Knows No Limits': Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31.

[39] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). Compulsory drug detoxification center detainee labor can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as authorities engage in the "harbouring" and "receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation." According to Article 3(a), exploitation includes "forced labour." See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2017, 126, 128.

[40] Amnesty International, "'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," 17 December 13, 9.

[41] Ibid., 5; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jueding], issued 3 August 57, item 3; State Council, Supplementary Provisions on Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang de buchong guiding], issued 29 November 79, items 1–2.

[42] Amnesty International, "'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," 17 December 13, 17–18; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jueding], issued 3 August 57, item 2.

[43] National People's Congress Standing Committee, Decision on Abolishing Legal Provisions Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jueding], issued and effective, 28 December 13; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2016, 130.

[44] Sun Ying, "Ministry of Justice: Vast Majority of Nation's Former Reeducation Through Labor Centers Have Been Turned Into Compulsory Drug Detoxification Centers" [Sifabu: quanguo jueda duoshu yuan laojiao changsuo zhuan wei qiangzhi geli jiedu changsuo], China National Radio, 5 November 14.

[45] World Uyghur Congress, "Forced Labour in East Turkestan: State-Sanctioned Hashar System," November 2016, 4–5. See also "For Xinjiang's Uyghurs, 'Hashar' by Any Other Name Still Means Forced Labor," Radio Free Asia, 16 February 17.

[46] World Uyghur Congress, "Forced Labour in East Turkestan: State-Sanctioned Hashar System," November 2016, 4.

[47] "For Xinjiang's Uyghurs, 'Hashar' by Any Other Name Still Means Forced Labor," Radio Free Asia, 16 February 17.

[48] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2017, 126, 128.

[49] UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). Compulsory labor in the Xinjiang Uyghur Autonomous Region can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as authorities engage in the "harbouring" and "receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation." According to Article 3(a), exploitation includes "forced labour." See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2017, 126, 128.

[50] Cara Wallis, "Hukou Reform and China's Migrant Workers," University of Nottingham, China Policy Institute: Analysis (blog), 10 October 16; Spencer Sheehan, "China's Hukou Reforms and the Urbanization Challenge," The Diplomat, 22 February 17; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 157.

[51] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," Asia-Pacific Journal on Human Rights and the Law, Vol. 17 (2016), 157; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2017, 128.

[52] "The Changing Face of China's Migrant Population," Economist, 2 December 16; Mark Robertson and Aine McCarthy, ICTI Care Foundation, "Supply Chain Solutions to China's Left-Behind Children Problem," 20 November 16; China Labour Bulletin, "Migrant Workers and Their Children," last visited 10 May 17.

[53] "Lawmaker Calls for End to Issue of Left-Behind Children," Xinhua, reprinted in China Daily, 9 March 17; Mark Robertson and Aine McCarthy, ICTI Care Foundation, "Supply Chain Solutions to China's Left-Behind Children Problem," 20 November 16.

[54] UN Action for Cooperation against Trafficking in Persons (UN-ACT), "China," last visited 13 April 17; Kevin Schoenmakers, "Mentally Disabled Freed From Slavery in Yunnan Brick Kiln," Sixth Tone, 18 September 16; Kong Linghan, "Chinese Individuals With Disabilities Abducted and Taken to Malaysia To Beg" [Zhongguo canjiren bei guaipian dao malaixiya xingqi], Beijing Youth Daily, 19 October 16; Chen Tong, "Woman With Intellectual Disability Trafficked Several Times, Tuanfeng Police Crack Trafficking in Women Case, 3 Caught" [Zhizhang nu bei duo ci guaimai tuanfeng jingfang pohuo guaimai funu an 3 ren luowang], China News Service, 25 November 16.

[55] PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 9–11; "China's Complicated Relationship With Workers' Rights," World Politics Review, 25 January 17; Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 11. See also UN Committee on Economic,

Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, including Hong Kong, China, and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, 13 June 14, para. 23. For relevant international standards regarding the right to freely form and join independent unions, see International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22.1; International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1.

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North Korean Refugees in China

Introduction

During the Commission's 2017 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, execution, and other inhuman treatment.[1] The Chinese government regards North Koreans who enter China without proper documentation as illegal economic migrants[2] and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK.[3] China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and the Convention's 1967 Protocol, to which China has acceded.[4] China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "grounds for believing that [they] would be in danger of being subject to torture."[5]

Repatriation of Refugees and Border Conditions

This past year, heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face, and may be limiting the outflow of refugees from the DPRK. South Korean Ministry of Unification data reportedly showed that 1,414 refugees reached South Korea in 2016, continuing the trend of a significant decline in the number of refugees entering South Korea since 2009.[6] International news media reported cases in which Chinese authorities detained North Korean refugees, causing concerns that authorities planned to repatriate them.

- **November 2016.** Chinese authorities reportedly detained over 30 North Korean refugees in Shenyang municipality, Liaoning province, while they were in transit to Southeast Asia.[7] South Korean media reported that authorities later transferred the refugees to Dandong municipality, Liaoning—near the North Korean border—possibly in preparation for repatriation.[8]
- **March 2017.** Chinese authorities reportedly detained in total about 20 North Korean refugees in the following four locations: Hubei province;[9] Shenyang, Liaoning; Tianjin municipality; and an unknown location near the China-Laos border.[10]
- **June 2017.** According to Human Rights Watch, Chinese authorities detained five North Korean refugees near Yanji city, Yanbian Korean Autonomous Prefecture (KAP), Jilin province.[11]
- **July 2017.** According to South Korean news media Chosun Ilbo, Chinese authorities detained in total 43 North Korean refugees in the following three locations: 27 in Yunnan province; 5 in the Guangxi Zhuang Autonomous Region; and 11 in Jilin.[12] The five members of a North Korean refugee family detained in Yunnan, including a former senior North Korean Workers' Party official, reportedly committed suicide after Chi-

nese authorities transferred them to Shenyang, Liaoning, for deportation.[13] Moreover, according to a Daily NK report, Chinese authorities repatriated 70 North Korean refugees who were held in Tumen city, Yanbian KAP, Jilin.[14]

The North Korean government's imprisonment and torture of repatriated North Koreans render North Koreans in China *refugees sur place* who fear persecution upon return to their country of origin.[15] In July 2017, Tomás Ojea Quintana, UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, voiced his concern over the increase in the number of detentions and repatriations of North Koreans refugees caught in China, urging the Chinese government to abide by its obligations under the 1951 UN Convention Relating to the Status of Refugees and to give "special protection to DPRK citizens who transit through China's territory."[16] In response, China's Ministry of Foreign Affairs spokesperson Lu Kang stated that "North Koreans who illegally enter Chinese territory are not refugees," and that "the Chinese government has properly addressed the issue . . . in accordance with domestic and international laws and humanitarian principles."[17]

Crackdown on Foreign Aid Workers

During this reporting year, Chinese authorities appeared to have intensified crackdowns on organizations and individuals—including foreign aid workers, Christian missionaries and churches, and nongovernmental organizations—that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.

- **December 2016.** Chinese authorities reportedly deported more than 30 South Korean citizens, including Christian missionaries, who were based in Yanbian Korean Autonomous Prefecture (KAP), Jilin province.[18] According to United Press International, some of these South Koreans "were known to have been involved in assisting North Korean defectors," and a South Korean diplomatic source described the simultaneous deportation of this many South Korean citizens as "unprecedented."[19]
- **January 2017.** According to international media reports, Chinese authorities deported 32 South Korean missionaries, who were based in Yanji city, Yanbian KAP.[20] Many of the missionaries reportedly provided assistance to North Korean refugees to escape to South Korea.[21]
- **February 2017.** Chinese authorities reportedly detained four people, including a South Korean missionary and a Korean-American pastor, at a hotel in Yanji.[22] According to international media reports, Chinese authorities also detained two South Korean pastors and their family members in Qingdao municipality, Shandong province, and Qinhuangdao municipality, Hebei province, respectively.[23] Chinese authorities reportedly accused the pastors of "human smuggling," for assisting North Korean refugees at risk of repatriation.[24]

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for trafficked North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.[25] Sources indicate that the majority of North Korean refugees—approximately 70 to 80 percent—leaving the DPRK are women,[26] many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.[27] The Chinese government's refusal to recognize these women as refugees denies them legal protection and is thought to encourage the trafficking of North Korean women and girls within China.[28] China is obligated under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to take measures to safeguard trafficking victims and suppress all forms of trafficking of women.[29] [For more information on the sex ratio imbalance and trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to the children's lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranges between 20,000 and 30,000.[30] The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.[31] Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality.[32] Without proof of resident status, these children are unable to access education and other public services.[33] In some cases, bribery of local officials reportedly has allowed some children to obtain identification documents.[34] The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child.[35]

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[5] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 10 July 17. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In November 2015, in its Concluding Observations on the Fifth Periodic Report of China's compliance with the Convention, the UN Committee against Torture stated its concerns about China's lack of "national asylum legislation and administrative procedures" for determining refugee status, as well as China's "rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons." See also Human Rights Watch, "China: Don't Force 8 Refugees Back to North Korea," 23 April 17.

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[26] Kim Myong-song, "Statistics Highlight Abuse of N. Korean Women in China," Chosun Ilbo, 9 November 16; "Human Traffickers, Forcible Repatriation, Female North Korean Defectors Still Suffering in China" [Renkou fanzi, qiangzhi qianfan, tuobei nuxing zai hua reng shou jian'ao], Voice of America, 5 November 16; Christina Couch, "The Psychological Trauma of Defecting From North Korea," PBS, NOVA Next, 16 February 17.

[27] "Trafficked Into China With No Escape for 15 Years," Unification Media Group, reprinted in Daily NK, 25 April 17; "Human Traffickers, Forcible Repatriation, Female North Korean Defectors Still Suffering in China" [Renkou fanzi, qiangzhi qianfan, tuobei nuxing zai hua reng shou jian'ao], Voice of America, 5 November 16; "My Mission: One Woman's Calling To Help North Korean Women in China," World Watch Monitor, reprinted in Sight, 24 January 17.

[28] "Human Traffickers, Forcible Repatriation, Female North Korean Defectors Still Suffering in China" [Renkou fanzi, qiangzhi qianfan, tuobei nuxing zai hua reng shou jian'ao], Voice of America, 5 November 16; "North Korean Women Defectors Escape From Life of Deprivation Only To Be Forced Into Slavery, Says Activist," Agence France-Presse, reprinted in Straits Times, 3 November 16; Hong Mei, "If Father Is Chinese, Defectors Face Difficulty in Obtaining South Korean Government Financial Assistance" [Ruo fuqin wei zhongguo ren tuobeizhe nan huo han zhengfu zizhu], Epoch Times, 10 November 16.

[29] Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 10 July 17. China signed the Convention on July 17, 1980, and ratified it on November 4, 1980. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6–9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, A Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, last visited 10 July 17. China acceded to the Protocol on February 8, 2010.

[30] Kim Myong-song, "Statistics Highlight Abuse of N. Korean Women in China," Chosun Ilbo, 9 November 16; Hong Mei, "If Father Is Chinese, Defectors Face Difficulty in Obtaining South Korean Government Financial Assistance" [Ruo fuqin wei zhongguo ren tuobeizhe nan huo han zhengfu zizhu], Epoch Times, 10 November 16.

[31] PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed, issued, and effective 10 September 80, art. 4. Article 4 of the PRC Nationality Law provides that, "Any person born in China whose parents are both Chinese nationals and one of whose parents is a Chinese national shall have Chinese nationality."

[32] Christine Chung, Committee for Human Rights in North Korea, "North Korean Mothers Fight To Be Reunited With Stateless Children Left Behind in China," HRNK Insider (blog), 4 November 16; Janelle L. B. Macintosh et al., "Global Immunizations: Health Promotion and Disease Prevention Worldwide," American Journal of Maternal/Child Nursing, Vol. 42, No. 3 (May/June 2017), 140; Hong Mei, "If Father Is Chinese, Defectors Face Difficulty in Obtaining South Korean Government Financial Assistance" [Ruo fuqin wei zhongguo ren tuobeizhe nan huo han zhengfu zizhu], Epoch Times, 10 November 16; Yang Tianheng, "Farmers Buy North Korean Defector Wives, Generating Misfortune" [Nongmin mairu tuobei xinniang shuchu le buxing], Oriental Daily, 19 November 16.

[33] Ibid.

[34] See, e.g., "Trafficked Into China With No Escape for 15 Years," Daily NK, 25 April 17; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, "Invisible Children: The Stateless Children of North Korean Refugees," December 2015, 88.

[35] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality. See also Christine Chung, Committee for Human Rights in North Korea, "North Korean Mothers Fight To Be Reunited With Stateless Children Left Behind in China," HRNK Insider (blog), 4 November 16.

PUBLIC HEALTH

Report of the UN Special Rapporteur on Extreme Poverty and Human Rights

During the Commission's 2017 reporting year, the UN Special Rapporteur on extreme poverty and human rights issued a report that assessed whether the Chinese government's poverty alleviation efforts, many of which dovetail with public health and the right to health,[1] "have ensured full respect for human rights in China."[2] The report, based on the Special Rapporteur's official mission to China in August 2016, commended the government's massive scale of poverty alleviation in China over the past three decades,[3] noting improved mortality rates and greater access to healthcare and health insurance.[4] The Special Rapporteur, however, observed that the government has overly emphasized development goals,[5] and highlighted fundamental challenges, including:

- the Chinese Communist Party's "leading role" over government, civil society, and public participation, which is difficult to "reconcile" with individual rights protection and accountability mechanisms;[6]
- the government's top-down approach, which leaves "marginal" space for non-governmental organizations and affected individuals to participate in policymaking and advocacy;[7] and
- the lack of publicly available, accurate data,[8] such as on the employment of persons with disabilities[9] and the number of children completing compulsory education.[10]

Developments in Mental Health Policy and Law

The government and Party continued to prioritize mental health in public health policymaking.[11] Despite implementation of the PRC Mental Health Law (MHL), which became effective in 2013,[12] significant challenges in the treatment of mental health disorders include the shortage of psychiatrists, psychiatric nurses, and community-based rehabilitation services.[13] According to a psychiatric expert at Shanghai Jiao Tong University, resources are concentrated primarily in urban, developed areas in eastern China; rural areas and less developed areas of central and western regions "lag far behind in availability of services."[14] A senior health official reported in April 2017 that more than 50 percent of individuals with severe mental illness live in poverty.[15]

INVOLUNTARY AND FORCED PSYCHIATRIC COMMITMENT

The MHL provides protections against wrongful involuntary admission and treatment,[16] which are intended, in part, to prevent the forced commitment to psychiatric facilities of individuals without mental illness (*bei jingshenbing*).[17] In June 2017, a district court in Zhumadian municipality, Henan province, reportedly invoked these provisions in a lawsuit against a psychiatric hospital for having involuntarily committed a man for 19 days in 2015 to undergo "conversion therapy" at the direction of his wife and her family.[18] The court found in favor of the plaintiff, noting that his hospitalization "infringed on his personal liberty" as he did not meet the MHL's standard of dangerousness to himself or to others

under which an individual may be involuntarily committed.[19] News media, moreover, reported a positive outcome for a case in Shanghai municipality known as the first under the MHL.[20] In July 2017, the plaintiff in that case, after 15 years in a psychiatric facility, obtained approval to discharge himself following a psychiatric evaluation that found the plaintiff "possessed full competence in civil matters."[21] Prior to that evaluation, the plaintiff remained subject to his guardian's refusal to allow discharge[22] ever since his initial involuntary commitment due to schizophrenia.[23]

The Commission continued to observe reports of official use of forced psychiatric commitment in response to activities the government deemed to be "troublemaking" or politically sensitive,[24] including petitioning the government over legal grievances and rights violations. Reports of petitioners and others whom public security officials temporarily committed to psychiatric facilities this past year included Sheng Lanfu,[25] Ren Naijun,[26] and Zhu Liangqun.[27] In January 2017, authorities reportedly released petitioner Li Jiafu after more than two years' detention at a Zhejiang province psychiatric facility.[28] The Paper—a state-funded news outlet—continued to cover the case of Xu Xueling, a petitioner sentenced to four years in prison in April 2016 by a court in Shandong province on the charge of "picking quarrels and provoking trouble."[29] Media coverage of her case linked her petitioning to her grievances over two instances of *bei jingshenbing* imposed by authorities for "stability maintenance,"[30] which a news outlet described as a form of extrajudicial detention.[31] The December 2016 arrest[32] of Liu Feiyue—founder of the human rights website Civil Rights & Livelihood Watch (CRLW)[33]—may have consequences for grassroots reporting of forced psychiatric commitment given CRLW's regular coverage of the topic.[34]

Health-Based Discrimination

Health-based discrimination in access to employment, welfare, education, and medical treatment, as well as difficulties in accessing legal relief or accountability, reportedly remain widespread,[35] despite prohibitions to prevent it under Chinese laws and regulations.[36] Contributing factors, according to rights lawyers, include a lack of compliance with the law and inconsistencies among laws and regulations.[37] The Special Rapporteur on extreme poverty and human rights also cited "access to basic services and . . . problems of exclusion" due to the multidimensional character of poverty[38] as factors that create barriers for persons with disabilities, ethnic minority groups, and the rural poor.[39] The following reports from this past year illustrate aspects of these challenges.

- **Employment.** Two HIV-positive men—one in Guangdong province[40] and the other in Jiangxi province[41]—pursued legal remedies after being deemed ineligible for employment following physical examinations that disclosed their health status to their employers. In June 2017, the plaintiff in the Guangdong case won his case on appeal in China's first-ever judgment that held an employer-defendant violated Chinese law by discriminating against a plaintiff because he or she was HIV positive.[42] The court, however, rejected the plaintiff's re-

quest to be reinstated to his job.[43] The plaintiff in the Jiangxi case appealed the trial court's dismissal of his claims in October 2016,[44] but withdrew the appeal in June 2017 after settlement.[45] In a November 2016 letter to the central government, a group of lawyers cited the Jiangxi case, asserting the Civil Servants' General Recruitment Physical Eligibility Standards—which designate HIV/AIDS a disqualifying factor for government employment[46]—are the "most significant systemic obstacle" for persons living with HIV/AIDS in accessing equal employment opportunities.[47]

- **Welfare.** In March 2017, the Beijing News reported on the death of an autistic teenager in Shaoguan municipality, Guangdong,[48] that raised concerns about the oversight of care centers and government accountability in providing welfare to those in need.[49] Poor quality food and negligence by a care center in Shaoguan and additional negligence on the part of police and a homeless shelter in Dongguan municipality, Guangdong, contributed to the boy's death.[50] Coverage of the case, moreover, revealed that at least 20 individuals had died at the Shaoguan care center between January 1 and February 18, 2017.[51]
- **Education.** In a positive development, the government revised the regulatory framework on access to education for students with disabilities, including revised Regulations on Education for Disabled Persons (Regulations)[52] that stipulate local governments should provide funding in official budgets for the education of disabled students,[53] and revised provisions on reasonable accommodations for students with disabilities who take the college entrance exam (*gaokao*).[54] In June 2017, news media reported education authorities in Shanghai municipality and Guangxi province provided accommodations for a few dozen students with disabilities taking the *gaokao*.[55] Human Rights Watch cautioned that the revised Regulations were not sufficient to ensure inclusive education standards at mainstream schools.[56] A research survey released in March 2017 found that nearly 30 percent of children with disabilities are asked to leave mainstream schools due, in part, to a shortage of teachers with special education training.[57]

Notes to Section II—Public Health

[1] Office of the United Nations High Commissioner for Human Rights and World Health Organization, The Right to Health, Fact Sheet No. 31, June 2008, 1–4. See also State Council Information Office, "National Human Rights Action Plan of China (2009–2010)," 13 April 09, secs. I(2)–(4), III(3); State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," 11 June 12, secs. I(2)–(4), III(2)–(5); State Council Information Office, "National Human Rights Action Plan of China (2016–2020)," August 2016, reprinted in Xinhua, 29 September 16, secs. I(2), (3), (5); III(3)–(5).

[2] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 15; Office of the United Nations High Commissioner for Human Rights, "End-of-Mission Statement on China, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights," 23 August 16.

[3] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, paras. 12–14, 56 (achieving "almost universal health coverage"), 76 ("strong and genuine commitment to building a 'moderately prosperous society'").

[4] Ibid., paras. 13, 56.

[5] Ibid., para. 45; Human Rights in China, "UN Expert: Chinese Government Needs 'Genuine Accountability,'" 23 August 16.

[6] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 16.

[7] Ibid., paras. 6(b)–(g), 7, 8, 30, 32, 36. The Special Rapporteur censured this "top-down" approach as manifested in the Chinese government's intrusive control over his meeting schedule in China, which prevented and obstructed a variety of non-governmental stakeholders from meeting with him. He stressed that the Chinese government's control over his schedule was contrary to the level of access that is expected during Special Rapporteur missions. Additionally, the Special Rapporteur pointed out that the China Federation for Persons with Disabilities, which facilitated some of the meetings during his mission, is led by government officials and performs government functions; thus "it hardly qualifies as a civil society organization."

[8] Ibid., para. 29.

[9] Ibid., para. 35.

[10] Ibid., paras. 54, 55.

[11] National Health and Family Planning Commission, "Text Transcript of Regular News Conference in April" [Guojia weisheng jishengwei 4 yue lixing xinwen fabuhui wenzi shilu], 7 April 17; National Health and Family Planning Commission, Propaganda Department, et al., Guiding Opinion on Strengthening Mental Health Services [Guanyu jiaqiang xinli jiankang fuwu de zhidao yijian], issued 30 December 16; State Council, "'13th Five-Year' Hygiene and Health Plan" ["Shisan wu" weisheng yu jiankang guihua], 10 January 17, 3 (1, 7, 11, 12); State Council General Office, "National Mental Health Work Plan (2015–2020)" [Quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)], 18 June 15. See also Bin Xie, "Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect," Shanghai Archives of Psychiatry, Vol. 29, No. 2 (2017), 115.

[12] PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13; "Li Keqiang: Promoting the Emphasis of Healthcare Services' Shift Downward and Deepening Resources for Clinical Treatment" [Li keqiang: tuidong yiliao fuwu zhongxin xiayi he zhenliao ziyuan xiachen], Caixin, 21 December 16; State Council General Office, "National Mental Health Work Plan (2015–2020)" [Quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)], 18 June 15; State Council Information Office, "National Human Rights Action Plan of China (2016–2020)," August 2016, sec. I(5).

[13] Su Weichu, "Total Number of Registered Individuals With Severe Mental Disorders Is 5.4 Million, Still Have Major Shortage of Psychiatrists" [Quanguo zai ce yanzhong jingshen zhang'ai huanzhe 540 wan jingshen ke yisheng quekou rengran hen da], Jiemian, 7 April 17; Qiuping Zhong et al., "China Mental Health Reform—Perspective About Psychiatric Nursing Assistants," Journal of Preventive Medicine & Healthcare, 31 March 17; Bin Xie, "Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect," Shanghai Archives of Psychiatry, Vol. 29, No. 2 (2017), 116. See also Liu Jiaying, "More Than Half of Those With Severe Mental Disorders Fall Into Poverty, Overall Increase in Depression-Related Mental Disorders" [Zhongguo guoban yanzhong jingshen zhang'aizhe xian pinkun yiyu zhang'ai zongti shangsheng], Caixin, 7 April 17.

[14] Bin Xie, "Strategic Mental Health Planning and Its Practice in China: Retrospect and Prospect," Shanghai Archives of Psychiatry, Vol. 29, No. 2 (2017), 116.

[15] National Health and Family Planning Commission, "Text Transcript of National Health and Family Planning Commission Regular News Conference in April" [Guojia weisheng jishengwei 4 yue lixing xinwen fabuhui wenzi shilu], 7 April 17; Liu Jiaying, "More Than Half of Those With Severe Mental Disorders Fall Into Poverty, Overall Increase in Depression-Related Mental Disorders" [Zhongguo guoban yanzhong jingshen zhang'aizhe xian pinkun yiyu zhang'ai zongti shangsheng], Caixin, 7 April 17.

[16] PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

[17] Danuta Mendelson and Nuannuan Lin, "Mental Health Legislation (Civil) in Australia and China: A Comparative Perspective," Journal of Law and Medicine, Vol. 23, No. 4 (June 2016), 775. See also Liu Xing and Gao Siwei, "'Mental Health Law' Puts End to 'Forcible Psychiatric Commitment'" ["Jingshen weisheng fa" zhongjie "bei jingshenbing"], China Youth Daily, 29 October 12; "China Adopts Mental Health Law, Protecting Rights," Xinhua, 26 October 12.

[18] Xing Bingyin, "Gay Man From Henan Forcibly Committed for 19 Days, Sued Psychiatric Hospital and Won Lawsuit, Compensated 5,000" [Henan tongxinglian nanzi bei qiangzhi zhiliao 19 tian zhuanggao jingshenbing yuan shengsu, huo pei 5 qian], The Paper, 3 July 17; "Gay Man From Henan Sued Psychiatric Hospital" [Henan tongxinglian nanzi zhuanggao jingshenbing yuan], Radio Free Asia, 13 July 17. See also Li Tiezhu, "Trial Postponed in Case of 'Gay Man Forcibly Committed to Psychiatric Hospital' in Henan" [Henan "tongxinglian bei jingshenbing" an yanqi kaiting], Beijing Youth Daily, 22 September 16.

[19] "Gay Man From Henan Sued Psychiatric Hospital" [Henan tongxinglian nanzi zhuanggao jingshenbing yuan], Radio Free Asia, 13 July 17; Jonathan Tcheng, Human Rights Watch, "Dispatches: China Court Rules Against Forced Conversion Therapy," 10 July 17; Cai Jiaxin and Li Rongde, "Court Rules Hospital Violated Gay Man's Liberty," Caixin, 5 July 17. See also Yang Shao and Bin Xie, "Operationalizing the Involuntary Treatment Regulations of China's New Mental Health Law," Shanghai Archives of Psychiatry, Vol. 25, No. 6 (2013), 384.

[20] Wang Jingshuo, "Litigant in 'First Case Under Mental Health Law' Obtains Approval To Discharge Himself From Hospital" ["Jingshen weisheng fa di yi an" dangshiren huozhun zixing banli chuyuan shouxu], China Youth Daily, 8 August 17; Qu Zhengzhou, "That the Rights of Mentally Ill Persons Have Been Ignored Makes Me Cry" [Jingshenbing huanzhe quanli bei hushi lingren xixu], Yanzhao Metropolitan Daily, reprinted in Phoenix News, 9 August 17. See also CECC, 2014 Annual Report, 9 October 14, 124–25; CECC, 2015 Annual Report, 8 October 15, 203.

[21] Wang Jingshuo, "Litigant in 'First Case Under Mental Health Law' Obtains Approval To Discharge Himself From Hospital" ["Jingshen weisheng fa di yi an" dangshiren huozhun zixing banli chuyuan shouxu], China Youth Daily, 8 August 17. See also Yang Shao and Bin Xie, "Operationalizing the Involuntary Treatment Regulations of China's New Mental Health Law," Shanghai Archives of Psychiatry, Vol. 25, No. 6 (2013), 384–85. According to Shao and Xie, one of the challenges involuntarily committed patients face regarding hospital discharge under the PRC Mental Health Law is that "[in] China, hospitals are not permitted to simply discharge involuntarily admitted patients on their own recognizance, they need to be discharged to the family member or organization that signed the admission procedures."

[22] Wang Jingshuo, "Litigant in 'First Case Under Mental Health Law' Obtains Approval To Discharge Himself From Hospital" ["Jingshen weisheng fa di yi an" dangshiren huozhun zixing banli chuyuan shouxu], China Youth Daily, 8 August 17; Qu Zhengzhou, "That the Rights of Mentally Ill Persons Have Been Ignored Makes Me Cry" [Jingshenbing huanzhe quanli bei hushi lingren xixu], Yanzhao Metropolitan Daily, reprinted in Phoenix News, 9 August 17.

[23] Luo Jieqi, "Involuntarily Committed for 10 Years, Lawsuit Against Psychiatric Hospital Allowed To File" [Fei ziyuan zhu yuan shi nian su jingshenbing yuan huo li'an], Caixin, 24 December 13.

[24] Civil Rights & Livelihood Watch, "2016 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17; "Petitioners Forcibly Committed to Psychiatric Hospitals, Disguises Control of Personal Liberty" [Fangmin bei guan jingshenbing yuan bianxiang kongzhi renshen ziyou], Radio Free Asia, 2 February 17.

[25] Voice of Petitioners, "After Dalian Petitioner Sheng Lanfu Held for Ten Days, Faced Forced Commitment in Psychiatric Hospital and Treatment for Fifteen Days" [Dalian fangmin sheng lanfu bei ju shi tian hou zao qiangsong jingshenbing yuan zhiliao shiwu tian], 4 April 17.

[26] Rights Defense Network, "Shanghai Online Political Commentator Ren Naijun Released From Detention Center, Then Forcibly Committed to Psychiatric Hospital, Family Had To Make 6 Promises for Him To Be Allowed To Return Home" [Shanghai wangluo zhenglun zuojia ren naijun huoshi likai kanshousuo you bei zhuan jingshenbing yuan jiaren zuochu 6 xiang chengnuo cai huozhun huijia], 22 May 17.

[27] Civil Rights & Livelihood Watch, "Zhu Liangqun Maltreated While at Detention Center and Forcibly Detained at Psychiatric Hospital" [Zhu liangqun zai kanshousuo zaoshou nuedai bing bei qiangzhi song jingshenbing yuan], 27 December 16.

[28] Voice of Petitioners, "Forcibly Committed to Psychiatric Hospital for Over Two Years, Zhejiang Petitioner Li Jiafu Released" [Bei guan jingshenbing yuan liang nian duo de zhejiang fangmin li jiafu huoshi], 27 January 17; "Petitioners Forcibly Committed to Psychiatric Hospitals, Disguises Control of Personal Liberty" [Fangmin bei guan jingshenbing yuan bianxiang kongzhi renshen ziyou], Radio Free Asia, 2 February 17.

[29] Song Jiangxuan, "Shandong Petitioner Forcibly Committed to Psychiatric Hospital Twice, Is Found Not To Have Mental Illness Before Criminal Sentencing, Appeal Rejected" [Shandong fangmin liang ci bei song jingshenbing yuan, huoxing qian you bei rending mei bing, shensu zao bohui], The Paper, 4 January 17. See also Song Jiangxuan, "Petitioner From Shandong Forcibly Committed to Psychiatric Hospital Sentenced to 4 Years: Coerced Money From Government, Now No Longer Mentally Ill" [Shandong ceng bei song jingshengbing yuan fangmin zhongshen pan 4 nian: qiangna zhengfu qian, xian mei jingshenbing], The Paper, 22 July 16; Song Jiangxuan, "Shandong Petitioner Committed to Psychiatric Hospital Two Times, Prior to Sentencing She Was Evaluated as 'Showing No Signs of Mental Illness'" [Shandong fangmin liang ci bei song jingshenbing yuan, panxing qian you bei jianding "wu jingshenbing biaoxian"], The Paper, 13 June 16. According to The Paper's report in January 2017, in December 2016, a Shandong court denied Xu's legal challenge of her conviction, holding that Xu's repeated petitioning established the basis of the offense. For more information on Xu Xueling, see the Commission's Political Prisoner Database record 2017-00018.

[30] Huang Yuhao, "Many Petitioners From Xintai, Shandong, Seeking To Petition in Beijing Sent to Psychiatric Hospitals" [Shandong xintai duoming yu jin jing shangfangzhe bei qiang song jingshenbing yuan], Beijing News, reprinted in Sina, 8 December 08; Song Jiangxuan, "Shandong Petitioner Committed to Psychiatric Hospital Two Times, Prior to Sentencing She Was Evaluated as 'Showing No Signs of Mental Illness'" [Shandong fangmin liang ci bei song jingshenbing yuan, panxing qian you bei jianding "wu jingshenbing biaoxian"], The Paper, 13

June 16. See also Andrew Jacobs, "Whistle-Blowers in Chinese City Sent to Mental Hospital," New York Times, 8 December 08.

[31] "[Editorial] Beware of Arbitrary Psychiatric Treatment Due to Petitioning Dilemma" [(Shelun) jingti xinfang kunju xia de jingshenbing shouzhi luanxiang], Southern Metropolitan Daily, 14 June 16.

[32] Rights Defense Network, "Bulletin on CRLW Director Liu Feiyue's Case: Family Members Receive 'Arrest Notice' From Suizhou, Hubei, Public Security Bureau" [Minsheng guancha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong'anju jifa de "daibu tongzhishu"], 11 January 17.

[33] Civil Rights & Livelihood Watch, "Civil Rights & Livelihood Watch Founder Liu Feiyue Criminally Detained on Charge of Subversion of State Power" [Minsheng guancha fuzeren liu feiyue bei yi dianfu guojia zhengquan zui xingju], 24 November 16; Nomaan Merchant, "China Detains Editor of Human Rights Website for Subversion," Associated Press, 25 November 16; "Rights Website Founder Detained on Subversion Charges in China's Hubei," Radio Free Asia, 25 November 16.

[34] Chinese Human Rights Defenders, "Liu Feiyue," 19 December 16; Nomaan Merchant, "China Detains Editor of Human Rights Website for Subversion," Associated Press, 25 November 16. See also Civil Rights & Livelihood Watch, "2016 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17; Civil Rights & Livelihood Watch, "2015 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16; Civil Rights & Livelihood Watch, "2014 Year-End Report on Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [2014 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao], 14 January 15; Civil Rights & Livelihood Watch, "2013 Year-End Report on Mental Health and Human Rights in China (Forced Psychiatric Commitment)" [Erlingyisan nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao], 13 February 14.

[35] See, e.g., "AIDS in China: Mostly Sexually-Transmitted, Discrimination Widespread" [Zhongguo ai xianzhuang: xing chuanbo weizhu shou qishi pubian], Deutsche Welle, 1 December 16 (employment discrimination); Zeng Yu and Wang Chengwei, "For Blind Students, Braille Exams Pave Way to Higher Education," Sixth Tone, 17 November 16 (access to education); Yang Jingru and Sha Lu, "I Would Like a Set of Exam Papers in Braille" ["Wo jiushi xiangyao yi fen mangwen shijuan"], Beijing News, 16 May 17 (access to education); Catherine Lai, "China's New Rules on Education for People With Disabilities Still Fall Short, Says NGO," Hong Kong Free Press, 25 February 17 (access to education); C. Hutchison et al., "Financial Barriers and Coping Strategies: Qualitative Study of Accessing Multidrug-Resistant Tuberculosis and Tuberculosis Care in Yunnan," BMC Journal, 22 February 17 (access to medical treatment); Li Jie, "More Than Half of HIV-Positive Persons of Multiple Sexual Orientations Have Delayed Medical Care" [Guoban HIV yangxing duoyuan xingbiezhe ceng tuoyan jiuyi], Southern Daily, 7 December 16 (access to medical treatment).

[36] National laws and regulations that promote equal access to employment and education and prohibit health-based discrimination include the PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 30–40; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, effective 1 January 08, arts. 3, 29, 30; State Council, Regulations on the Treatment and Control of HIV/AIDS [Aizibing fangzhi tiaoli], issued 18 January 06, effective 1 March 06, art. 3; State Council, Regulations on the Employment of Persons with Disabilities [Canjiren jiuye tiaoli], issued 14 February 07, effective 1 May 07, arts. 3, 4, 13, 27. See also Wan Yanhai, "AIDS, Human Rights and Public Security in China," University of British Columbia, Peter A. Allard School of Law, Asia Pacific Dispute Resolution Project, Working Paper 16–1, 13 June 16.

[37] "On the Eve of AIDS Day, 60 Lawyers Advocate for the End of Employment Discrimination in Letter to State Council" [Aizibing ri qianxi, 60 lushi jianyan guowuyuan xiaochu jiuye qishi], China Free Press, 28 November 16; Chu Hua, "Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract" [Guangzhou shouci aizi ganranzhe jiuye qishi an kaiting yuangao yaoqiu xuqian hetong], Knews, 21 December 16; Gao Feng, "Legal Community Urges Guarantees So That Persons With HIV/AIDS Seeking Employment Do Not Face Discrimination" [Falu jie cu baozhang aizibingren qiuzhi bu shou qishi], Radio Free Asia, 28 April 17.

[38] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 21.

[39] Ibid., paras. 34–36.

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THE ENVIRONMENT

Introduction

During the Commission's 2017 reporting year, the Chinese government reported modest progress in air and water pollution reduction,[1] while Chinese and international media reports detailed the ongoing severity of China's air, water, and soil pollution, and related health concerns.[2] Chinese President and Communist Party General Secretary Xi Jinping reiterated the government's commitment to environmental protection.[3] Some reports noted improvements in data disclosure for air pollution and on pollution sources,[4] yet lack of transparency with respect to environmental data remains a problem.[5] Government inspectors this past year found widespread violations of domestic environmental standards by firms in China,[6] and in at least one incident of data falsification, prosecuted environmental officials for manipulating air quality monitoring readings.[7] Chinese officials continued to make statements calling for public participation in environmental protection;[8] in terms of holding polluters accountable, however, as highlighted in a report by the UN Special Rapporteur on extreme poverty and human rights, "the Government tends to rely almost entirely on top-down processes."[9] During this reporting year, authorities detained environmental advocates,[10] censored media reporting on the environment[11] and natural disasters,[12] and cracked down on environmental protests,[13] highlighting the government's conflicting goals of improving the environment and "maintaining social stability."[14]

Reported Environmental Progress

During this reporting year, non-governmental organizations (NGOs) and Chinese authorities reported modest progress toward achieving the government's goals of improving air quality and reducing water pollution. According to analysis of official data by Greenpeace, an international environmental advocacy group, "74 percent of Chinese cities fail[ed] to meet China's national air quality standards" in 2016,[15] an improvement from the 80 percent of cities that failed to meet the standards in 2015.[16] The government reported that in 2016, national targets for surface water pollution were met, with 67.8 percent of surface water meeting officially designated moderate to high standards and only 8.6 percent of surface water failing to meet the lowest standards.[17] In the first half of 2017, 70.0 percent of surface water reportedly met the moderate to high standards and 8.8 percent of surface water failed to meet the lowest standards.[18] Authorities and independent sources nevertheless noted continuing areas of concern, such as deteriorating water quality in some areas and the prevalence of cancer villages and groundwater pollution.[19]

Environmental Health Concerns

Reports from this past year continued to demonstrate that air,[20] water,[21] and soil pollution[22] caused serious harm to the health of persons living in China. In February 2017, a U.S.-based research team published a report finding that air pollution globally may be

responsible for approximately one out of five dementia cases for persons living in areas with high concentrations of fine particulate matter ($PM_{2.5}$).[23] Many cities in China have high annual average concentrations of $PM_{2.5}$.[24] In May 2017, a group of international scientists published research on the "striking" consequences of diesel emissions on public health, finding that 31,400 premature deaths in China per year may be caused by diesel emissions.[25] In July 2017, a European non-profit organization reported the health costs in China "from fossil fuels through air pollution-caused premature deaths" at approximately US$1.7 trillion in 2015.[26] Chinese and international media reported that health concerns motivated some urban residents to move away from polluted areas[27] or take other action, such as beginning to monitor pollution or requesting government information on pollution, to protect their health.[28]

Transparency Regarding Environmental Data

During this reporting year, environmental NGOs and the Chinese government expressed concern regarding the transparency or accuracy of pollution-related data. The Institute of Public & Environmental Affairs (IPE), a Beijing-based NGO, reported there were still "significant issues" with air pollution disclosures by many cities, and that in some key cities, monitoring data was still withheld from public disclosure.[29] IPE developed Blue Map, a mobile application (app) that provides real-time information on environmental quality.[30] As of January 2017, users had reportedly downloaded the app over 3 million times.[31] In January 2017, a provincial environmental protection bureau reportedly ordered developers of another mobile application, Air Matters, to stop reporting pollution levels above a certain amount.[32] In October 2016, Chinese authorities reportedly detained three environmental officials in Xi'an municipality, Shaanxi province, for "falsification" of air quality data.[33] In June 2017, the Xi'an Intermediate People's Court sentenced seven environmental officials, including the three officials previously detained, to prison terms ranging from 1 year and 3 months to 1 year and 10 months for "damaging the computer information system."[34] In July 2017, the Ministry of Environmental Protection (MEP), following a month-long inspection, strongly criticized the Tianjin municipal government for "wantonly covering up" its failed environmental protection efforts, finding that although Tianjin authorities had convened many meetings and launched campaigns, "it was more lip service than action."[35] MEP inspectors discovered that officials from the Binhai New Area and Wuqing districts in Tianjin had "taken shortcuts" (*zou jiejing*) to report better air quality by spraying water and reducing traffic near air quality monitors, and that Jinghai district water bureau officials had fabricated official documents.[36]

Public Interest Litigation

The Supreme People's Court (SPC) continued to take steps to strengthen the legal framework that provides for environmental organizations to file environmental public interest lawsuits.[37] The number of organizations filing this type of lawsuit, however, remained low.[38] In March 2017, the SPC released for the first time

summaries of 10 public interest lawsuits as model cases.[39] The plaintiffs in some of the model cases were entities under government supervision, including procuratorates in three cases, rather than independent non-governmental organizations (NGOs).[40] Although an estimated 700 environmental NGOs in China have standing to bring public interest lawsuits, the number of environmental NGOs that filed litigation in China reportedly decreased from 11 in 2015 to 6 in the first 11 months of 2016.[41] Some foreign experts remain optimistic about the future of environmental public interest litigation in China due to the government's apparent support for such litigation,[42] although significant challenges exist, including the high costs of litigation.[43]

Soil Pollution Litigation in Changzhou

In April 2016, Chinese media reported that hundreds of students had fallen ill at the Changzhou Foreign Languages School in Changzhou municipality, Jiangsu province.[44] Following these reports, two environmental NGOs—Friends of Nature (FON) and the China Biodiversity Conservation and Green Development Foundation (CBCGDF)—sued three chemical manufacturers that allegedly polluted the soil near the school.[45] In January 2017, the Changzhou Intermediate People's Court ruled in favor of the chemical manufacturers and held that the two NGOs were responsible for court fees totaling 1.89 million yuan (US$270,000).[46] The head of the litigation department at CBCGDF expressed concern that this case "would set a precedent for courts to use similar charging standards for future environmental public interest lawsuits."[47] In February 2017, FON and CBCGDF reportedly appealed the judgment.[48]

Suppression of Environmental Protests and Advocates

Chinese citizens continued to raise their concerns about health issues related to the environment through street-level protests and other forms of public advocacy.[49] China's Constitution provides for freedom of speech, assembly, association, and demonstration,[50] as do the International Covenant on Civil and Political Rights[51] and the Universal Declaration of Human Rights.[52] The following cases illustrate the ongoing lack of protection for citizens' rights to freedom of speech, assembly, association, and demonstration when they raise environmental concerns:

- **Shaanxi province.** In October 2016, residents in Xi'an municipality, Shaanxi, protested plans to build a waste incinerator in a local drinking water priority protection area.[53] Local residents reportedly estimated that the crowds numbered over 10,000 people.[54] Following the protests, authorities reportedly restricted residents' movement and censored media coverage.[55]
- **Sichuan province.** In December 2016, authorities reportedly briefly detained a number of advocates in Chengdu municipality, Sichuan, after they gathered wearing face masks to protest air pollution.[56] In addition, authorities in Chengdu responded to the local pollution protests by prohibiting students from wearing face masks, issuing censorship instructions to the media, and sending text messages to local students urging

them to "trust in the government to carry out anti-pollution work."[57]

• **Henan province.** Between September 29 and October 10, 2016, public security officials in Gushi county, Xinyang municipality, Henan, took into custody seven residents of Tianhu village, Yangji township, Gushi,[58] initially holding them at the Gushi PSB Detention Center and criminally detaining them on suspicion of "sabotaging production and business operations."[59] The detentions were reportedly connected to the residents' protests against and attempts to prevent illegal sand mining that threatened village fields and irrigation systems.[60] One detained villager reported that authorities tortured him to obtain his signature on investigation documents.[61]

• **Hunan province.** According to Radio Free Asia, on October 9, 2016, police in Changsha municipality, Hunan, took environmental NGO leader Liu Shu into custody.[62] On October 10, authorities ordered Liu to serve 10 days of administrative detention for "leaking counter-espionage work state secrets"; her alleged offense was sharing pollution data.[63] Liu is the director of the Shuguang Environmental Protection and Public Interest Development Center, an NGO in Changsha.[64]

• **Liaoning province.** In August 2016, the Panjin Intermediate People's Court in Panjin municipality, Liaoning, rescinded a 12-year prison sentence against Tian Jiguang.[65] Upon retrial, however, the Shuangtaizi District People's Court in Panjin sentenced him to four years and six months in prison in June 2017.[66] Tian was the founder and leader of the Panjin City Association of Volunteers for the Protection of the Spotted Seal.[67] Authorities in Panjin detained Tian in October 2013 on charges including "extortion" after he wrote a blog post in which he criticized a state-owned enterprise for water pollution.[68]

Regulatory Developments

During this reporting year, the Chinese government implemented or drafted regulatory changes affecting environmental monitoring and wildlife protection. In December 2016, the National People's Congress (NPC) passed the PRC Environmental Tax Law.[69] The legislation, which will take effect in January 2018,[70] provides for new environmental taxes that will be jointly managed by environmental and tax authorities,[71] superseding the previous pollution discharge fees that had only been managed by environmental authorities.[72] Some legal experts believe the potential for tax authorities to collect taxes from polluters may result in a strengthening of pollution monitoring systems.[73] In July 2016, the NPC amended the PRC Wildlife Protection Law, which took effect in January 2017.[74] An international non-governmental organization noted "positive changes" and areas of concern with the law, including that the breeding and selling of protected animals like the tiger may continue.[75] During this reporting year, the NPC reportedly was in the process of drafting a new soil pollution law,[76] and in June 2017, the NPC amended the PRC Water Pollution Prevention and Control Law.[77] China Daily, a state-run media outlet, highlighted a new "river chief system" that gives provincial and

local officials "major responsibility for addressing water pollution" in the amended law.[78]

In December 2016, the Supreme People's Court (SPC) and Supreme People's Procuratorate issued an interpretation on environmental crimes that, if implemented, may lead to more criminal enforcement for environmental data manipulation.[79] The interpretation, which took effect on January 1, 2017, provides that criminal penalties for companies found in violation of environmental standards may be based on the amount of money the company saved by not operating the pollution control equipment;[80] criminal charges of more than three years could be imposed if the money saved totaled over 1 million yuan (US$140,000).[81] The Director of the SPC research office said that the new interpretation would enhance the effectiveness of relevant legislation to allow for the prosecution of environmental crimes.[82]

The government continued to develop and release comprehensive plans for improving the environment, although the government also announced plans to increase coal-fired power capacity. In December 2016, the National Development and Reform Commission released China's 13th Five-Year Energy Development Plan (Energy Development Plan),[83] which builds upon mandatory environmental targets in China's overall 13th Five-Year Plan for National Economic and Social Development adopted in March 2016.[84] The Energy Development Plan set a mandatory target that energy from coal will account for 58 percent or less of energy production by 2020, a 6-percent decrease from 2015.[85] The 13th Five-Year Electricity Development Plan, however, included plans to increase coal-fired power capacity from 900 gigawatts in 2015 to no more than 1,100 gigawatts in 2020,[86] despite plans to reduce carbon dioxide emissions and existing coal overcapacity.[87]

Notes to Section II—The Environment

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III. Development of the Rule of Law

CIVIL SOCIETY

Introduction

During the Commission's 2017 reporting year, the Chinese government continued to implement reforms by encouraging the development of social services and welfare-oriented organizations while suppressing civil society organizations and advocates that the government deems "politically sensitive."[1] The Chinese government in recent years has allowed and used "local, limited, and issue-based partnerships" with civil society to strengthen government functions and public image.[2] Scholars note that the Chinese government, while desirous of the benefits from civil society, has sought to minimize potential political challenges to the government posed by a developed civil society.[3] Philip Alston, the UN Special Rapporteur on extreme poverty and human rights, observed after a mission to China in August 2016 that "the role of civil society organizations is becoming increasingly circumscribed and those whose work goes much beyond that of being service providers for the Government are now very much under threat."[4] Government policies toward grassroots civil society in China remain restrictive,[5] subordinating civil society organizations and activities to Chinese Communist Party control.[6] Chinese officials continued to violate[7] international standards key to civil society[8] found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including the freedoms of association,[9] assembly,[10] and expression.[11]

The number of Chinese non-governmental organizations (NGOs) is difficult to determine, in part because of the complex regulatory framework, the existence of unregistered NGOs and informal associations, the pace of growth of the non-governmental and non-profit sector, and the range of different types of such organizations.[12] According to the Ministry of Civil Affairs, at the end of 2016, China had 699,523 registered "social organizations" (*shehui zuzhi*)—the official term for NGOs[13]—that consisted of 359,000 non-governmental, non-commercial organizations (*minban feiqiye danwei*), or what the government now calls social service organizations (*shehui fuwu jigou*); 5,523 foundations (*jijinhui*); and 335,000 social associations (*shehui tuanti*).[14] Many social associations and foundations are government-organized non-governmental organizations (GONGOs) and have close ties to the government.[15] Many grassroots NGOs, with few or no ties to the government, remain unregistered or are registered as business entities due to restrictions and barriers to registration imposed by the government.[16] Experts at a U.S. think tank event this past year estimated that there are as many as 3 million unregistered social organizations in China;[17] past estimates ranged from 1 million to 8 million.[18] According to one European scholar, only "a couple of thousand" Chinese NGOs are comparable to Western NGOs in their purpose and function as organizations promoting solidarity or a specific public interest cause.[19]

Continued Crackdown on Civil Society

During this reporting year, the government and Party continued to deepen a crackdown on NGOs and civil society advocates. According to international human rights organizations, Chinese authorities restricted the activities of rights defenders by shrinking the space for expression,[20] association,[21] and assembly.[22] Authorities targeted rights advocates affiliated with NGOs this past year, including those promoting religious freedom,[23] worker rights,[24] and the environment.[25] Examples included the prosecution of pastors and labor advocates as well as the detention of an environmentalist on "state security" grounds.[26] International NGO Chinese Human Rights Defenders reported that in 2016, Chinese authorities repeatedly cracked down on rights advocates for "endangering state security," criminalizing activities "promoting and protecting human rights."[27] Examples of civil society advocates detained, charged, or sentenced this past year included the following:

- In October 2016, authorities in Yuhua district, Changsha municipality, Hunan province, took environmental advocate **Liu Shu** into custody and ordered her to serve 10 days' administrative detention for allegedly "disclosing counter-espionage-related state secrets."[28] Liu reportedly "suppl[ied] data to an unidentified contact about environmental pollution."[29] Liu was the director of the environmental NGO Shuguang Environmental Protection and Public Interest Development Center, founded in 2013 to investigate environmental issues, including through large-scale testing of drinking water.[30] [For more information on the government's treatment of environmental advocates, see Section II—The Environment.]
- In November and December 2016, Shenzhen municipality, Guangdong province, public security authorities detained or forcibly disappeared a group of at least 12 rights advocates after they reportedly gathered for dinner on November 14 to discuss current political affairs.[31] The advocates included **Wang Jun, Deng Hongcheng, Xiao Bing, Ma Zhiquan, Li Nanhai, Ding Yan, Wang Jianhua, Dong Lingpeng, Song Liqian, Wang Wei,** and **Huang Anyang.**[32] These individuals reportedly have been involved in civil society and rights advocacy for vulnerable groups.[33]
- In December 2015, Chinese authorities began a crackdown against labor advocates affiliated with labor NGOs in Guangdong.[34] In September 2016, the Panyu District People's Court in Guangzhou municipality, Guangdong, found **Zeng Feiyang, Zhu Xiaomei,** and **Tang Jian** guilty of "gathering a crowd to disturb social order," sentencing Zeng to three years' imprisonment, suspended for four years, and both Zhu and Tang to one year and six months' imprisonment, suspended for two years.[35] State-run media outlet Xinhua reported that Zeng "admitted that he received funding and training from 'some overseas organizations hostile to China.'"[36] In November 2016, the same court found **Meng Han** guilty of "gathering a crowd to disturb social order," sentencing him to one year and nine months' imprisonment.[37] Zeng, Zhu, Tang, and Meng were affiliated with Panyu Workers' Services Cen-

ter, a labor NGO in Guangzhou.[38] The detention and sentencing of these labor advocates has had a "chilling effect" on labor advocacy in China,[39] and while labor NGOs are still operating, many are "lay[ing] low" and cutting back on programming.[40] [See Section II—Worker Rights for more information on labor NGOs and advocates.]

On July 15, 2017, authorities released Xu Zhiyong, a prominent legal advocate and one of the initiators of the New Citizens' Movement,[41] after he served a four-year sentence on the charge of "gathering a crowd to disturb order in a public place."[42] Authorities alleged that Xu was the "ringleader" of peaceful demonstrations against government corruption and advocacy for equal education rights.[43] Police in Tianjin municipality reportedly blocked individuals from meeting Xu at the prison on the day of his release.[44] After he arrived at his residence in Beijing municipality, plainclothes police and community security guards reportedly blocked people from visiting Xu, barring anyone who was not a neighborhood resident from entering the area near his home.[45]

New Overseas NGOs' Activities Law Takes Effect

Regulatory developments, particularly the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities (Overseas NGOs' Activities Law) that took effect on January 1, 2017, threatened the continued presence of international NGOs (INGOs) in China as well as the independence of domestic NGOs reliant on foreign funding, according to scholars.[46] The Overseas NGOs' Activities Law requires that INGOs set up and register a representative office or apply for a temporary activities permit with the Ministry of Public Security (MPS) in order to operate in mainland China.[47]

The Chinese government provided limited clarifications on requirements for INGOs under the law.[48] Foreign governments and NGOs sought clarification from the MPS on official sponsorship requirements through "professional supervisory units" (PSUs)[49] that are tasked with overseeing INGOs' registration and activities, permissible INGO activities, registration requirements for "temporary activities," and the division of responsibility between PSUs and public security offices in administering INGOs.[50] On October 14, 2016, the MPS and the Shanghai Municipal Public Security Bureau (PSB) released a draft "Guidebook for Foreign NGOs' Registration of Representative Offices and Filing of Temporary Activities" at a joint forum in Shanghai, reportedly inviting nine INGOs to comment on the draft.[51] On November 8, the MPS and the Shanghai PSB held a meeting with 11 foreign consulates about preparations for the implementation of the Overseas NGOs' Activities Law, during which an MPS official said that there would not be a "grace period" for INGOs in complying with the law.[52] The MPS released the final version of the guidebook on November 28, which described procedures and provided documents required for INGOs to register.[53] On December 20—11 days before the implementation date—the MPS released the official list of PSUs, classified by different fields of permissible INGO activity in China.[54] The extent to which PSUs may be willing or capable of handling the procedures

for sponsoring NGOs remained unclear.[55] Central- and provincial-level public security agencies set up offices and online platforms to serve INGOs seeking registration in China.[56]

According to statistical data released by the MPS, by July 31, 2017, a total of 168 INGO representative offices and 191 temporary activities had registered in China.[57] Out of those registered, the United States had the highest number of registered INGO representative offices at 50, followed by Hong Kong at 38, Japan at 14, and Germany and South Korea each at 13.[58] Beijing ranked first for the highest number of total representative offices registered at 54, followed by Shanghai at 35, Yunnan province at 17, and Guangdong province at 12.[59] Registered INGO representative offices had partnering PSUs from varying fields, with 66 representative offices partnering with PSUs in the trade sector, 25 partnering with PSUs in civil affairs, 21 partnering with PSUs in health and population planning, and 8 partnering with PSUs in education.[60] Asia Society's ChinaFile published data analysis on INGOs registered by the end of July and found that out of the total number of registered INGOs from the United States, 19 percent worked in the field of trade; 13 percent each worked in the fields of health and education; and 9 percent worked in the environmental field.[61] MPS reported that INGOs had filed a total of 191 temporary activities in China by the end of July.[62] ChinaFile found that a majority of temporary activities that began on or before July 31 were conducted by Hong Kong INGOs; the provinces with the most temporary activities were Sichuan, Guizhou, Guangdong, and Yunnan; and the most common fields of work were youth, education, and poverty alleviation.[63]

The operating environment for INGOs in China has become more restricted and uncertain under the new Overseas NGOs' Activities Law. Reports indicate that INGOs are under greater scrutiny,[64] and the law enables the Chinese government to surveil and collect information on such organizations.[65] Experts see the law as potentially threatening to the existence and activities of overseas organizations that previously operated in a "grey area."[66] In addition, domestic NGOs, as one commentator noted, may face "increasingly harsh penalties" under the expanded legal and regulatory framework amidst "heightened security concerns" over civil society.[67] The law may further hinder the work of domestic NGOs in China, as many of them rely on sources of funding outside of mainland China.[68] The uncertainty fostered by the Overseas NGOs' Activities Law has given rise to suggestions as to how INGOs may legally operate in China.[69] Two European experts proposed "smart indigenization," whereby INGOs primarily provide financial resources and indirect institutional support "to build up human and organisational capacity in China's nascent civil society sector."[70] According to the China Human Rights Lawyers Concern Group, the Overseas NGOs' Activities Law has "[made] it more risky for lawyers to cooperate and work with international NGOs."[71]

Authorities Detain Taiwan NGO Volunteer Lee Ming-cheh

On March 19, 2017, authorities detained Taiwan human rights NGO volunteer Lee Ming-cheh, a manager at Wenshan Community College in Taipei, Taiwan, while he was traveling to Zhuhai municipality, Guangdong province, via Macau, to arrange medical treatment for his mother.[72] Ten days after Lee disappeared, the State Council Taiwan Affairs Office (TAO) confirmed that Chinese authorities were investigating Lee for "endangering state security."[73] On May 26, the TAO confirmed that state security authorities in Hunan province had formally arrested Lee on suspicion of "subversion of state power."[74] State-run media reported that Lee had "colluded with mainlanders," "established illegal organizations," and "plotted and carried out activities to subvert state power."[75] The report also said that authorities had put Lee under "coercive measures,"[76] raising concern that he may be at risk of torture.[77] International human rights organizations and media outlets reported Lee may be the first foreign NGO worker whom authorities detained after the Overseas NGOs' Activities Law came into effect in 2017, citing the shrinking space for INGO activities under the new legislation.[78] On March 30, a group of domestic and international NGOs released a joint statement expressing concern about Lee's detention.[79] The NGOs demanded Lee's immediate release, details on his detention, his right to legal counsel of his choosing, and access to medical care.[80]

Overall Regulatory Environment

This past year, the Chinese government continued to strengthen its policy of carrying out inspections and promoting ideological guidance over civil society. In March 2017, following two State Council directives to carry out inspections of the market and social organizations released in 2015 and 2016,[81] the Ministry of Civil Affairs (MCA) passed a measure to advance the official inspection of social organizations, urging registration authorities to conduct both planned and random inspections of civil society groups.[82] Party-building in social organizations—whereby Party members at social organizations form internal supervisory groups—continued to be a priority of the Party and government.[83] A leading small group on Party-building in social organizations, administered by the MCA, issued a document in March 2017 that prioritized work on the Party's ideological guidance for NGOs, building Party groups in organizations, and recruiting new "outstanding and talented individuals" from NGOs as cadres.[84] Although the MCA released revised drafts of the three major regulations that govern the registration and management of social organizations,[85] social service organizations,[86] and foundations[87] for public comment in 2016, the MCA had not released the final versions as of August 2017.

Changes and Progress in the Philanthropic Sector

The Chinese government continued efforts to strengthen the philanthropic regulatory framework under the PRC Charity Law to increase the level of giving in China. In the first year after the law's March 2016 passage, 260 national- or provincial-level organizations acquired "charitable" status and 13 provinces and municipalities

reportedly began approving charities.[88] In addition to registering charities, the law provides a legal framework for public fundraising[89] and increasing tax incentives,[90] toward which the Chinese government took steps this past year. On February 24, 2017, the National People's Congress Standing Committee adopted a revision to the PRC Enterprise Income Tax Law, enabling donations over 12 percent of an enterprise's annual total profit to be carried over and deducted from taxable income during the following three years.[91] The law previously limited annual deductions from charitable donations to 12 percent of the company's annual profit.[92] Despite these efforts, an expert at Tsinghua University reportedly said that implementation of the Charity Law will depend on various factors, including the availability of open information to the public and the level of oversight to prevent malfeasance.[93] In 2016, the Charities Aid Foundation, an international organization, ranked China last among 140 countries in its World Giving Index, down one place from 2015.[94] In order to foster Chinese philanthropy over the long term, one observer pointed out that the Chinese government should build the financial and legal infrastructure necessary to facilitate philanthropic funds and endowments, and to "professionalize" the management process of organizations.[95] According to the 2016 Blue Book on Rule of Law, the Charity Law needs accompanying regulations with more concrete implementing details in order to become operational.[96]

Notes to Section III—Civil Society

[1] See, e.g., Human Rights Watch, "China: Three Activists Feared 'Disappeared,'" 16 December 16; Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 2017, 2, 27.

[2] Ming Hu et al., "Termination of Nonprofit Alliances: Evidence From China," Voluntas, Vol. 27, Issue 5 (October 2016), 2509.

[3] Rong Zhao et al., "Understanding Service Contracting and Its Impact on NGO Development in China," Voluntas, Vol. 27, Issue 5 (October 2016), 2233; Hui Qin, "Understanding China's Third Sector," Stanford Social Innovation Review, 16 February 17.

[4] UN Office of the High Commissioner for Human Rights, "End-of-Mission Statement on China, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights," 23 August 16; UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 32.

[5] CIVICUS, "Bleak Outlook for Chinese Civil Society in 2017," Monitor, 15 February 17; Human Rights Watch, "China Should End Restrictions on Civil Society Participation in Anti-Poverty Policies, and Cooperate With UN Mandate-Holders Without Interference," 9 June 17. See also Paul Woods, "From Restrictive to Prescriptive? Prospects for China's Church Engaging With the Civil Society," Transformation, Vol. 33, Issue 1 (2016), 38; Ming Hu et al., "Termination of Nonprofit Alliances: Evidence From China," Voluntas, Vol. 27, Issue 5 (October 2016), 2501.

[6] Party Central Committee General Office and State Council General Office, Opinion on Reforming Management System of Social Organizations To Promote Social Organizations' Healthy and Orderly Development [Guanyu gaige shehui zuzhi guanli zhidu cujin shehui zuzhi jiankang youxu fazhan de yijian], issued 21 August 16, 2(2–3); Ben Blanchard, "China To Strengthen Communist Party's Role in Non-Govt Bodies," Reuters, 21 August 16; Ministry-Administered Leading Small Group on the Work of Party-Building in Social Organizations, "Key Work Points for Ministry-Administered Party-Building in Social Organizations in 2017" [Buguan shehui zuzhi 2017 nian dangjian gongzuo yaodian], 6 March 17, reprinted in Ministry of Civil Affairs, 10 March 17, 2(5)–(7); Ministry of Civil Affairs, "Ministry of Civil Affairs Convenes Meeting on Promoting Ministry-Administered 'Two Comprehensive Coverages' Work for Social Organizations," [Minzhengbu zhaokai buguan shehui zuzhi "liang ge quan fugai" gongzuo tuijin hui], 10 March 17; Bo Wei, "Party-Building Work To Lead Grassroots Social Organizations' Healthy Development" [Dangjian gongzuo yinling jiceng shehui zuzhi jiankang fazhan], Philanthropy and Public Interest News, reprinted in Xinhua, 24 May 17; Chinese Communist Party Central Committee General Office, Opinion on Strengthening Party-Building Work in Social Organizations (Provisional) [Guanyu jiaqiang shehui zuzhi dang de jianshe gongzuo de yijian (shixing)], issued 28 September 15, item 2.4(1).

[7] Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 2017, 1–2; "Crackdown Against Civil Society in China Continues," Voice of America, 14 June 17. See also CECC, 2016 Annual Report, 6 October 16, 223–25.

[8] UN Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/HRC/35/28, Advance Unedited Version, 23 May 17, paras. 23–24.

[9] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 20; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22.

[10] Ibid., art. 20; Ibid., art. 21.

[11] Ibid., art. 19; Ibid., art. 19.

[12] International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," last visited 28 August 17.

[13] Karla W. Simon and Holly Snape, "China's Social Organisations After the Charity Law," Made in China, Vol. 2, Issue 1 (January–March 2017), 26–27.

[14] Ministry of Civil Affairs, "Social Service Seasonal Statistics Quarterly Report (Fourth Quarter of 2016)" [Shehui fuwu tongji jibao (2016 nian 4 jidu)], 20 February 17.

[15] Shawn Shieh, "Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector," in NGO Governance and Management in China, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 48; International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," last visited 28 August 17.

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[17] Carolyn Hsu et al., "The State of NGOs in China Today," Brookings Institution, 15 December 16.

[18] Deng Guosheng, "The State of and Obstacles to Chinese Grassroots NGO Development" [Zhongguo caogen NGO fazhan de xianzhuang yu zhang'ai], Social Outlook, reprinted in Shanda 960, Vol. 5 (June 2010). In 2010, Tsinghua University professor Deng Guosheng estimated that there were 1 to 1.5 million grassroots NGOs in China, of which 90 percent were unregistered. Shawn Shieh, "Mapping the Dynamics of Civil Society," in NGO Governance and Management in China, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 53. More recent estimates on unregistered NGOs from 2014 range from 40 to 70 percent. "Chinese Civil Society: Beneath the Glacier," Economist, 12 April 14; Kristie Lu Stout, "People Power in the

People's Republic of China," CNN, 26 June 14. In 2014, the Economist estimated that there were 1.5 million unregistered groups while CNN reported an estimate of 2 million. Li Fan, "The Current State of Civil Society in China" [Woguo gongmin shehui de xianzhuang], Tianze Economic Research Institute (Unirule), Biweekly Forum, 12 September 14. Li Fan, director of World and China Institute, a Chinese NGO research center, claimed that China has 8 million unregistered NGOs, while Hu Xingdou, an economics professor at the Beijing Institute of Technology, and Xu Xin, a law professor at Beijing Institute of Technology, both questioned Li's claim, saying that Li's definition of what constitutes an NGO was too broad. His calculations included groups such as quasi-governmental mass organizations, spun-off government units, business associations, recreational clubs, virtual groups, and rural mutual aid groups.

[19] Elizabeth C. Economy, "Podcast: The Future of China's Civil Society," Council on Foreign Relations, Asia Unbound (blog), 7 March 17, 4 min. 5 sec. The podcast episode featured University of Nottingham Assistant Professor Andreas Fulda, who estimated that "maybe a couple thousand" NGOs in China were comparable to those in the West in their function.

[20] Human Rights Watch, "China: Three Activists Feared 'Disappeared,'" 16 December 16; Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 2017, 2.

[21] Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 2017, 2.

[22] Ibid.

[23] See, e.g., ChinaAid, "Authorities Arrest Highest-Profile Pastor Since Cultural Revolution," 10 January 17; Yaxue Cao, "The Shepherds of Living Stone Church," China Change, 25 December 16.

[24] See, e.g., Michael Forsythe, "3 Labor Activists in China Get Suspended Prison Terms," New York Times, 26 September 16. See also "Prosecution of Labor Advocates Has Chilling Effect on Labor NGOs, Strikes Continue," Congressional-Executive Commission on China, 22 February 17.

[25] See, e.g., "China Jails Environmental Activist for 'Revealing State Secrets,'" Radio Free Asia, 11 October 16.

[26] ChinaAid, "Authorities Arrest Highest-Profile Pastor Since Cultural Revolution," 11 January 17; Yaxue Cao, "The Shepherds of Living Stone Church," China Change, 25 December 16; "Prosecution of Labor Advocates Has Chilling Effect on Labor NGOs, Strikes Continue," Congressional-Executive Commission on China, 22 February 17; "China Jails Environmental Activist for 'Revealing State Secrets,'" Radio Free Asia, 11 October 16.

[27] Chinese Human Rights Defenders, "'They Target My Human Rights Work as a Crime': Annual Report on the Situation of Human Rights Defenders in China (2016)," February 2017, 2–3. See also "China Jails Environmental Activist for 'Revealing State Secrets,'" Radio Free Asia, 11 October 16.

[28] "For Exposing Pollution Data, NGO Leader Liu Shu Detained" [Pilu wuran shuju huanbao NGO fuzeren liu shu bei bu], Radio Free Asia, 11 October 16; "China Jails Environmental Activist for 'Revealing State Secrets,'" Radio Free Asia, 11 October 16; "Changsha Environmental Public Interest Figure Liu Shu Accused of 'Disclosing State Secrets,' Detained by Police" [Changsha huanbao gongyi renshi liu shu bei zhi "xielou guojia mimi" zao jingfang juliu], Radio Free Asia, 11 October 16.

[29] Ibid.

[30] Ibid.

[31] Chinese Human Rights Defenders, "[CHRB] Eleven Activists Remain Forcibly Disappeared in Shenzhen, at Risk of Torture in Police Custody (1/5–1/12/2017)," 12 January 17; Human Rights Campaign in China, "Shenzhen Crackdown, Shenzhen Public Security Bureau Prohibits Meeting With Lawyer, Claims Li Jiangpeng Case One of Endangering State Security, Meeting May Hinder Investigation or Possibly Leak State Secrets" [Shenzhen da zhuabu shenzhen shi gong'anju yi li jiangpeng anjian shu weihai guojia anquan fanzui anjian huijian you ai zhencha huozhe keneng xielou guojia mimi jujue lushi huijian], 27 May 17.

[32] Chinese Human Rights Defenders, "[CHRB] Eleven Activists Remain Forcibly Disappeared in Shenzhen, at Risk of Torture in Police Custody (1/5–1/12/2017)," 12 January 17. For more information, see the Commission's Political Prisoner Database records 2017-00050 on Deng Hongcheng, 2017-00062 on Wang Jun, 2017-00063 on Li Nanhai, 2017-00064 on Xiao Bing, 2017-00065 on Wang Wei, 2017-00066 on Ma Zhiquan, 2017-00067 on Ding Yan, 2017-00068 on Dong Lingpeng, 2017-00070 on Wang Jianhua, 2017-00096 on Song Liqian, and 2017-00097 on Huang Anyang.

[33] Human Rights Campaign in China, "Ten People Remain Missing in Shenzhen Crackdown; Lawyers Accompany Family to Bantian Police Station To Learn About Family Members' Disappearance but Police Offered Conflicting Information, Saying They Had Not Handled This Case and Refusing To Issue Case Acceptance Receipts for Missing Person Cases" [Shenzhen da zhuabu shiren rengran shilian jiashu zai lushi peitong xia qianwang bantian paichusuo liaojie jiaren shilian qingkuang dan paichusuo xinxi qianhou maodun dafu meiyou banli ci'an bing yi renko shizong an bu shuyu anjian wei you jujue tigong anjian shouli huizhi], 29 November 16; Chinese Human Rights Defenders, "[CHRB] Eleven Activists Remain Forcibly Disappeared in Shenzhen, at Risk of Torture in Police Custody (1/5–1/12/2017)," 12 January 17.

[34] Michael Forsythe and Chris Buckley, "China Arrests At Least 3 Workers' Rights Leaders Amid Rising Unrest," New York Times, 5 December 15; Yaxue Cao, "Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders," China Change, 10 December 15.

[35] "Zeng Feiyang, Tang Huanxing, and Zhu Xiaomei Sentenced at First Instance Trial for Gathering a Crowd To Disturb Social Order, Three Defendants Admit Guilt, Express Remorse" [Zeng feiyang tang huanxing zhu xiaomei juzhong raoluan shehui zhixu an yishen dangting xuanpan san beigao biaoshi renzui huizui], Xinhua, 26 September 16. For more information, see

the Commission's Political Prisoner Database records 2015-00427 on Zeng Feiyang, 2015-00428 on Zhu Xiaomei, and 2016-00017 on Tang Jian.

[36] "China Court Sentences Trio for Disturbing Social Order," Xinhua, 26 September 16.

[37] "Guangdong Labor Rights Defender Meng Han Found Guilty of Gathering a Crowd To Disturb Social Order, Sentenced to 21 Months in Prison" [Guangdong laogong weiquan renshi meng han juzhong raoluan shehui zhixu zuicheng, pan jian 21 ge yue], Initium Media, 4 November 16. For more information on Meng Han, see the Commission's Political Prisoner Database record 2014-00026.

[38] Catherine Lai, "Guangdong Labour Activist Meng Han Sentenced to 1 Year, 9 Months," Hong Kong Free Press, 3 November 16; Rights Defense Network, "'12/3 Guangzhou Labor NGO Case' Arrests Approved for Four Individuals, One Released, Whereabouts of Two Unknown" ["12.3 guangzhou laogong NGO an" jin si ren bei pizhun daibu, yiren huoshi, liangren wu xialuo], 8 January 16.

[39] Dexter Roberts, "Beijing Wants One Union To Rule Them All," Bloomberg, 10 November 16; "Labor Conflicts at Hong Kong-Invested Enterprises in Mainland Worsen, Strikes Increase 30 Percent" [Neidi gangzi qiye laozi ehua gongchao zeng san cheng], Radio Free Asia, 12 October 16; Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 2.

[40] Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 36–37.

[41] For information on the New Citizens' Movement and Xu Zhiyong, see 2014 CECC Annual Report, 133–34.

[42] Rights Defense Network, "Well-Known Rights Defender Xu Zhiyong Completed Sentence and Released, Group Prevented From Welcoming Him" [Zhuming renquan hanweizhe xu zhiyong jin xingman huoshi zhongren yingjie pukong], 15 July 17.

[43] Andrew Jacobs and Chris Buckley, "China Sentences Xu Zhiyong, Legal Activist, to 4 Years in Prison," New York Times, 26 January 14. See also "Xu Zhiyong Tried for Advocacy of Education Equality and Official Transparency," CECC China Human Rights and Rule of Law Update, No. 1, 5 March 14; "Officials Detain Xu Zhiyong Amidst a Crackdown on Individuals Calling for Greater Government Accountability," Congressional-Executive Commission on China, 1 August 13. For more information on Xu Zhiyong, see the Commission's Political Prisoner Database record 2005-00199.

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[45] Ibid.

[46] Andreas Fulda, "A New Law in China Is Threatening the Work of International NGOs," The Conversation, 6 January 17; Scott Wilson, "China's NGO Regulations and Uneven Civil Society Development," University of Nottingham, China Policy Institute: Analysis (blog), 15 February 17; Kenneth Roth, "The Great Civil Society Choke-Out," Foreign Policy, 27 January 17. For the full text of the law, see PRC Law on the Management of Overseas Non-Governmental Organizations' Activities [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17.

[47] PRC Law on the Management of Overseas Non-Governmental Organizations' Activities [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 9.

[48] Ministry of Public Security, "Handbook for Overseas Non-Governmental Organizations' Registration of Representative Offices and Filing of Temporary Activities" [Jingwai feizhengfu zuzhi daibiao jigou dengji he linshi huodong bei'an banshi zhinan], 28 November 16; Ministry of Public Security, "Areas of Activity and Program Directory and Professional Supervisory Units Directory for Overseas Non-Governmental Organizations Within China (2017)" [Jingwai feizhengfu zuzhi zai zhongguo jingnei huodong lingyu he xiangmu mulu, yewu zhuguan danwei minglu (2017)], 20 December 16; International Center for Not-for-Profit Law, "Civic Freedom Monitor: China," last visited 28 August 17; Nectar Gan, "Why Foreign NGOs Are Struggling With New Chinese Law," South China Morning Post, 14 June 17; Jia Xijin, "China's Implementation of the Overseas NGO Management Law," Southern Weekly, translated in China Development Brief, 6 March 17.

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[50] Anthony J. Spires, "China's New INGO Law: A Brief Summary of Concerns Voiced by INGOs," in "Feedback on the INGO Law," Anthony J. Spires (blog), 20 September 16, 1–4. See also Ministry of Public Security, "MPS Held a Briefing With Some Officials From Foreign Consulates in Shanghai Explaining the Relevant Preparations for the Overseas NGOs' Activities Management Law" [Gong'anbu zai shanghai zhaokai bufen guojia zhu hu lingshiguan tongqi hui tongbao "jingwai feizhengfu zuzhi jingnei huodong guanli fa" xiangguan zhunbei gongzuo], 9 November 16; Jia Xijin, "China's Implementation of the Overseas NGO Management Law," Southern Weekly, translated in China Development Brief, 6 March 17.

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[57] Overseas NGO Management Office, Ministry of Public Security, "January to July Statistical Data on Number of Overseas NGO Registration of Representative Offices and Temporary Activities" [Jingwai feizhengfu zuzhi daibiao jigou dengji linshi huodong bei'an 1 zhi 7 yue shuju tongji], 1 August 17.

[58] Ibid. See also Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," Asia Society, ChinaFile, 19 July 17.

[59] Overseas NGO Management Office, Ministry of Public Security, "January to July Statistical Data on Number of Overseas NGO Registration of Representative Offices and Temporary Activities" [Jingwai feizhengfu zuzhi daibiao jigou dengji linshi huodong bei'an 1 zhi 7 yue shuju tongji], 1 August 17. See also Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," Asia Society, ChinaFile, 19 July 17.

[60] Overseas NGO Management Office, Ministry of Public Security, "January to July Statistical Data on Number of Overseas NGO Registration of Representative Offices and Temporary Activities" [Jingwai feizhengfu zuzhi daibiao jigou dengji linshi huodong bei'an 1 zhi 7 yue shuju tongji], 1 August 17.

[61] Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," Asia Society, ChinaFile, 19 July 17. In one of ChinaFile's graphics, ChinaFile estimated the number of INGO representative offices based on "fields of work" in which the INGOs are engaged. This resulted in ChinaFile's total count for representative offices being higher than the total number of representative offices listed on the Ministry of Public Security website for the same period. Even if an INGO engages in multiple fields of work, the INGO may register with only one Professional Supervisory Unit in one field of work.

[62] Overseas NGO Management Office, Ministry of Public Security, "January to July Statistical Data on Number of Overseas NGO Registration of Representative Offices and Temporary Activities" [Jingwai feizhengfu zuzhi daibiao jigou dengji linshi huodong bei'an 1 zhi 7 yue shuju tongji], 1 August 17.

[63] Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," Asia Society, ChinaFile, 19 July 17. ChinaFile analysis showed that 98 temporary activities were carried out by Hong Kong INGOs and 31 by U.S. INGOs. 34 temporary activities were held in Sichuan province, 22 in Guizhou province, and 18 each in Guangdong and Yunnan provinces. 58 temporary activities were in the field of youth, 48 in education, and 25 in poverty alleviation.

[64] Geraldine Johns-Putra et al., Minter Ellison, "China's New Foreign NGO Law: How Will It Impact Australian Universities Operating in China?" reprinted in Lexology, 22 February 17; Nectar Gan, "Why Foreign NGOs Are Struggling With New Chinese Law," South Morning China Post, 14 June 17; Christian Shepherd and Michael Martina, "International NGOs' China Operations Hit by Registration Delays Under New Law," Reuters, 6 July 17.

[65] Shawn Shieh, "The Origins of China's New Law on Foreign NGOs," Asia Society, ChinaFile, 31 January 17.

[66] Andreas Fulda, "A New Law in China Is Threatening the Work of International NGOs," The Conversation, 6 January 17; Scott Wilson, "China's NGO Regulations and Uneven Civil Society Development," University of Nottingham, China Policy Institute: Analysis (blog), 15 February 17; Shawn Shieh, "The Origins of China's New Law on Foreign NGOs," Asia Society, ChinaFile, 31 January 17.

[67] Carolyn Hsu et al., "The State of NGOs in China Today," Brookings Institution, 15 December 16.

[68] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 74; Ivan Franceschini, "Meet the State Security: Chinese Labour Activists and Their Controllers," Made in China, Vol. 2, Issue 1 (January–March 2017), 37; Renato Marques, "Analysis: Labor-Related NGOs in China Facing Hard Times," Macau Daily Times, 16 January 17.

[69] See, e.g., Andreas Fulda, "A New Law in China Is Threatening the Work of International NGOs," The Conversation, 6 January 17; Geraldine Johns-Putra et al., Minter Ellison, "China's

New Foreign NGO Law: How Will It Impact Australian Universities Operating in China?" reprinted in Lexology, 22 February 17; Horst Fabian, "China's New Overseas NGOs Law: Uncertain, Contested Future of EU-China Civil Society Cooperation but No Closed Spaces," Bundesnetzwerk Burgerschaftliches Engagement, BBE Newsletter for Engagement and Participation in Europe, 29 November 16, 23.

[70] Andreas Fulda and Jennifer Brady, "How Foreign Non-Profit Organisations Should Respond to China's New Overseas NGO Management Law," University of Nottingham, China Policy Institute Policy Paper 2016, No. 1, 4.

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[72] Amnesty International, "China: Taiwan NGO Worker Detained on Vague National Security Charges," 29 March 17; Benjamin Haas, "China Says It Has Detained Taiwanese Activist Missing Since 19 March," Guardian, 29 March 17.

[73] Benjamin Haas, "China Says It Has Detained Taiwanese Activist Missing Since 19 March," Guardian, 29 March 17.

[74] "Taiwan Suspect Arrested on Mainland," Xinhua, 26 May 17.

[75] Ibid.

[76] Ibid.

[77] Amnesty International, "Urgent Action Update: Taiwan NGO Worker Arrested for Subversion," 2 June 17.

[78] Benjamin Haas, "China Says It Has Detained Taiwanese Activist Missing Since 19 March," Guardian, 29 March 17; "China Bars Wife of Detained Taiwan NGO Worker From Flying to Beijing," Radio Free Asia, 10 April 17; Catherine Lai, "Watchdog Warns of 'Chilling Effect' as China Confirms It Is Holding Missing Taiwanese NGO Worker," Hong Kong Free Press, 29 March 17; Amnesty International, "Urgent Action: Taiwan NGO Worker Held Incommunicado in China," 29 March 17.

[79] Taiwan Association for Human Rights et al., "Free Li Ming-Che: The Joint Statement from NGOs," 30 March 17.

[80] Ibid.

[81] State Council General Office, Circular on Expanding Random Sampling To Standardize Supervision During and After Events [Guowuyuan bangongting guanyu tuiguang suiji choucha guifan shizhong shihou jianguan de tongzhi], 29 July 15; State Council, Circular on the Release of the 2016 Major Points on Improving Service Reform Through Advancing Changes in Governance and Management [Guowuyuan guanyu yinfa 2016 nian tuijin jianzheng fangquan fangguan jiehe youhua fuwu gaige gongzuo yaodian de tongzhi], 23 May 16.

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[83] Ministry-Administered Leading Small Group on the Work of Party-Building in Social Organizations, "Key Work Points for Ministry-Administered Party-Building in Social Organizations in 2017" [Buguan shehui zuzhi 2017 nian dangjian gongzuo yaodian], 6 March 17, reprinted in Ministry of Civil Affairs, 10 March 17; Ministry of Civil Affairs, "Ministry of Civil Affairs Convenes Meeting on Promoting Ministry-Administered 'Two Comprehensive Coverages' Work for Social Organizations" [Minzhengbu zhaokai buguan shehui zuzhi "liang ge quan fugai" gongzuo tuijin hui], 10 March 17. See also "Chinese Communist Party Central Committee General Office Releases 'Opinion on Strengthening Party-Building Work in Social Organizations (Provisional)'" [Zhonggong zhongyang bangongting yinfa "guanyu jiaqiang shehui zuzhi dang de jianshe gongzuo de yijian (shixing)"], Xinhua, 28 September 15, item 2.4(1); Patricia M. Thornton, "The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?" China Quarterly, Vol. 213 (March 2013), 2, 7; CECC, 2016 Annual Report, 6 October 16, 236.

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[85] Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments) [Shehui tuanti dengji guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 1 August 16.

[86] Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Public Comment) [Minban feiqiye danwei dengji guanli zanxing tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16.

[87] Ministry of Civil Affairs, Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments) [Jijinhui guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16.

[88] Holly Snape, "The Chinese Design of the Charity Law," China Development Brief, 20 April 17.

[89] PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16, arts. 22–23.

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xiugai "zhonghua renmin gongheguo qiye suodeshui fa" de jueding], 24 February 17; PRC Enterprise Income Tax Law [Zhonghua renmin gongheguo qiye suodeshui fa], passed 16 March 07, amended and effective 24 February 17.

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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

The Chinese Communist Party Asserts Greater Control Over State and Society

In China's one-party, authoritarian political system,[1] the Chinese Communist Party maintains what one rights organization calls a "monopoly on political power."[2] The Party plays a leading role in state and society,[3] restricting Chinese citizens' ability to exercise civil and political rights.[4] Observers noted that the central role of the Party in governing the state appears to have strengthened since Xi Jinping became the Party General Secretary and President in November 2012 and March 2013, respectively,[5] further "blurring" the lines between Party and government.[6] In March 2017, Wang Qishan, a member of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) and the Secretary of the Central Commission for Discipline Inspection, said that "under the Party's leadership, there is only a division of labor between the Party and the government; there is no separation between the Party and the government."[7]

During the Commission's 2017 reporting year, under Xi's leadership, the Party demanded absolute loyalty from its members,[8] directing and influencing politics and society at all levels, including in the military,[9] economy,[10] Internet,[11] civil society,[12] and family life.[13] Furthermore, the Party continued to exert power over the judiciary,[14] undermining the independence of courts and the rule of law in China, despite legal reform efforts.[15] In September 2016, the State Council Information Office released the 2016–2020 National Human Rights Action Plan (HRAP).[16] The HRAP subordinates the Chinese government's human rights policy to the ideological guidance of the Party,[17] which the international organization Human Rights in China said is part of the Chinese government's efforts "to modify international human rights standards to fit China's conditions."[18] In the HRAP, the Chinese government pledged to "continue to advance related legal preparations and pave the way for ratification of the International Covenant on Civil and Political Rights (ICCPR)."[19] China signed the ICCPR in 1998[20] but has yet to ratify it, despite the government's expressed intent to do so.[21]

XI JINPING NAMED "CORE" OF THE PARTY

The Commission observed a continued emphasis on Party General Secretary and President Xi Jinping's leading role in guiding decisionmaking this past year. Following the Sixth Plenum of the 18th Central Committee of the Chinese Communist Party (Sixth Plenum) in October 2016, the plenum communiqué named Xi the "core" (*hexin*) of the Party.[22] Some observers viewed the Sixth Plenum as a "victory for Xi" over internal political opposition.[23] At the Sixth Plenum, the Party also announced that the 19th National Congress of the Chinese Communist Party (19th Party Congress) would take place in Beijing municipality during the second half of 2017.[24] At the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2017, Premier Li Keqiang affirmed Xi as the "core" of the Party in his delivery of the State Council's report on the work of the govern-

ment in 2016.[25] He noted that with the 19th Party Congress approaching, this would be "a year of great significance for advancing the cause of the Party," and that the government would "put into practice the principles from . . . Xi Jinping's major addresses and his new vision, thinking, and strategies for China's governance."[26] According to reports, the "core" title confers status to Xi as the foremost leader of China, signals to lower cadres to follow Xi's policy guidance, and—despite reported signs of insecurity among the Party leadership[27]—strengthens Xi's ability to influence the appointment of the next generation of cadres at the 19th Party Congress.[28] One scholar, however, contended that Xi's new "core" status signaled a strengthening of the Party's collective leadership.[29] The composition of the Politburo Standing Committee is expected to change significantly at the 19th Party Congress as five of seven members reach the retirement age—based on precedent, not formal Party rules[30]—of 68 or older in 2017.[31]

Anticorruption Campaign: Consolidating Party Discipline

This past year, President and Party General Secretary Xi Jinping called for "strict governance" of the Party.[32] Regulations and guidelines on intraparty supervision and behavioral standards released after the Sixth Plenum stressed that cadres at all levels must comply, especially those who hold leadership positions—including high-level officials in the Party Central Committee, Politburo, and Politburo Standing Committee.[33] The Party's Central Commission for Discipline Inspection (CCDI) continued punishing high- and low-level Party officials for misconduct, targeting officials in the government,[34] military,[35] and state security apparatus.[36] In July 2017, CCDI authorities placed Sun Zhengcai, Party Secretary of Chongqing municipality and a Politburo member, under investigation for suspected discipline violations[37]—a move that some international observers called a political decision by Xi to consolidate power ahead of the 19th Party Congress.[38] The CCDI also tightened supervision of its anticorruption investigators and staff to ensure stricter oversight of disciplinary enforcers.[39] In 2016, CCDI authorities reportedly administered disciplinary penalties for nearly 415,000 individuals.[40] The Supreme People's Procuratorate reported that in 2016, a total of 47,650 people were investigated for crimes of professional misconduct.[41] Courts at all levels reportedly finished adjudicating 45,000 cases involving 63,000 individuals related to corruption and bribery.[42] In July 2017, the Party Central Committee amended the Regulations on Chinese Communist Party Inspection Work,[43] shifting the focus of Party supervision and inspection from fighting corruption to enforcing Party ideology and loyalty.[44]

The Party and government are spearheading efforts to establish a new national supervisory commission for enforcing antigraft measures, a move that may result in further blurring and integration of Party and government functions.[45] In December 2016, the National People's Congress Standing Committee (NPCSC) approved a pilot project to set up supervisory commissions to oversee government conduct in Beijing municipality, Shanxi province, and Zhejiang province.[46] This multicity pilot project aimed to integrate corruption control officials from different institutions into one agen-

cy to increase effectiveness.[47] Following the pilot projects, in January 2017, the CCDI announced plans to establish a new national commission in order to integrate all government officials who have authority to conduct Party and government disciplinary inspection into one institution.[48] The plan also called for the NPCSC to oversee the creation of a new leading small group (*lingdao xiaozu*) on deepening reform of national supervisory institutions.[49] A Chinese legal scholar said that the new commission may help to delineate the roles of investigators and prosecutors handling corruption cases and make anticorruption efforts "more systematic."[50] The new commission, designed to "strengthen the Party's united leadership over anticorruption work,"[51] will merge anticorruption functions of the CCDI, Ministry of Supervision, and Supreme People's Procuratorate and integrate roles among Party, government, and judicial institutions.[52] Reports raise questions as to whether the new institution will administer *shuanggui,* the non-transparent and extralegal Party disciplinary process that requires Party members to appear for interrogation at a designated time and place.[53] Reports this past year indicate that officials tortured individuals detained under *shuanggui;*[54] and that authorities reportedly used confessions extracted through extralegal procedures during *shuanggui* in subsequent legal proceedings.[55] [For more information on *shuanggui,* see Section II—Criminal Justice.]

CORRUPTION REMAINS PREVALENT IN CHINA

Despite the anticorruption efforts directed by central Party officials, 83 percent of Chinese citizens reportedly perceived corrupt officials as a "big problem," according to a 2016 poll by the Pew Research Center.[56] Transparency International ranked China 79 out of 176 countries in its 2016 Corruption Perceptions Index, and gave China a score of 40 for its level of clean governance, with 100 being the highest possible score.[57] Local-level corruption reportedly remains common in rural China.[58] Local officials reportedly engaged in embezzlement,[59] land expropriation,[60] and forced demolition of homes.[61] Some officials reportedly had ties to criminal syndicates that used intimidation and violence to extort money from villagers.[62] In January 2017, at separate high-level meetings for their respective agencies, Wang Qishan, the Secretary of the CCDI,[63] and Cao Jianming, the Procurator-General of the Supreme People's Procuratorate (SPP),[64] acknowledged problems of village-level corruption and indicated plans to tackle corruption among village officials and related criminal activities. The SPP subsequently issued an official directive instructing lower-level prosecutors to work with other government agencies and Party organizations to target "village tyrants," a term that the SPP used to describe officials who are involved in corruption and violence against villagers.[65]

Continued Crackdown on Free Speech, Association, and Assembly

Chinese authorities continued to harass, detain, and imprison advocates who exercised their rights to freedom of speech, assembly, and demonstration. The following are representative cases from this reporting year:

• Prior to the G20 Summit in Hangzhou municipality, Zhejiang province, in September 2016, authorities forcibly disappeared, detained, and sent on forced travel dozens of rights advocates, reportedly to prevent advocacy activities around the event.[66] On August 20, domestic security protection officers from Yueqing city, Wenzhou municipality, Zhejiang, seized rights advocate **Chen Zongyao** (also known as Chen Chen) and his son **Chen Zhixiao** in Yueqing.[67] The two were preparing to travel to Suzhou municipality, Jiangsu province, prior to the G20 Summit in spite of authorities' requests that they not go to Suzhou or Hangzhou.[68] On August 22, officials criminally detained both men on suspicion of "obstructing official business," and formally arrested them on September 27.[69] On January 25, 2017, the Yueqing Municipal People's Court sentenced Chen Zongyao to 10 months' imprisonment, suspended for 1 year and 6 months, and Chen Zhixiao to 6 months' detention, suspended for 10 months.[70] Chen Zongyao reportedly had engaged in rights advocacy activities in the past.[71]

• In November 2016, authorities detained **Liu Feiyue,** founder of rights monitoring website Civil Rights & Livelihood Watch (CRLW) and **Huang Qi,** founder of rights monitoring website 64 Tianwang.[72] Authorities in Suizhou municipality, Hubei province, detained Liu on November 17 for allegedly accepting foreign funding to support CRLW[73] and arrested him on the charge of "inciting subversion of state power" on December 23.[74] Authorities from Mianyang and Neijiang cities and Chengdu municipality, Sichuan province, detained Huang on November 28 and arrested him on the charge of "illegally providing state secrets overseas" on December 16.[75] Liu founded CRLW in 2006 to create a platform for reporting on prohibited topics, such as the detention of rights advocates, human rights violations, and political protests.[76] Established in 1998, 64 Tianwang is reportedly the first known Chinese human rights website and is an important source for independent reports on government conduct and human rights violations.[77]

• **Zhao Suli,** the wife of **Qin Yongmin,** a founder of the banned China Democracy Party and chair of the domestic NGO China Human Rights Watch, remains missing after authorities in Wuhan municipality, Hubei province, detained Zhao and Qin in January 2015.[78] In March 2017, Radio Free Asia reported that Zhao's family filed lawsuits in Wuhan and in Zhengzhou municipality, Henan province, Zhao's birthplace, in attempts to determine her whereabouts.[79] Authorities in Wuhan have charged Qin with "subversion of state power" but have not tried him as of August 2017.[80]

Authorities Arrest Author of Open Letter Recommending Replacement of Xi Jinping at 19th Party Congress

In April 2017, state security officials from Chengdu municipality, Sichuan province, detained Zi Su, a Communist Party member and retired Yunnan Provincial Committee Party School instructor,[81] and in June, formally arrested him on the charge of "inciting subversion of state power" after he published an open letter calling for direct intraparty elections and the replacement of Party General Secretary Xi Jinping at the 19th Party Congress.[82] In May, authorities reportedly criminally detained Huang Jianping, Zhang Ai, and Shao Zhongguo on the charge of "picking quarrels and provoking trouble"[83] and forcibly disappeared Huang Xiaomin[84] in connection with their support of Zi by writing essays or sharing the open letter online. Authorities also administratively detained Zhu Delong, former Capital Normal University professor who reportedly signed on to Zi's open letter, in August after he criticized Xi Jinping on a social media platform.[85] Chengdu authorities previously detained Zi in October 2016 on suspicion of "inciting subversion of state power" for suspected ties to "foreign forces,"[86] later releasing him on bail in November 2016.[87]

This past year, authorities persecuted individuals for participating in memorial events in remembrance of the violent suppression of the 1989 Tiananmen protests. Cases from this past year included:

- In April 2017, the Chengdu Municipal Procuratorate in Sichuan prosecuted **Fu Hailu, Chen Bing, Luo Fuyu,** and **Zhang Juanyong** for "inciting subversion of state power" in connection with images Fu posted online in 2016 showing satirically labeled liquor bottles commemorating the 1989 Tiananmen protests.[88] The four men have been in pretrial detention for over a year.[89]
- On June 4, 2017, authorities from Zhuzhou municipality, Hunan province, summoned at least 10 individuals including **Guo Min, Guo Sheng, Chen Xiaoping, Chen Siming, Li Ming, Liu Zhen, Sun Huazhu, Wen Bo, Tang Yuchun,** and **Tang Xueyun** after they participated in an artistic commemoration of the 1989 Tiananmen protests,[90] later ordering 6 of them to serve 7 to 10 days' administrative detention.[91]
- On June 5, 2017, authorities in Nanjing municipality, Jiangsu province, criminally detained **Shi Tingfu** and formally arrested him on July 6 on suspicion of "picking quarrels and provoking trouble" reportedly for giving a speech in front of the Nanjing Massacre Memorial Hall while wearing a shirt that read "Don't Forget June Fourth."[92] As of July, authorities detained Shi at the Yuhuatai District PSB Detention Center in Nanjing, where he reportedly suffered torture such as beating, sleep deprivation, and inadequate food.[93]
- On June 4, 2017, police in Beijing municipality detained **Li Xiaoling** and later criminally charged her with "picking quarrels and provoking trouble,"[94] for standing in front of Tiananmen Square while holding a sign that said "June 4th Journey To Shine a Light" and a picture of her eye, which she said was injured and rendered nearly blind by police in May.[95]

- On June 12, 2017, police in Beijing municipality detained petitioner **Ding Yajun** for posting a photo online of herself and other petitioners commemorating the 1989 Tiananmen protests.[96] A court in Heilongjiang province reportedly tried Ding on July 31 for "picking quarrels and provoking trouble" but did not issue a judgment.[97]

Lack of Substantial Political Liberalization

This past year, central Party authorities did not take any substantial steps toward political liberalization.[98] China's Constitution declares China's political system to be a socialist democracy with "multi-party cooperation" and "political consultation" under the leadership of the Communist Party.[99] This past year, Party General Secretary Xi Jinping praised the consultative system as uniquely "Chinese" and "socialist," having developed under the Party's leadership.[100] In the past, types of "consultation" have included intraparty input on decisions about Party cadre appointments, development projects at grassroots levels, and some comments on draft laws, as well as discussions between Party representatives and the national Chinese People's Political Consultative Conference (CPPCC) and the eight "democratic" minor parties.[101] According to one scholar, the CPPCC's political influence is "minimal" and primarily serves to "legitimize" Party rule.[102] Philip Alston, the UN Special Rapporteur on extreme poverty and human rights, observed after a mission to China in August 2016 that, "Public participation . . . is a notion to which Chinese officials continue to subscribe, but it is invariably described very much in terms of participating in the implementation of pre-determined Party policies, rather than in the formulation or monitoring of those policies."[103] Xinhua reported that at the annual political advisory meetings of the CPPCC and the National People's Congress ("Two Sessions") in March 2017, delegates "whole-heartedly" upheld the Party Central Committee with Xi as "core."[104] International media and analysis reported that the 2017 Two Sessions "followed a tight script" with "no surprises," and delegates affirmed their "unswerving loyalty" to Xi as "core" of the Party in the lead-up to the 19th Party Congress.[105]

Local Elections in China's One-Party State

Sources from this past year highlighted multiple instances in which officials interfered with or inhibited meaningful public participation in local elections,[106] demonstrating that China's political institutions do not meet the standards for "genuine" elections outlined in the Universal Declaration of Human Rights[107] and International Covenant on Civil and Political Rights.[108] This past year, villages and counties across China held local-level elections that take place once every five years.[109] A report from Rights Defense Network highlighted an increase in citizen participation, organizing, and rights awareness, but also noted official interference with local elections, including incidents where independent candidates were administratively and criminally detained, restricted in their freedom of movement, beaten, harassed, kidnapped, and held in soft detention.[110] For example, on September 19, 2016, domestic

security protection officers in Qidong county, Hengyang municipality, Hunan province, detained democracy advocate Guan Guilin, ordering him to serve 10 days' administrative detention on suspicion of "obstructing elections" after he reportedly attempted to register as an independent candidate for the Qidong County People's Congress election.[111] Following Guan's administrative detention, authorities did not release him and instead criminally detained him on suspicion of "organizing and using a cult to undermine implementation of the law,"[112] releasing him on October 29.[113] In November 2016, public security officials in Dongxihu district, Wuhan municipality, Hubei province, ordered Gao Hongwei, Jia Fuquan, and Zeng Shouyun to serve nine days' administrative detention on the basis of "harming voters' ability to exercise their right to vote" and "disrupting the order of elections."[114] Gao, Jia, and Zeng had set up a booth in Dongxihu to distribute flyers and campaign for votes as independent candidates in the local people's congress election.[115] In November 2016, police from Shanghai municipality administratively detained five campaign assistants of Shanghai candidate Feng Zhenghu for five days, accusing them of "disrupting the order of elections."[116]

Crackdown on Wukan Village Protesters

Public security authorities and riot police cracked down on protests that arose after authorities detained Lin Zulian, chief of Wukan village, Donghai subdistrict, Lufeng city, Shanwei municipality, Guangdong province, in June 2016.[117] Wukan residents elected Lin, an advocate for the return of land to villagers, to the village committee in 2012 in a special election[118] and reelected him in 2015.[119] On and around September 13, 2016, international news media reported that security forces used tear gas and rubber bullets against protesters, a move reportedly ordered by Guangdong Party Secretary Hu Chunhua,[120] that resulted in serious injuries to villagers.[121] Police forces interrogated, expelled, or barred reporters from the village,[122] blocked access to the village,[123] and detained villagers,[124] including at least one Internet user.[125] Reports from a Party-run news media outlet characterized international reporting on events in Wukan as "foreign forces" conducting "public opinion warfare,"[126] while other provincial media outlets published alternative narratives on events in Wukan that downplayed the violence and unrest.[127] In December 2016, the Haifeng County People's Court tried and convicted[128] nine Wukan residents for their participation in the protest and imposed prison sentences ranging from 2 years to 10 years and 6 months.[129] Those imprisoned included Wei Yonghan,[130] Hong Yongzhong,[131] Yang Jinzhen,[132] Wu Fang,[133] Cai Jialin,[134] Zhuang Songkun,[135] Li Chulu,[136] Chen Suzhuan,[137] and Zhang Bingchai.[138] In March 2017, Radio Free Asia reported that Wukan residents were under constant surveillance by authorities and feared speaking to outsiders.[139] In August 2017, officials reportedly canceled the household registration (*hukou*) of exiled Wukan activist Zhuang Liehong and threatened his family in China, in apparent attempts to stop his advocacy in the United States.[140]

Implementation of Open Government Information Regulations and Citizen Access to Information

During this reporting year, the Chinese government continued to work towards increasing citizens' access to official information. In June 2017, the State Council released draft revisions to the 2008 Open Government Information (OGI) Regulations and solicited public comments.[141] The draft revisions clarified the scope of OGI and defined the types of information not subject to OGI.[142] Areas not subject to OGI requirements include local-level information that "endangers public safety or social stability" or that involves ethnicity and religion.[143] The draft revisions also included a set of new provisions calling for all levels of government to promote and establish mechanisms for OGI work.[144] One U.S.-based expert noted that while the Chinese government's efforts to advance greater citizen access to official information have resulted in considerable progress in recent years, "government transparency remains uneven and often unsatisfactory," with few OGI requests granted, few wins for OGI lawsuits, and detentions of some citizens who submit OGI requests.[145] The Chinese Academy of Social Sciences found that 73 out of 100 county-level governments scored lower than 60 points for transparency, with Nang county, Linzhi (Nyingtri) municipality, Tibet Autonomous Region, scoring the lowest at 12.75 points.[146] The study found that municipal governments overall scored significantly higher for transparency than county governments, with Xiamen municipality, Fujian province, and Guangzhou municipality, Guangdong province, ranking as the top two.[147] Despite moves in the past year to update the OGI regulatory framework, Chinese authorities continued to deny OGI requests in cases related to human rights defenders, including cases of those petitioning,[148] advocating for civil society,[149] and requesting information on the use of "black jails" and other secret detention sites.[150]

Notes to Section III—Institutions of Democratic Governance

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COMMERCIAL RULE OF LAW

Introduction

December 11, 2016, marked 15 years since China acceded to the World Trade Organization (WTO).[1] The Chinese government and Communist Party are bound by commitments detailed in the WTO agreements and China's accession documents.[2] The Commission found during its 2017 reporting year that the government and Party continued to fail to comply with key WTO commitments, including to ensure equal treatment for foreign enterprises;[3] to practice a market economy;[4] and to enforce the rule of law with impartiality, transparency, and uniformity.[5] Instead, the Chinese government continued to promote preferential treatment for domestic industry,[6] compel technology transfer,[7] and provide significant financial and political support to outbound investment,[8] creating an uneven playing field and altering market prices both domestically and globally.[9] Additionally, Chinese officials continued to enforce commercial regulations inconsistently, arbitrarily, and non-transparently, making it difficult for foreign enterprises to compete or enjoy open access in the Chinese market.[10] Chinese authorities have promoted economic reform in policy documents and official speeches,[11] yet actual progress toward reform reportedly remains limited.[12] The Chinese government's implementation of its WTO commitments is a measure of the overall development of rule of law in China and of the Chinese government's willingness to comply with its international commitments.[13]

Evaluation of China's Commitment to Equal Treatment

When it joined the WTO, China committed to ensure non-discrimination against foreign enterprises with respect to the procurement of goods, services, and enforcement of intellectual property rights.[14] Despite official rhetoric claiming openness,[15] Chinese officials continued to promote discriminatory policies that reportedly perpetuated an uneven playing field for foreign enterprises.[16] Moreover, many reports note that private enterprises have opaque ties to the government and Party, giving these companies an unfair advantage in Chinese markets and in courts.[17] Summarizing the current adverse climate for foreign businesses competing in China, the Office of the U.S. Trade Representative (USTR) reported in March 2017 that "China continued to pursue a wide array of industrial policies in 2016 that seek to limit market access for imported goods, foreign manufacturers and foreign service suppliers, while offering substantial government guidance, resources and regulatory support to Chinese industries."[18] While President and Party General Secretary Xi Jinping stated in January 2017 that "China will keep its door wide open and not close it,"[19] the American Chamber of Commerce in China (AmCham) reported in a January 2017 survey that 81 percent of foreign companies felt "less welcome in China than before" in 2016, an increase from 77 percent the previous year.[20]

INDUSTRIAL POLICIES

During this reporting year, the Chinese government continued to promote industrial policies that reportedly disadvantage foreign enterprises and distort global markets.[21] For example, authorities continued to implement "Made in China 2025," a plan released by the State Council in May 2015,[22] which is reportedly a US$300 billion plan with the goal of becoming self-sufficient in 40 percent of core components and key basic materials by 2020, and 70 percent by 2025.[23] Chinese authorities' de facto technology transfer requirements for foreign companies that want to be involved in "Made in China 2025" and the Chinese government's promotion of indigenous innovation raise national treatment and other concerns, according to recent reports by representatives of the U.S. and European business communities.[24]

INTERNET CENSORSHIP

The Chinese government's strict control over the Internet continued to serve as an indirect form of preferential treatment for domestic enterprises, as consumers' access to global websites remained obstructed. In March 2017, USTR identified Internet censorship in China as a barrier to trade for a second year, noting that Chinese authorities blocked "11 of the top 25 global sites" and highlighting U.S. industry research that found that "up to 3,000 sites in total are blocked."[25] The March 2017 USTR report also stressed that even external sites that are not blocked must pass through the filters of China's "Great Firewall," in some cases slowing sites down so much as to "significantly degrade the quality of the service, in some cases to a commercially unacceptable level, thereby inhibiting or precluding the cross-border supply of certain services."[26] In October 2016, a U.S. computer industry association reported that the blocking of U.S. services in China, including Google, Facebook, Twitter, Dropbox, and LinkedIn, had resulted in the loss of billions of dollars in revenue for U.S. companies, while China-based Internet firms had an "unfair commercial advantage" as they were not blocked in China or the United States.[27] AmCham's 2017 China Business Climate Survey Report, published in January 2017, found that 87 percent of surveyed companies reported that Internet censorship negatively affected their "company's competitiveness and operations in China,"[28] and a July 2017 report by AmCham Shanghai found that for small- and medium-sized member companies surveyed, "improved [I]nternet access" was their main reform priority.[29] Moreover, the Chinese government's arbitrary and non-transparent blocking of websites may violate its WTO commitment to follow the rule of law, according to a computer industry association.[30] In January 2017, USTR reported that it had continued outreach to the Chinese government to discuss its "arbitrary blocking of commercial websites."[31] In July 2017, the Chinese government reportedly requested that Apple and a Chinese partner of Amazon take actions to limit Internet users in China from downloading or using virtual private networks (VPNs) to access websites censored by Chinese authorities.[32] AmCham,[33] the European Chamber of Commerce in China,[34] and a representative of the Hong Kong Information Technology Federa-

tion,[35] expressed concerns that the restrictions on VPNs will negatively affect business users.

CYBERSECURITY

The Chinese government took regulatory steps this past year to strengthen cybersecurity, but foreign business leaders warned that some of these steps could disadvantage foreign firms. In November 2016, the National People's Congress passed the PRC Cybersecurity Law, which took effect on June 1, 2017.[36] In April 2017, the Cyberspace Administration of China (CAC) released draft implementing measures for the data localization requirements of the PRC Cybersecurity Law,[37] mandating that Chinese authorities conduct a security review of certain types of data before companies can transmit the data out of China.[38] AmCham raised concerns that these new measures on data localization would "discourage foreign investment by unnecessarily imposing prohibitively complex or expensive requirements" in order to store their data in China.[39] In May 2017, 54 business groups sent a letter to the CAC expressing concerns regarding provisions in the draft measures, writing that the draft measures suggest "China is continuing to move away from its bilateral commitments, international obligations, and global norms."[40] The CAC subsequently informed business groups that enforcement of certain implementing measures of the PRC Cybersecurity Law would be postponed until December 31, 2018.[41]

FOREIGN INVESTMENT RESTRICTIONS

The Chinese government continued to limit foreign investment in China, and although the government took regulatory steps to reduce investment restrictions this past year, the impact of these changes remained unclear. A May 2017 report by a research firm and non-profit organization found that the Chinese government's restrictions on foreign investment reportedly contributed to an imbalance of acquisitions, with acquisitions by U.S. companies in China at their lowest level since 2009.[42] In January 2017, the State Council released the Circular Regarding Several Measures on Expanding Further Openness and Active Utilization of Foreign Investment, with the stated aim of increasing foreign investment in China.[43] In June 2017, the National Development and Reform Commission and the Ministry of Commerce jointly released a revised Foreign Investment Industrial Guidance Catalogue (2017 Catalogue).[44] The 2017 Catalogue reduced the number of categories for which foreign investment is limited from 93 to 63;[45] however, foreign investment in media-related entities continues to be "prohibited."[46] In July 2017, the European Union Chamber of Commerce in China issued a press release that criticized "[t]he continued use of such a discriminatory catalogue" that maintained the "fundamental distinction" between "domestically-invested and foreign-invested enterprises with respect to market entry and approval requirements."[47]

During this reporting year, AmCham identified negotiation of a U.S.-China Bilateral Investment Treaty as a priority for alleviating restrictions on foreign investment.[48] International experts have noted that human rights concerns are becoming increasingly impor-

tant in the drafting and enforcement of bilateral investment treaties.[49]

Evaluation of China's Commitment To Practice a Market Economy

While the Chinese government committed under WTO agreements to generally "allow prices for traded goods and services in every sector to be determined by market forces,"[50] it continues to distort domestic and global prices with its practice of providing what the Office of the U.S. Trade Representative (USTR) describes as "substantial subsidies" to domestic industries,[51] and with its non-commercial operation of state-owned enterprises.[52]

CHINESE GOVERNMENT SUBSIDIES

Chinese authorities continued to provide substantial subsidies to domestic industries including steel and aluminum, resulting in overcapacity in China and distorted global markets.[53] According to USTR, for example, despite declining demand and no comparative advantages in energy and raw material inputs for steel making, China's steel capacity continued to grow.[54] Some international experts point to government subsidies as a key cause of overcapacity in the steel and aluminum sectors.[55] This overcapacity has led to excess global supply, distorting global market prices.[56] The Chinese government has previously claimed it would allow "market forces to play a central role" in allocating resources and reducing overcapacity,[57] yet output in many areas has reportedly continued to increase.[58] A report commissioned by an international environmental advocacy group found that China's steel capacity increased as many of the steel factories the Chinese government claimed it shut down as part of efforts to reduce overcapacity had already been closed or were already idle.[59]

This past year, the U.S. Government filed WTO disputes against the Chinese government regarding its use of subsidies to boost domestic production. In September 2016, the U.S. Government filed a dispute over Chinese subsidies for wheat, rice, and corn producers.[60] In January 2017, the U.S. Government filed a WTO dispute regarding Chinese subsidies to the aluminum sector.[61] In April 2017, the U.S. Government requested that the Chinese government notify the WTO about 80 government measures that provided subsidies to Chinese companies.[62] The U.S. Government's 584-page request included translations of each of the measures,[63] as the Chinese government had failed to provide translations themselves, despite committing to provide translations of all its trade laws, regulations, and other measures.[64] The request noted that these subsidies were part of a program that appeared to be a "successor" to China's Famous Brands Program, which the U.S. Government successfully challenged in a WTO dispute filed in 2008.[65] In addition to not providing translations, the Chinese government has not fully complied with its WTO obligations to publish all trade-related laws, regulations, and other measures, making WTO disputes more challenging.[66]

State-Owned Enterprises and the Communist Party

State-owned enterprises (SOEs) continue to play a key role in the Chinese economy.[67] According to 2016 statistics, the National Bureau of Statistics of China reported that there were 133,631 SOEs[68] and 291,263 state-holding companies operating in China.[69] Observers note that SOEs tend to be less productive than private companies,[70] yet Chinese government statistics showed that the number of industrial sector state-holding companies increased yearly from 2011 to 2015.[71] According to an April 2017 International Monetary Fund (IMF) publication, SOEs accounted for over 50 percent of bank credit in China and around 60 percent of corporate debt in China.[72] The provision of loans from state-owned banks to SOEs on a non-commercial basis serves as a major form of government subsidy in China,[73] and according to the IMF distorts the "allocation of resources" and promotes "inefficiency."[74]

The Chinese Communist Party played an increasingly important role in SOEs[75] and reportedly increased its influence over other types of corporate entities in China as well.[76] While Chinese officials maintain that SOEs are "entitled to make independent business operation decisions,"[77] in October 2016, President and Party General Secretary Xi Jinping stressed Party leadership is the "root" and "soul" of SOEs.[78] In June 2017, the director of the State-Owned Assets Supervision and Administration Commission of the State Council reported that SOEs employed over 40 million workers, more than 10 million of whom were Party members.[79] Experts note that the Party asserts a leadership role in corporate decisionmaking for SOEs.[80] According to an August 2017 Wall Street Journal analysis, since 2016, at least 32 Hong Kong-listed SOEs have proposed amendments to their articles of association to explicitly give Party committees the authority to advise corporate boards;[81] these companies have a combined market capitalization of approximately $1.2 trillion USD, totaling nearly one-third of the total value of stocks listed in Hong Kong.[82] Private companies are also subject to Party control and influence,[83] with 1.6 million non-public companies having internal Party groups, according to Party Central Committee statistics.[84]

Evaluation of China's Commitment to Rule of Law

Despite the Chinese government's WTO commitments to "apply and administer in a uniform, impartial and reasonable manner all its laws, regulations and other measures,"[85] Chinese officials continued to enforce laws and regulations, including in the commercial sphere, in an arbitrary and non-transparent manner.[86] The American Chamber of Commerce in China's (AmCham) 2017 American Business in China White Paper found that "inconsistent regulatory interpretation and unclear laws [were] the top business challenge . . . for the second year in a row."[87]

WEAK INTELLECTUAL PROPERTY RIGHTS PROTECTION AND LIMITED REFORMS

This past year, the Chinese government continued to provide ineffective protection for intellectual property rights. For example, in April 2017, the USTR again placed China on its priority watch list

in its 2017 Special 301 Report, due to concerns including "widespread infringing activity" as well as problematic "[s]tructural impediments to civil and criminal enforcement."[88] In 2016, 88 percent of counterfeit imports seized by the U.S. Department of Homeland Security reportedly were from China (52 percent) and Hong Kong (36 percent).[89] In December 2016, the USTR re-listed Taobao, a subsidiary of the Alibaba Group and the largest online shopping website in China by merchandise volume, as a "notorious market" due to "the large volume of allegedly counterfeit and pirated goods available and the challenges rights holders experience in removing and preventing illicit sales."[90] In December 2016, the National People's Congress issued a draft PRC E-Commerce Law for public comment that, according to AmCham, may make it more difficult for trademark owners to obtain the removal of online listings for goods with infringing trademarks on e-commerce platforms.[91]

During this reporting year, the Chinese government also took actions that, according to some legal experts, could strengthen intellectual property protection. In December 2016, the China Trademark Office revised the Trademark Review and Examination Standards,[92] and in January 2017, the Supreme People's Court (SPC) issued provisions on administrative trademark litigation.[93] Some legal experts noted that the revised standards and SPC provisions could provide greater protection in China against bad faith trademark filings.[94] The SPC, in a case decided in December 2016 prior to its issuance of the provisions, ruled partially in Michael Jordan's favor in a series of administrative trademark disputes over a Chinese company's use of the American basketball star's name in China.[95]

DUE PROCESS CONCERNS FOR BUSINESSPEOPLE

Despite official reports of progress in judicial transparency,[96] certain cases involving Chinese and foreign businesspeople detained or investigated this past year highlighted ongoing transparency and due process concerns. The Bureau of Consular Affairs of the U.S. Department of State's country information for China notes that "[t]he Chinese legal system can be opaque and the interpretation and enforcement of local laws arbitrary. The judiciary does not enjoy independence from political influence."[97]

Arbitrary Detention of Sandy Phan-Gillis

On April 25, 2017, the Nanning Intermediate People's Court in Nanning municipality, Guangxi Zhuang Autonomous Region, reportedly sentenced American businessperson Sandy Phan-Gillis to three years and six months' imprisonment on the charge of espionage in a closed trial.[98] On April 29, Chinese authorities deported Phan-Gillis to the United States.[99] In March 2015, Chinese state security agents had detained Phan-Gillis as she traveled from Zhuhai municipality, Guangdong province, to Macau.[100] In June 2016, the UN Working Group on Arbitrary Detention found that Chinese authorities had arbitrarily detained Phan-Gillis.[101] At a Commission hearing, Jeff Gillis, Phan-Gillis's husband, asserted that Chinese authorities tortured his wife and denied her "many of the rights she is entitled to under Chinese and international law."[102] Gillis noted that "Sandy was not allowed to speak with her lawyer for well over a year. She was not charged with a crime for well over a year. For about the first year and a half, her monthly 30-minute visits with the U.S. Consul were supervised by agents of China State Security, the very people who tortured her."[103]

The cases of three prominent executives of Chinese firms, Xiao Jianhua, Guo Wengui, and Wu Xiaohui, highlighted the risk that businesspeople face when suspected of corruption or when dealing closely with corrupt officials.[104] In January 2017, unidentified security personnel reportedly abducted Xiao, a Canadian citizen, from a hotel in Hong Kong and detained him at an unknown location believed to be in mainland China.[105] In April 2017, after Guo alleged corruption involving family members of Chinese government officials,[106] Interpol reportedly issued a "red notice" at the request of the Chinese government seeking Guo's provisional arrest and extradition.[107] In June 2017, Chinese authorities reportedly detained Wu Xiaohui, the chairman of Anbang Insurance, on undisclosed grounds.[108] The Hong Kong-based newspaper South China Morning Post described "Wu's Anbang" as "one of the most powerful and well-connected players on the domestic and overseas capital markets."[109] In 2014, Anbang purchased the Waldorf Astoria hotel in New York for US$1.95 billion.[110] [For more information on the Party and government's anticorruption efforts, see Section III—Institutions of Democratic Governance.]

FOREIGN EXCHANGE CONTROLS

Although in previous years the Chinese government intervened to devalue the yuan and thereby unfairly promote Chinese exports, recent government interventions had the goal of preventing a rapid depreciation of the yuan, according to an April 2017 report by the U.S. Department of the Treasury.[111] The report notes that the Chinese government needs to demonstrate that its lack of intervention to devalue the yuan "over the last three years represents a durable policy shift . . .."[112] The U.S. Department of the Treasury and the American Chamber of Commerce in China expressed continuing concerns regarding transparency of foreign exchange interventions and capital control regulations.[113]

UNEVEN ENFORCEMENT OF FOOD SAFETY REGULATIONS

Chinese officials continued to emphasize the importance of food safety this past year, as several food safety concerns came to light and exposed ongoing regulatory challenges. In March 2017, Premier Li Keqiang described the effort to strengthen food safety regulation as requiring "the utmost rigor."[114] According to analysis published by the Paulson Institute in April 2017, however, "microbiological hazards remain unchecked, supply chain management is weak, and policies are uncoordinated across disparate levels of the government."[115] According to the China Food and Drug Administration, in 2016, authorities punished violators of food safety regulations in 181,000 cases.[116] Chinese and international media reported on a number of food safety scandals in China, including those affecting soy sauce[117] and milk powder.[118] In describing a scandal in Tianjin municipality involving counterfeit soy sauce made with industrial salt and unsafe tap water that was "unfit for human consumption," a Renmin University professor said "the fact that these small food processors were able to churn out fake products worth hundreds of million [sic] of yuan undetected for years shows what little local authorities have done to weed out the problem of poor-quality food" and that it "underscores how weak law enforcement is in fighting food safety violations."[119] In October 2016, new food safety measures took effect, requiring online platforms to establish a system for examining vendor credentials and product quality.[120] According to an American law firm's analysis, the new measures may make it easier for companies to determine the source and stop the sale of counterfeit food products by imposing liability and disclosure requirements on online platforms.[121]

The American Chamber of Commerce in China noted that the existence of "complex compliance concerns" due to the "opaque nature of Party influence on government and weak regulatory transparency"[122] and "inconsistency in [the government's] interpretation of policies, laws, and regulations, and in standards for law enforcement" created difficulties for food companies operating in China.[123] For example, in October 2016, the Jiading District Market Supervision and Management Bureau in Shanghai municipality reportedly revoked the food production license and issued an additional 24 million yuan (US$3.55 million) in fines to Shanghai Husi and its U.S. parent company, OSI Group, for a July 2014 food safety incident.[124] In 2016, OSI Group had criticized the judgment in the related criminal case as "inconsistent with the facts and evidence," claiming authorities had recognized that the case was "never" about food safety, but was influenced by accusations made in misleading media reports.[125]

The U.S. and Chinese governments' trade negotiations during this reporting year included a focus on food safety in the beef and poultry trade.[126] In June 2017, the Chinese government permitted the import of American beef into China for the first time since 2003, when imports were stopped due to concerns over mad cow disease in the United States.[127] In June 2017, the Food Safety and Inspection Service of the U.S. Department of Agriculture (USDA) published a proposed rule to permit the import of "poultry products from birds slaughtered in [China]" based on a determination that

China's "poultry slaughter inspection system is equivalent" to that in the United States.[128] A U.S. non-profit organization recommended that USDA withdraw the proposed rule because "China's food safety system is simply too weak to ensure that poultry exports are safe to eat."[129]

Outbound Investment and Regional Trade Partnerships

During this reporting year, the Chinese government continued to provide significant financial incentives to promote outbound investment, raising concerns that the Chinese government's lack of transparency in commercial dealings and its preferential treatment of state-owned enterprises (SOEs) may have an even greater impact on foreign markets than it has to date. In May 2017, a total of 29 foreign heads of state or government[130] and representatives from over 130 countries[131] gathered in Beijing municipality at the first global forum on the Chinese government's Belt and Road (B&R) Initiative.[132] The initiative consists of a "belt" on land from China to Europe, as well as a "road" of shipping routes from China through Southeast Asia to India and Europe, and the Chinese government envisions global "participation."[133] Several European Union member countries raised concerns about transparency shortcomings and a lack of social and environmental safeguards[134] in the joint communiqué issued after the forum.[135] SOEs have played a leading role in B&R infrastructure projects;[136] since the announcement of B&R in 2013, 47 central SOEs have participated in 1,676 B&R infrastructure projects.[137] For example, the SOE China Communications Construction announced US$12.6 billion in new projects in 2016, a reported 10 percent of total new B&R projects announced.[138] Two American researchers described the B&R Initiative as "a game-changing plan to bring about the next stage of globalization," noting that Chinese authorities plan for approximately US$1 trillion in concessionary loans for infrastructure projects through state-owned policy banks.[139]

During this reporting year, the Chinese government played a key role in multilateral financial institutions. For example, the China-led Asian Infrastructure and Investment Bank (AIIB) played a significant role in international financing, reportedly approving over US$1.7 billion in loans in 2016.[140] The AIIB also co-financed projects with other multilateral banks, including the World Bank[141] and the Asian Development Bank (ADB).[142] A U.S. human rights organization noted that in projects co-financed by the AIIB and the World Bank, ADB, or other multilateral financial institutions, "the social and environmental standards or safeguard policies of those institutions are likely to apply."[143]

Notes to Section III—Commercial Rule of Law

[1] China became a member of the World Trade Organization (WTO) on December 11, 2001. A list of members and their dates of membership is available on the WTO website. World Trade Organization, "Protocols of Accession for New Members Since 1995, Including Commitments in Goods and Services," last visited 5 June 17.

[2] Information on China's participation in the World Trade Organization (WTO), including principal accession documents, schedules, trade policy reviews, and dispute case documents, can be found on the WTO website. China's commitments are detailed in these documents, as well as in WTO agreements applicable to all members, including the General Agreement on Tariffs and Trade and the Trade-Related Aspects of Intellectual Property Rights. World Trade Organization, "WTO Legal Texts," last visited 5 June 17. See also U.S. Government Accountability Office (GAO), "World Trade Organization: Analysis of China's Commitments to Other Members," October 2002, 12–13. The GAO analysis found that China had made 685 WTO commitments, including 77 transparency-related commitments, 57 commitments related to laws and regulations, and 67 nondiscrimination-related commitments.

[3] World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 3. See also China's Compliance With WTO Commitments, Hearing of the U.S. Trade Representative Office, 5 October 16, Written Testimony of the US–China Business Council, Submitted on September 21, 2016, in Response to the Office of the U.S. Trade Representative's Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments, Federal Register, Vol. 81, No. 158 (16 August 16), 54646–47.

[4] World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 9(1). See also Julia Ya Qin, "The Challenge of Interpreting 'WTO–Plus' Provisions," Wayne State University Law School, Legal Studies Research Paper Series, No. 09–18, 2 July 09, 4–5.

[5] World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 2(A)2, 2(C)1, 2(D)1; U.S. Government Accountability Office, "World Trade Organization: Analysis of China's Commitments to Other Members," October 2002, 31.

[6] Office of the U.S. Trade Representative, "2016 Report to Congress on China's WTO Compliance," January 2017, 11–14; U.S. Chamber of Commerce, "Made in China 2025: Global Ambitions Built on Local Protections," 2017, 6–8; China's Compliance With WTO Commitments, Hearing of the U.S. Trade Representative Office, 5 October 16, Written Testimony of the US–China Business Council, Submitted on September 21, 2016, in Response to the Office of the U.S. Trade Representative's Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments, Federal Register, Vol. 81, No. 158 (16 August 16), 54646–47.

[7] Wilbur Ross, "American Genius Is Under Attack From China," Financial Times, 14 August 17; Nigel Cory, Information Technology & Innovation Foundation, "RE: Comments in Response to Executive Order Regarding Trade Agreements Violations and Abuses.," 31 July 17, 10; Office of the Press Secretary, The White House, "Presidential Memorandum for the United States Trade Representative," 14 August 17.

[8] "President Xi's Speech at Opening of the 'Belt and Road' International Cooperation Forum" [Xi jinping zai "yidai yilu" guoji hezuo gaofeng luntan kaimushi shang de yanjiang], Xinhua, 14 May 17; "Full Text of President Xi's Speech at Opening of Belt and Road Forum," Xinhua, 14 May 17. At the opening of the Belt and Road forum, Xi pledged that China would contribute an additional 100 billion yuan (US$14.5 billion) to the Silk Road Fund, as well as additional funding by the China Development Bank and the Export-Import Bank of China. See also Nadège Rolland, China's Eurasian Century? Political and Strategic Implications of the Belt and Road Initiative (Seattle: National Bureau of Asian Research, 2017), 101–4; Tom Hancock, "China Encircles the World With One Belt, One Road Strategy," Financial Times, 3 May 17; Li-Wen Lin, "A Network Anatomy of Chinese State-Owned Enterprises," European University Institute, Robert Schuman Centre for Advanced Studies, February 2017, 8; Greg Levesque, "China's Evolving Economic Statecraft," The Diplomat, 12 April 17.

[9] U.S. Chamber of Commerce, "Made in China 2025: Global Ambitions Built on Local Protections," 2017, 6–8, 11, 40; Robert D. Atkinson et al., Information Technology & Innovation Foundation, "Stopping China's Mercantilism: A Doctrine of Constructive, Alliance-Backed Confrontation," 16 March 17, 1–3; Office of the U.S. Trade Representative, "2016 Report to Congress on China's WTO Compliance," January 2017, 36.

[10] American Chamber of Commerce in the People's Republic of China, "2017 American Business in China White Paper," April 2017, 4, 10, 12, 38, 46, 48, 82, 98. Based on a survey of American Chamber of Commerce in China (AmCham) members, AmCham found that for the second consecutive year "inconsistent regulatory interpretation and unclear laws" was the top business challenge.

[11] Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jueding], issued 12 November 13, sec. 1(2); State Council, Circular Regarding Certain Measures on Expanding Further Openness and Active Utilization of Foreign Investment [Guowuyuan guanyu kuoda duiwai kaifang jiji liyong waizi ruogan cuoshi de tongzhi], issued 17 January 17; "President Xi's Speech to Davos in Full," World Economic Forum, 17 January 17; "President Xi Jinping's Keynote Speech at the Opening of the Annual World Economic Forum in 2017" [Xi jinping zhuxi zai shijie jingji luntan 2017 nian nianhui kaimu shi shang de zhuzhi yanjiang], Xinhua, 18 January 17; State Council, "Report on the Work of the Government," 16 March 17; State Council, "Government Work Report" [Zhengfu gongzuo baogao], 16 March 17.

[12] Office of the U.S. Trade Representative, "2016 Report to Congress on China's WTO Compliance," January 2017, 2; American Chamber of Commerce in China, "2017 American Business

in China White Paper," April 2017, 4; European Union Chamber of Commerce in China and Roland Berger, "European Business in China: Business Confidence Survey 2017," May 2017, 39.

[13] See, e.g., The Broken Promises of China's WTO Accession: Reprioritizing Human Rights, Hearing of the Congressional-Executive Commission on China, 1 March 17, Written Statement Submitted by Michael R. Wessel, President, The Wessel Group, Commissioner, U.S.-China Economic and Security Review Commission; Office of the U.S. Trade Representative, "2016 Report to Congress on China's WTO Compliance," January 2017, 4–5; World Trade Organization, Trade Policy Review Body, Trade Policy Review, China, Minutes of the Meeting, WT/TPR/M/342, 26 September 16, 33–34. See also WTO: Will China Keep Its Promises? Can It? Hearing of the Congressional-Executive Commission on China, 6 June 02, Written Statement Submitted by Susan S. Westin, Managing Director, International Affairs and Trade, U.S. General Accounting Office, 3–4.

[14] World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 2(A)(2), 3.

[15] "Li Keqiang Speech With Foreign Delegates at 2017 China Annual Development Forum" [Li keqiang huijian chuxi zhongguo fazhan gaoceng luntan 2017 nian nianhui de jingwai daibiao bing zuotan], Xinhua, 20 March 17; "China's Door Opens Wider to Outside World: Premier," Xinhua, 21 March 17; World Trade Organization, Trade Policy Review Body, Trade Policy Review, China, Minutes of the Meeting, Addendum, WT/TPR/M/342, 28 October 16, 208–9, 377; World Economic Forum, "President Xi's Speech to Davos in Full," 17 January 17; Ma Si, "Regulator Says Made in China 2025 Is Fair," China Daily, 13 March 17; "China Internet Regulator Says Cyber Security Law Not a Trade Barrier," Xinhua, 31 May 17.

[16] Office of the U.S. Trade Representative, "2017 National Trade Estimate Report on Foreign Trade Barriers," March 2017, 80, 86, 89–90; U.S. Chamber of Commerce, "Made in China 2025: Global Ambitions Built on Local Protections," 2017, 6–8; Robert D. Atkinson et al., Information Technology & Innovation Foundation, "Stopping China's Mercantilism: A Doctrine of Constructive, Alliance-Backed Confrontation," March 2017, 1–3.

[17] Yi-Zheng Lian, "China, the Party-Corporate Complex," New York Times, 12 February 17; James McGregor, "How Trump Can Win With China," Foreign Policy, 3 February 17; Yuhua Wang, "Relative Capture: Quasi-Experimental Evidence From the Chinese Judiciary," Social Science Research Network, 7 December 16, 21–23; Mark Wu, "The 'China, Inc.' Challenge to Global Trade Governance," Harvard International Law Journal, Vol. 57, No. 2 (Spring 2016), 283–84, 295. Wu described the Chinese government's "various mechanisms to advantage Chinese firms over their foreign competitors" and the "close links between the Chinese Party-state and Chinese enterprises, both state-owned and private . . .." Bureau of Economic and Business Affairs, U.S. Department of State, "Investment Climate Statements for 2017: China," last visited 17 July 17; Office of the U.S. Trade Representative (USTR), "2016 Report to Congress on China's WTO Compliance," January 2017, 168. USTR reported that: "Many U.S. companies in 2016 continued to express serious concerns about the independence of China's judiciary. In their experience and observation, Chinese judges continue to be influenced by political, government or business pressures, particularly outside of China's big cities."

[18] Office of the U.S. Trade Representative, "2017 National Trade Estimate Report on Foreign Trade Barriers," March 2017, 80.

[19] World Economic Forum, "President Xi's Speech to Davos in Full," 17 January 17.

[20] American Chamber of Commerce in the People's Republic of China and Bain & Company, "China Business Climate Survey Report," January 2017, 30.

[21] Office of the U.S. Trade Representative (USTR), "2016 Report to Congress on China's WTO Compliance," January 2017, 11–17. Industrial policies of concern that USTR identified included secure and controllable requirements for information and communications technologies, indigenous innovation, export restraints, subsidies, excess capacity, and value-added tax. See also Robert D. Atkinson et al., Information Technology & Innovation Foundation, "Stopping China's Mercantilism: A Doctrine of Constructive, Alliance-Backed Confrontation," March 2017, 4; European Union Chamber of Commerce in China, "China Manufacturing 2025: Putting Industrial Policy Ahead of Market Forces," 7 March 17, 1.

[22] State Council, "Made in China 2025" [Zhongguo zhizao 2025], 19 May 15.

[23] Keith Bradsher and Paul Mozur, "China's Plan To Build Its Own High-Tech Industries Worries Western Businesses," New York Times, 7 March 17; State Council, "Made in China 2025" [Zhongguo zhizao 2025], 19 May 15, sec. 3(3). See also European Union Chamber of Commerce in China, "China Manufacturing 2025: Putting Industrial Policy Ahead of Market Forces," 7 March 17, 9.

[24] U.S. Chamber of Commerce, "Made in China 2025: Global Ambitions Built on Local Protections," March 2017, 26, 34; European Union Chamber of Commerce in China, "China Manufacturing 2025: Putting Industrial Policy Ahead of Market Forces," March 2017, 1, 15–16, 39–40.

[25] Office of the U.S. Trade Representative, "2017 National Trade Estimate Report on Foreign Trade Barriers," March 2017, 90; Internet Association, "National Trade Estimate Report Comments on Digital Trade Barriers," October 2016, 32–33.

[26] Office of the U.S. Trade Representative, "2017 National Trade Estimate Report on Foreign Trade Barriers," March 2017, 90.

[27] Internet Association, "National Trade Estimate Report Comments on Digital Trade Barriers," October 2016, 32–33.

[28] American Chamber of Commerce in the People's Republic of China and Bain & Company, "2017 China Business Climate Survey Report," January 2017, 47.

[29] American Chamber of Commerce in Shanghai, "2017 China Business Report," July 2017, 10.

[30] Computer & Communication Industry Association, "Comments of Computer & Communications Industry Association Regarding Foreign Trade Barriers to U.S. Exports for 2017 Reporting," 27 October 16, 2, 6. See also Office of the U.S. Trade Representative, "United States Seeks Detailed Information on China's Internet Restrictions, 19 October 11; California First Amend-

ment Coalition, "CFAC Briefing Paper: China's Internet Measures Violate Its WTO Obligations," 19 November 07, 1.

[31] Office of the U.S. Trade Representative, "2016 Report to Congress on China's WTO Compliance," January 2017, 158.

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[132] "Joint Communique of Leaders Roundtable of Belt and Road Forum," Xinhua, 15 May 17. See also National Development and Reform Commission et al., "Vision and Actions on Jointly

Building Silk Road Economic Belt and 21st-Century Maritime Silk Road" [Tuidong gong jian sichou zhi lu jingjidai he 21 shiji haishang sichou zhi lu de yuanjing yu xingdong], March 2015; Nadège Rolland, China's Eurasian Century? Political and Strategic Implications of the Belt and Road Initiative (Seattle: National Bureau of Asian Research, 2017), 119–20; Joshua Eisenman and Devin T. Stewart, "China's New Silk Road Is Getting Muddy," Foreign Policy, 9 January 17.

[133] National Development and Reform Commission et al., "Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road" [Tuidong gong jian sichou zhi lu jingjidai he 21 shiji haishang sichou zhi lu de yuanjing yu xingdong], March 2015, sec. II. See also Tom Hancock, "China Encircles the World With One Belt, One Road Strategy," Financial Times, 3 May 17; "The Economist Explains: What Is China's Belt and Road Initiative?" Economist, 15 May 17.

[134] Angela Stanzel, European Council on Foreign Relations, "China's Belt and Road—New Name, Same Doubts?" 19 May 17; Elias Glenn et al.,"Update 2—Germany Demands More Free Trade Guarantees on China Silk Road Plan—Minister," Reuters, 14 May 17.

[135] "Joint Communique of Leaders Roundtable of Belt and Road Forum," Xinhua, 15 May 17.

[136] State-Owned Assets Supervision and Administration of the State Council, "Transcript of State Council Information Office Press Conference on the Situation of State-Owned Enterprises Participation in Joint Construction of the 'Belt & Road'" [Guoxinban zhongyang qiye canyu "yidai yilu" gong jian qingkuang fabuhui shilu], 9 May 17; Wu Gang, "SOEs Lead Infrastructure Push in 1,700 'Belt and Road' Projects," Caixin, 9 May 17.

[137] Ibid.

[138] Summer Zhen, "China To Build Colombo CBD Under 'Belt and Road Initiative,'" South China Morning Post, 10 May 17; Celia Chen and Peggy Sito, "Here's How Li Ka-shing Dominates Trade Along the Belt and Road Initiative," South China Morning Post, 12 May 17.

[139] Joshua Eisenman and Devin T. Stewart, "China's New Silk Road Is Getting Muddy," Foreign Policy, 9 January 17.

[140] Asian Infrastructure Investment Bank, "AIIB Celebrates Its First Anniversary; Launches Its 2017 Agenda," 16 January 17.

[141] World Bank, "World Bank and AIIB Sign Cooperation Framework," 23 April 17. As of April 2017, the AIIB and World Bank had co-financed five projects.

[142] Asian Development Bank, "ADB Approves Second Cofinancing With AIIB To Boost Natural Gas Output, Transmission in Bangladesh," 21 November 16.

[143] Inclusive Development International, "Making Inroads: Chinese Infrastructure Investment in ASEAN and Beyond," 2016, 5–6. See also Sara Hsu, "How China's Asian Infrastructure Investment Bank Fared Its First Year," Forbes, 14 January 17.

ACCESS TO JUSTICE

Introduction

While many Chinese citizens persist in seeking redress for violations of their rights,[1] the Commission continued to observe a significant discrepancy between official statements that affirm the importance of law-based governance[2] or that promote recent legal developments[3] and the actual ability of citizens to access justice.[4] Developments during the 2017 reporting year also continued to demonstrate that individuals and groups who attempt to help citizens advocate for their rights do so at significant professional and personal risk.

Judicial Reform Efforts

During this past year, the Commission observed some progress and ongoing challenges as Chinese courts and local governments implemented certain key areas of the judicial reforms outlined in the Chinese Communist Party Central Committee Fourth Plenum Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision) from October 2014.[5] Key developments included the following areas.

JUDICIAL INDEPENDENCE

The Commission continued to observe actions and statements by Chinese authorities that contradict their claim of judicial independence. The Supreme People's Court (SPC) repeatedly emphasized the Chinese Communist Party's leadership role over the judiciary.[6] At a conference held in January 2017, SPC President Zhou Qiang urged high court presidents from across China to reject Western ideals including "constitutional democracy, separation of powers, and judicial independence."[7] The SPC-run People's Court Daily published a series of articles arguing that Chinese courts retain independence in decisionmaking even while they are subject to the Party's leadership.[8] Some legal professionals and scholars, however, viewed Zhou's speech as a setback in the progress toward judicial independence.[9]

In his March 2017 delivery of the SPC's annual work report, Zhou Qiang reiterated the SPC's goal of judicial independence, yet in the same presentation, he noted the convictions of rights lawyer Zhou Shifeng and other rights advocates[10] as key achievements of the court system in 2016.[11] Amnesty International and other human rights organizations characterized these trials as politically motivated,[12] and one China-based lawyer said the SPC work report signified that the court system is a political tool of the Party.[13] In this past year, reports of other politically motivated convictions continued to emerge.[14] [See Section II—Criminal Justice for more information.]

The Party continued to exert control over the judiciary, including the four newly established cross-jurisdictional circuit tribunals[15] that have a mandate to improve judicial independence by preventing interference by local officials.[16] An inspection group under central Party authorities conducted an inspection beginning in No-

vember 2016[17] to ensure ideological alignment of the SPC,[18] which in turn exerts leadership over the circuit tribunals[19] through their Party branch groups.[20] In July 2017, the SPC issued an opinion with a provision instructing chief judges to carry out plans made by Party branch groups and adjudication committees.[21]

JUDICIAL ACCOUNTABILITY

Although a senior Party official declared that courts had substantially achieved accountability reforms,[22] implementation by lower courts remained at an initial stage, and certain problems that authorities intended to correct persisted in some localities. Meng Jianzhu, a Party Central Committee Political Bureau member and Political and Legal Affairs Commission Secretary, said in January 2017 that central Party authorities had substantially completed the policy-making aspect of the judicial accountability reform,[23] and in a subsequent meeting urged political and legal affairs committee leaders to complete basic reform efforts before the 19th National Congress of the Chinese Communist Party[24] scheduled to take place in the latter part of 2017.[25] In April, the SPC clarified the supervisory roles of provincial-level court presidents and chief judges, and generally prohibited them from giving oral or written instructions on cases that they did not hear.[26] Some lower courts have issued rules to implement the reform[27] or held meetings for that purpose.[28] Nevertheless, an SPC official responsible for judicial reform reported that certain problems regarding accountability persisted in some localities, which included court presidents and chief judges taking part in adjudicating cases not assigned to them and not being able to effectively supervise associate judges.[29]

CASE FILING

Despite official reports showing improvement in the case filing system,[30] some courts reportedly continued to deny individuals access to the court system. Based on the Fourth Plenum Decision,[31] the SPC issued a set of provisions in April 2015 that requires courts to accept all cases meeting certain procedural requirements,[32] instead of first subjecting them to substantive review.[33] Rights advocate Feng Zhenghu, however, observed that some courts in Shanghai municipality continued to conduct substantive review.[34] He documented 187 cases between May 2015 and December 2016 in which seven courts in Shanghai reportedly failed to open a case or issue a decision that explained their refusal to do so[35] in cases seeking judicial review of issues including administrative detention and land expropriation agreements.[36] In addition, when Feng ran for the local people's congress in November 2016 as an independent candidate, police from Shanghai administratively detained five of his campaign assistants,[37] who then tried to file a lawsuit to rescind the administrative decisions after their release.[38] The Yangpu District People's Court in Shanghai reportedly twice rejected their filings without issuing any official documentation explaining the decision.[39] Rights defenders in other localities likewise experienced difficulties in filing their cases.[40]

TRIAL-CENTERED LITIGATION SYSTEM

Chinese authorities took steps to implement a goal set forth in the October 2014 Fourth Plenum Decision to shift toward a trial-centered litigation system that includes improving the practice of having witnesses and experts testify at trial.[41] The Supreme People's Court (SPC), Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice issued a joint opinion in October 2016 that detailed key components to improving in-court testimony and argument,[42] but the opinion subjects a witness' appearance to the court's determination that the testimony has great significance to the case.[43] One SPC official said that courts, procuratorates, and public security bureaus in some localities developed evidentiary criteria for certain common crimes to standardize investigation and to prevent illegally obtained evidence from entering the trial phase.[44] In June 2017, the SPC selected courts in 17 locations to pilot the implementation of three procedures of the trial-centered litigation system, namely, pretrial conference, exclusion of illegally obtained evidence, and judicial investigation procedure for courts of first instance.[45] [For more information on developments in China's criminal procedure system, see Section II—Criminal Justice—Ongoing Challenges in the Implementation of the Criminal Procedure Law.]

JUDICIAL TRANSPARENCY

The Chinese judiciary reported progress and addressed challenges in improving judicial transparency. In November 2016, SPC President Zhou Qiang reported improvements, including the publishing of court proceedings online and making case information available to litigation parties through court websites and text messaging.[46] Zhou also acknowledged several challenges, including selective disclosure of case judgments by some courts, the lack of a robust system for third-party evaluation of courts' disclosure efforts, and the need for further delineation of judicial disclosure standards.[47] In October 2016, new SPC provisions went into effect that further specify disclosure standards which require judges to publish case identification information even when case content is being withheld and to state the reason supporting nondisclosure except when doing so may endanger state security.[48] A March 2017 report shows, however, that only five courts published this information on their websites.[49] Amnesty International observed that documents related to death penalty sentences published on the judiciary's centralized database between 2011 and 2016 represented a small fraction of executions in China, concluding that "authorities appear to be engaged in an elaborate policy of systematic evasion . . .."[50] [For more information on the judiciary's publication of death penalty-related documents, see Section II—Criminal Justice.]

Legal Aid

The Chinese government promulgated rules in an attempt to improve the legal aid system, which continued to face problems such as a shortage of legal aid workers, the lack of technical knowledge in non-lawyer staff, and insufficient reimbursement for legal-aid related expenses.[51] In February 2017, the Ministries of Justice (MOJ)

and Finance jointly issued an opinion directing their provincial-level bureaus to play an active role in administering the legal aid system and to specifically allocate funds toward implementing measures, including supporting the recruitment and training of new lawyers for legal aid work, obtaining legal aid services from law firms through government procurement, and ensuring prompt payment that is commensurate with the legal services rendered.[52] The Supreme People's Procuratorate, SPC, and MOJ issued an opinion in April specifying that legal aid services cover criminal case petitions (*xingshi shensu*),[53] a process that can be used to correct wrongful convictions.[54] A U.S.-based expert noted that access to legal aid by migrant workers had improved in the years since a 2006 State Council regulatory change; many of these workers, however, continued to have difficulty obtaining aid because of variance in local rules.[55]

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits system," has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.[56] The petitioning system reportedly has been ineffective in addressing citizens' grievances due to factors such as the large number of petitions,[57] the limited authority of local *xinfang* offices,[58] shortcomings in the accountability system,[59] and corruption.[60] In October 2016, the State Council General Office and the Party Central Committee General Office issued measures directing government and Party agencies to conduct a performance review at least once a year and providing sanctions for conduct such as ineffective handling of negative public opinion or mistreatment of petitioners that results in serious consequences.[61]

The Commission continued to observe reports of violence against petitioners. In November 2016, the public security bureau in Yuechi county, Guang'an municipality, Sichuan province, issued a notice stating that it started an investigation and detained nine individuals suspected of being responsible for the death of petitioner Yang Tianzhi, whom individuals acting under a reported agreement with Yuechi officials forcibly returned to Sichuan to prevent him from petitioning in Beijing municipality.[62] Although the Commission observed additional reports of violence against petitioners this past year, the reports did not include information about officials being held accountable.[63]

During this reporting year, petitioners continued to face reprisals. Authorities detained petitioners, alleging criminal or administrative offenses including "disrupting order in a public place,"[64] "picking quarrels and provoking trouble,"[65] and "obstructing official business."[66] In addition, in the period leading up to and during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2017, authorities reportedly rounded up petitioners, including Hong Kong residents, in Beijing municipality and other locations.[67]

Authorities reportedly targeted groups and individuals that supported petitioners. Between November and December 2016, authorities in Hubei and Sichuan provinces reportedly detained Liu Feiyue[68] and Huang Qi,[69] and arrested them on charges related to

"endangering state security."[70] Liu and Huang each operated websites that monitor a range of human rights issues, including those that involve petitioners.[71] A volunteer who worked for Huang's website suggested that Huang's detention was related to his investigative reports on Yang Tianzhi's death.[72] In March 2017, the Fengtai District People's Court in Beijing tried Chang Hongyan,[73] who organized protests every weekend against the violent treatment of petitioners, on the charge of "obstructing official business."[74]

Harassment of Human Rights Lawyers and Advocates

As the UN Special Rapporteur on extreme poverty and human rights observed, "the crackdown on human rights lawyers . . . made it very difficult for lawyers to be other than governmental facilitators."[75] This past year, the Chinese government continued to detain and, in some cases, prosecute rights lawyers and advocates targeted during a coordinated, nationwide crackdown that began in and around July 2015 (July 2015 crackdown).[76]

- On April 28, 2017, the Tianjin No. 2 Intermediate People's Court sentenced rights lawyer **Li Heping**[77] to three years in prison, suspended for four years, with four years' deprivation of political rights for "subversion of state power."[78]
- On May 8, 2017, the Changsha Intermediate People's Court in Hunan province tried rights lawyer **Xie Yang,**[79] who pleaded guilty to "inciting subversion of state power" and "disrupting court order," and retracted his prior claim of having been tortured.[80] The court released Xie on bail without issuing a judgment.[81] In a statement released by Xie's lawyer in January, Xie denied any wrongdoing and said a plea of guilt would be a result of torture or an exchange for release.[82] Shortly after Xie's release on May 10, authorities reportedly took him away to an unknown location for "recovery."[83] Xie returned home in August, but authorities reportedly had installed multiple surveillance cameras and a fingerprint-operated metal gate outside of his home, which Xie asked to be removed.[84]
- In February 2017, Tianjin authorities indicted rights lawyer **Wang Quanzhang**[85] on "subversion of state power."[86] In July 2017, Wang's wife said that she had not received any news about her husband, and authorities reportedly prevented him from meeting with legal counsel retained by the family.[87]
- Disbarred rights lawyer **Jiang Tianyong**[88] reportedly disappeared in November 2016 after meeting the wife and lawyers of Xie Yang in Changsha.[89] On December 23, Jiang's family received notice that Changsha authorities had placed Jiang under "residential surveillance at a designated location" on December 1 on suspicion of "inciting subversion of state power."[90] On May 31, 2017, Changsha police arrested Jiang on the same charge, and held him at the Changsha No. 1 PSB Detention Center.[91]
- Tianjin authorities released rights lawyers **Li Chunfu**[92] and **Xie Yanyi**[93] on bail in January 2017 after having detained them for nearly a year and a half for "subversion of state power" and "inciting subversion of state power."[94]

- On August 14, 2017, the Tianjin No. 2 Intermediate Court tried rights advocate **Wu Gan**[95] in a closed hearing for "subversion of state power."[96] Procuratorial and judicial authorities reportedly had remanded Wu's case for supplemental investigation a total of four times[97] over the course of his lengthy pretrial detention that began in May 2015.[98]

Authorities reportedly used arbitrary means to prevent lawyers from obtaining licenses to practice law. For example, the Fengrui Law Firm, which previously cultivated and attracted human rights lawyers,[99] ceased operations when authorities reportedly targeted it following the July 2015 crackdown.[100] In March 2017, a partner of the firm said that associates were unable to participate in the annual licensing examination.[101] The partner added that authorities confiscated and had not returned the firm's accounting records and that the Beijing municipality justice bureau suspended the licensing examination partly on the ground that the firm had not conducted an annual audit.[102]

Moreover, authorities reportedly harassed family members of those connected to the July 2015 crackdown by imposing home confinement,[103] enforcing surveillance,[104] interfering with their domestic and international travel,[105] pressuring landlords to evict them from their residence,[106] or ordering school officials to deny admission to their children.[107]

Regulations on Licensing of Lawyers and Law Firms

Amendments to two sets of regulations governing the licensing of lawyers and law firms took effect this past year,[108] highlighting the government and Party's policy to further control and restrict the legal profession in ways that may violate the UN Basic Principles on the Role of Lawyers.[109] The amendments to the Measures on Managing Lawyers' Practice of Law and Measures on Managing Law Firms added language mandating lawyers to support the Party's leadership and prohibiting them from taking certain actions such as denying the government's "cult" designations, provoking dissatisfaction with the Party or the government, signing joint petitions or issuing open letters to undermine the judicial system, and organizing sit-in protests and other forms of demonstration outside judicial or other government agencies.[110] The Measures on Managing Law Firms requires firms to establish internal Party groups that will participate in their policymaking and management.[111] The amendments prompted opposition from some in the legal community, including a petition signed by 168 lawyers who claimed that the regulations violated China's Constitution, domestic laws, and international standards.[112] The Commission did not, however, observe any reports of public opposition to the amendments from the All China Lawyers Association, the quasi-governmental agency that purportedly protects the "rights and interests" of Chinese lawyers.

Notes to Section III—Access to Justice

[1] See, e.g., "Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract" [Guangzhou shouli aizi ganranzhe jiuye qishi an kaiting yuangao yaoqiu xu qian hetong], Knews, 21 December 16; Li Yutong, "Female Employees Win or Settle Over 80 Percent of Labor Disputes Involving Maternity Allowance" [She shengyu jintie laodong zhengyi an nu yuangong shengsu ji tiaojie chao bacheng], Beijing News, 7 March 17; Center for Legal Assistance to Pollution Victims, China University of Political Science and Law, "Hearing on Review of 'First Child Lead Poisoning Litigation'" ["Ertong xieqian di yi an" zaishen tingzheng], 23 December 16; Wang Le, "Hearing Forthcoming on Case in Which 5 Tianjin Fishermen Sued ConocoPhillips for Oil Leak: Defended Rights for 3 Years, Asked To Restore Ecosystem to Pre-Pollution Conditions" [Tianjin 5 yumin su kangfei louyou an jiang kaiting: weiquan 3 nian, rang huifu wuran qian shengtai], The Paper, 8 December 16; "Farmer in His Sixties Who Taught Himself the Law Won Litigation Against SOE" [Liuxun nongmin zixue falu guansi daying yangqi], Radio Free Asia, 3 February 17.

[2] "Xi Jinping: Adhere to Combining the Principles of Law-Based and Virtue-Based Governance" [Xi jinping: jianchi yifa zhiguo he yide zhiguo xiang jiehe], Xinhua, 10 December 16; Xu Jun et al., "Comprehensive Rule-Based Governance To Protect Fairness and Justice" [Quanmian yifa zhiguo baozhang gongping zhengyi], People's Daily, 4 March 17.

[3] "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 16–17; "Supreme People's Procuratorate Work Report" [Zuigao renmin jianchayuan gongzuo baogao], 12 March 17, 6.

[4] See, e.g., Rights Defense Network, "Jiang Tianyong's Father Sued Legal Daily and Procuratorial Daily for Reputation Infringement, Court Denied Opening Case in Violation of the Law" [Jiang tianyong zhi fu qisu fazhi ribao jiancha ribao qinfan mingyu quan, fayuan weifa jujue li'an dengji], 22 December 16; "Elderly Changsha Vietnam War Veteran Died in Home Demolition Clash, Court Refused To Accept Case and Authorities Seized Body" [Changsha yuezhan laobing chaiqian chongtu zhong shenwang fayuan ju li'an dangju qiang shiti], Radio Free Asia, 4 October 16; Rights Defense Network, "Xinna: Rights Defense Path of Hulunbuir Herder Dahubayila" [Xinna: hulunbei'er mumin dahubayila de weiquan zhi lu], 15 January 17.

[5] Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14; "Xi Stresses Boosting Public Confidence in Judicial System," Xinhua, 25 March 15; Luo Shuzhen, "Have Strength To Reform and Innovate, Continue To Improve Judicial Credibility, Allow the People in Each Judicial Case To Have the Feeling of Fair Justice" [Yongyu gaige chuangxin buduan tigao sifa gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou dao gongping zhengyi], China Court Net, 8 May 15; State Council Information Office, "Progress in China's Human Rights in 2014," reprinted in Xinhua, 8 June 15. For more information on the Fourth Plenum Decision, see CECC, 2015 Annual Report, 8 October 15, 267–69.

[6] See, e.g., Luo Shuzhen, "Zhou Qiang: Thoroughly Study the Implementation of the Spirit of the Sixth Plenary Session of the 18th Central Committee, Always Uphold the Principles of Strict Party Management and Strict Court Management" [Zhou qiang: shenru xuexi guanche dang de shiba jie liu zhong quanhui jingshen shizhong jianchi congyan zhidang congyan zhiyuan], People's Court Daily, 8 December 16; Qi Wenxin, "Zhou Qiang: Adhere to the Principle of Strict Party Management, Substantively Strengthen People's Courts' Party-Building Work" [Zhou qiang: jianchi congyan zhidang qieshi jiaqiang renmin fayuan dangjian gongzuo], Supreme People's Court Net, 9 January 17; Ning Jie, "Zhou Qiang: Resolutely Advancing People's Courts' Judicial Reform" [Zhou qiang: jianding buyi tuijin renmin fayuan sifa gaige], Supreme People's Court Net, 23 February 17; Zhou Bin, "Zhou Qiang Emphasizes Comprehensively Strengthening Party-Building Within Courts at National Conference on Party-Building Within Courts" [Zhou qiang zai quanguo fayuan dang de jianshe gongzuo huiyi shang qiangdiao quanmian jiaqiang renmin fayuan dang de jianshe], Legal Daily, 24 May 17.

[7] Luo Shuzhen, "Conference of High People's Courts Presidents From Across the Nation Held in Beijing" [Quanguo gaoji fayuan yuanzhang huiyi zai jing zhaokai], Supreme People's Court, 14 January 17. Commission staff notes that similar language appeared in Zhou Qiang's speeches previously. See, e.g., "Zhou Qiang: Provide Robust Legal Protection To Facilitate and Advance 'The Four Comprehensives'" [Zhou qiang wei xietiao tuijin "si ge quanmian" tigong youli sifa baozhang], Supreme People's Court, 25 February 15; "Zhou Qiang: Promote Awareness of Catching Up, Dare To Reform and Renovate, Resolutely Implement Work" [Zhou qiang: zengqiang kanqi yishi yongyu gaige chuangxin henzhua gongzuo luoshi], Supreme People's Court, 8 January 16; "Zhou Qiang: Solve Difficult Problems With Unwavering Confidence and Firmly Advance Judicial Reform" [Zhou qiang: jianding xinxin pojie nanti zhashi tuijin sifa gaige], Supreme People's Court, 8 July 16.

[8] See, e.g., Li Qiang, "Confidently Adhere to the Path, Dare To Draw the Sword Against Erroneous Thought" [Jianchi daolu zixin, ganyu xiang cuowu sichao liang jian], People's Court Daily, 16 January 17; Fan Mingzhi, "Why China's National Conditions Do Not Allow for Copying of Western Judicial Independence" [Zhongguo guoqing weihe bu yunxu zhaoban xifang sifa duli], People's Court Daily, 16 January 17; Lu Zhen, "Promoting Erroneous Thought Endangers the Nation's Political Security" [Guchui cuowu sichao weiji guojia zhengzhi anquan], People's Court Daily, 18 January 17.

[9] See, e.g., "'Drawing a Sword Against Judicial Independence' Sparked Debate Among Netizens" ["Dui sifa duli liang jian" yinfa wangmin chunqiang shejian], Deutsche Welle, 16 January 17; Mai Yanting, "Chief Justice Zhou Qiang Publicly Rejects Judicial Independence, Commentary Says It Shows Regression and Violates United Nations' Resolution" [Dafaguan zhou qiang gongkai fandui sifa duli pinglun cheng daoxing nishi jian wei lianheguo jueyi], Radio France Internationale, 16 January 17; "Chinese Intelligentsia Jointly Signed Letter Asking Su-

preme Court's Zhou Qiang To 'Go Away'" [Zhongguo zhishijie lianshu yaoqiu zuigaoyuan zhou qiang "zou ren"], Voice of America, 19 January 17; Jerome A. Cohen, "China's Chief Justice's Extraordinary Statement: The Most Enormous Ideological Setback for a Professional Judiciary," Jerry's Blog, 17 January 17. According to New York University School of Law professor Jerome Cohen, Zhou Qiang's speech "is much more threatening to the judicial cadres than the usual recitation about the importance of following the Party line . . .. This statement is the most enormous ideological setback for decades of halting, uneven progress toward the creation of a professional, impartial judiciary."

[10] "Zhou Shifeng Sentenced in First Instance Trial, Guilty of Subversion of State Power, Sentenced to Seven Years" [Zhou shifeng an yishen dangting xuanpan dianfu guojia zhengquan zuiming chengli panchu youqi tuxing qi nian], Xinhua, 4 August 16. On August 4, the Tianjin No. 2 Intermediate People's Court tried and sentenced Zhou Shifeng to seven years' imprisonment. For more information on Zhou, see the Commission's Political Prisoner Database record 2015-00272. Other individuals connected to the case whom authorities also sentenced in August 2016 are Hu Shigen, Gou Hongguo, and Zhai Yanmin. For more information, see the Commission's Political Prisoner Database records 2004-02053 on Hu Shigen, 2015-00331 on Gou Hongguo, and 2016-00115 on Zhai Yanmin.

[11] "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 2, 16, 24.

[12] Amnesty International, "China: Assault on Human Rights Lawyers and Activists Escalates With Convictions After Sham Trials," 4 August 16; Human Rights Watch, "China: Drop Cases Against Rights Lawyers," 17 June 16; Sarah Cook, Freedom House, "China's Latest Crackdown Is Not Its Worst," 12 September 16; "Rights Activists Denounce Achievements Touted by Top China Judge," Voice of America, 14 March 17.

[13] "Supreme Court President Zhou Qiang: Sentencing Rights Lawyer Is One of Court's Important Achievements in Past Year" [Zuigao fayuan yuanzhang zhou qiang: dui weiquan lushi panxing shi qunian fayuan zhongda chengjiu zhiyi], Radio Free Asia, 12 March 17.

[14] See, e.g., Rights Defense Network, "Wuxi Rights Defender Cheng Sheng Criminally Detained by Binhu PSB of Wuxi Municipality for Petitioning in Beijing" [Wuxi weiquan renshi cheng sheng beijing shangfang zao wuxi shi binhu gong'an fenju xingshi juliu], 5 February 17; Taiwan Association for Human Rights, "Free Li Ming-Che: The Joint Statement From NGOs," 30 March 17; Human Rights in China, "Human Rights in China: Chronicle of Major Events of Rights Defense in China (March 13–March 26, 2017)" [Zhongguo renquan: zhongguo weiquan dashi ji (2017 nian 3 yue 13 ri 3 yue 26 ri)], 28 March 17; China Change, "Liu Shaoming, a 1989 Veteran and a Labor Activist, Remains Imprisoned Without Sentence," 31 May 17; "Lawyer Says Administration Interferes With Judiciary in Zhao Zhenjia's Case, Not Optimistic" [Lushi zhi zhao zhenjia an she xingzheng ganyu sifa burong leguan], Radio Free Asia, 11 August 17.

[15] Guo Shihui, "Donning Glory and Dream, Judicial Reform Sets Sail Again" [Daishang guangrong yu mengxiang, si gai zai qihang], China Court Net, 29 December 16; Shan Yuxiao, "One Month Since SPC Newly Added Circuit Tribunals, Third Circuit Already Began To Hear Case in Which Citizen Sues Official" [Zuigaofa xin zeng xunhui fating manyue san xun yi kaishen min gao guan an], Caixin, 27 January 17.

[16] Cao Yajing, "Taking Fast but Steady Strides, Making Preparations for Advancement" [Ti ji bu wen dili qianxing], China Court Net, 27 October 16; Xu Li and Luo Zhijian, "Building Unwavering Confidence in Socialist Judicial System With Chinese Characteristics" [Jianding zhongguo tese shehui zhuyi sifa de zhidu zixin], Study Times, 12 April 17.

[17] Central Commission for Discipline Inspection, "Central Second Inspection Group Gives Feedback to Supreme People's Court on Itemized Inspection" [Zhongyang di er xunshi zu xiang zuigao renmin fayuan dangzu fankui zhuanxiang xunshi qingkuang], 21 February 17. The article reports that the inspection group conducted individual conversations, received petitions from the public, and reviewed relevant documents. The article, however, did not provide further details on what the group inspected or the method it used to conduct the inspection.

[18] Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work [Zhongguo gongchandang xunshi gongzuo tiaoli], effective 3 August 15, arts. 14, 15. Courts were not within the inspection group's jurisdiction prior to the August 2015 amendment. Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work (Trial) [Zhongguo gongchandang xunshi gongzuo tiaoli (shixing)], issued 13 July 09, art. 10.

[19] Supreme People's Court Chinese Communist Party Group, "Bulletin From the Supreme People's Court Party Group Concerning Status of Inspection and Rectification" [Zhonggong zuigao renmin fayuan dangzu guanyu xunshi zhenggai qingkuang de tongbao], Central Commission for Discipline Inspection and Ministry of Supervision, 27 April 17.

[20] Li Wanxiang, "Full Jurisdictional Coverage Achieved" [Shixian guanxia fanwei quan fugai], Economic Daily, 30 December 16; Supreme People's Court, "Primary Reform Measures Used by Circuit Tribunals" [Guanyu xunhui fating caiqu de zhuyao gaige cuoshi], 28 January 15; Yu Ziru, "SPC Fourth Circuit Tribunal Opens Today, Chief Judge Jing Hanchao: Will Cultivate This 'Experimental Field' Well" [Zuigaofa di si xunhui fating jinri guapai tingzhang jing hanchao: zhong hao zhe kuai "shiyan tian"], Xinhua, 28 December 16; Qiu Yanjun, "SPC's Fifth Circuit Tribunal Hosts Party-Themed Activity" [Zuigaofa di wu xunhui fating kaizhan zhuti dangri huodong], Supreme People's Court Net, 3 January 17.

[21] Supreme People's Court, Opinion on Implementing Judicial Accountability (Trial) [Zuigao renmin fayuan sifa zerenzhi shishi yijian (shixing)], issued 31 July 17, effective 1 August 17, reprinted in EmpireLawyers (fakediguo), WeChat post, 13 August 17, art. 60(5).

[22] Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14, items 3.1, 3.2; Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the Peo-

ple's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 15.2, 17, 25. The Chinese Communist Party Central Committee set forth the judicial accountability reform policy in the Fourth Plenum Decision in October 2014, and the Supreme People's Court issued a document detailing the reform measures in September 2015.

[23] Na Diya, "Meng Jianzhu: The Key to Judicial Accountability Reform Is To Truly Carry Out Central Committee Policy" [Meng jianzhu: sifa zerenzhi gaige shouxian yao buzhe bukou zhixing hao zhongyang zhengce], Southern Metropolitan Daily, 13 January 17.

[24] "Meng Jianzhu: Ensure Immediate Effectiveness of Policies and Measures on Judicial Reform" [Meng jianzhu: quebao sifa gaige zhengce cuoshi luodi jianxiao], Supreme People's Court Net, 30 March 17.

[25] "British Media: Unprecedented Personnel Reshuffling Before CCP 19th Party Congress" [Ying mei: zhonggong shijiu da qian kongqian renshi da xipai], Duowei News, 9 January 17.

[26] Supreme People's Court, Opinion on Implementing Judicial Accountability System and Improving Adjudication Supervision Administrative Mechanism (Trial) [Zuigao renmin fayuan guanyu luoshi sifa zerenzhi wanshan shenpan jiandu guanli jizhi de yijian (shixing)], issued 12 April 17, effective 1 May 17, items 1, 2. The SPC issued this opinion to elaborate on certain aspects of the reform laid out in an earlier SPC opinion issued in 2015. Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the People's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15. See also "Q&A on Hot Topics of Judicial Reform" [Sifa gaige redian wenda], People's Court Daily, reprinted in China Court Net, 10 April 17; Supreme People's Court, Opinion on Implementing Judicial Accountability (Trial) [Zuigao renmin fayuan sifa zerenzhi shishi yijian (shixing)], issued 31 July 17, effective 1 August 17, reprinted in EmpireLawyers (fakediguo), WeChat post, 13 August 17, art. 12; Susan Finder, "Supreme People's Court Ramps Up Its Judicial Responsibility System," Supreme People's Court Monitor (blog), 13 August 17. Susan Finder noted that the official text of the trial implementing opinion had not been issued as of August 13, 2017, but that several WeChat accounts had posted the document.

[27] See, e.g., You Chunliang and Wang Dongxing, "Shenzhen Intermediate Court Comprehensively Implements Judicial Accountability System" [Shenzhen zhongyuan quanmian luoshi sifa zerenzhi], Legal Daily, reprinted in Xinhua, 1 October 16; Li Yakun et al., "Shenzhen Intermediate Court Takes the Lead in Implementing Reform on Judicial Accountability System" [Shenzhen zhongyuan shuaixian luoshi sifa zerenzhi gaige], Southern Metropolitan Daily, 19 September 16; "Shenzhen Court Comprehensively Implements Judicial Accountability System, How To Pursue Accountability in Case Adjudication Problems?" [Shenzhen fayuan quanmian luoshi sifa zerenzhi pan'an wenti ruhe zhuize?], Bendibao, 19 September 16.

[28] See, e.g., Yan Jiyong and Gao Qun, "At Judicial Accountability System Reform Leading Small Group Conference Held at Provincial Court, Bai Quanmin Places Emphasis on Working Hard To Implement and Push Reform Development Continuously and Extensively" [Bai quanmin zai sheng fayuan sifa zerenzhi gaige lingdao xiaozu huiyi shang qiangdiao puxia shenzi zhua luoshi, buduan tuidong gaige xiang zongshen fazhan], reprinted in Shandong Provincial High People's Court, 27 April 17; Peng Qi, "District-Wide Judicial Reform Report Conference Convenes" [Quan qu sifa tizhi gaige huibao hui zhaokai], Tibet Daily, 3 June 17; Zong He, "Meeting of Provincial Party Committee Standing Committee Emphasizes Seriously Learning and Implementing Important Instructional Directive Issued by General Secretary Xi Jinping To Ensure Various Judicial Reforms in Our Province Are Immediately Effective" [Shengwei changweihui huiyi qiangdiao renzhen xuexi guanche xi jinping zongshuji zhongyao pishi jingshen quebao wosheng sifa tizhi gaige gexiang renwu luodi jianxiao], Anhui Daily, 21 July 17.

[29] Hu Shihao, "Ensure Immediate Effectiveness of Judicial Accountability System Reform" [Quebao sifa zerenzhi gaige luodi jianxiao], People's Court Daily, 18 April 17. Problems that the judicial accountability reform aims to address include court presidents and chief judges taking part in adjudicating cases that they are not assigned to and ineffective supervision of associate judges. Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the People's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 6, 21–24.

[30] "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17. SPC President Zhou Qiang reported that courts below the SPC accepted 18 percent more new cases in 2016 than 2015, and that the national rate of on-site case filing reached 95 percent. Sun Quan and Gou Lianjing, "Three Highlights Emerge in Wuxi Liangxi Court's 'Anti-Domestic Violence' Work" [Wuxi liangxi fayuan "fan jiabao" gongzuo zaixian san liangdian], China News Service, 24 November 16. A court in Wuxi municipality, Jiangsu province, reported that it had established a system to expedite case filing in domestic violence cases.

[31] Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14, item 4.2.

[32] Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu dengji li'an ruogan wenti de guiding], issued 13 April 15, effective 1 May 15, arts. 2, 4–6; Supreme People's Court, Opinion on People's Courts' Implementation of the Case-Filing Registration System Reform [Guanyu renmin fayuan tuixing li'an dengji zhi gaige de yijian], issued 15 April 15, effective 1 May 15, items 2.1–2.5; Supreme People's Court, Judicial Reform of Chinese Courts [Zhongguo fayuan de sifa gaige], February 2016, 30.

[33] Ren Rong et al., Beiguan District Court, Anyang Municipality, Henan Province, "How To Develop the Functions and Operations of Case-Filing Courts" [Guanyu li'an ting de zhineng jiqi zhineng fahui], Minsheng Legal Weekly, 20 December 15; Fan Chunsheng, "Findings of a Court That Pioneered the Case-Filing Review System: Litigation Is No Longer Difficult" [Yi jia li'an dengji zhi gaige xianxing fayuan de tansuo: da guansi buzai nan], Xinhua, 26 January 16.

[34] "I Want To File a Case—Shanghai Judiciary's Failings Case Compilation (Volume 5)" [Wo yao li'an—shanghai bu zuowei anli huibian (di 5 ji)], ed. Feng Zhenghu, Feng Zhenghu Blog, January 2017.

[35] Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu dengji li'an ruogan wenti de guiding], issued 13 April 15, effective 1 May 15, art. 9. The SPC opinion requires courts to issue an order or decision explaining the basis of the court's refusal to open a case.

[36] "I Want To File a Case—Shanghai Judiciary's Failings Case Compilation (Volume 5)" [Wo yao li'an—shanghai bu zuowei anli huibian (di 5 ji)], ed. Feng Zhenghu, Feng Zhenghu Blog, January 2017.

[37] "Beijing Independent Candidate Complained at People's Congress but No One Helped Him, Five People Assisting Campaign in Shanghai Administratively Detained for 'Sabotaging Elections'" [Beijing duli houxuanren renda tousu wuren jiedai shanghai 5 ren zhuxuan bei yi "pohuai xuanju zui" xingju], Radio Free Asia, 15 November 16; "Shanghai Rights Defender Feng Zhenghu Runs for People's Congress, Citizens Assisting Campaign Taken Away by Police" [Shanghai weiquan renshi feng zhenghu canxuan renda daibiao zhuxuan minzhong zao jingfang daizou], Radio Free Asia, 14 November 16.

[38] "5 Campaign Assistants of Feng Zhenghu Brought Litigation Over Their Administrative Detention, Court Did Not Accept Case" [Feng zhenghu 5 ming zhuxuan bei xingju tiqi susong bu huo fayuan shouli], Radio Free Asia, 18 April 17.

[39] Ibid.

[40] See, e.g., Rights Defense Network, "In an Effort To Stop Beijing PSB's Illegal Reprimand, Rights Defender Wu Jufang From Nanjing, Jiangsu, Contests and Appeals Beijing Xicheng Court's Decision Refusing To Open Case" [Ezhi beijing gong'an weifa xunjie, jiangsu nanjing weiquan renshi wu jufang bufu beijing xicheng fayuan buyu li'an caiding tiqi shangsu], 21 March 17; Rights Defense Network, "Case Not Opened Over One Year After Complaining of Illegality in Land Matter, Ye Yanqing of Yiwu Won in Remand Petition" [Jubao tudi weifa yinian duo wei li'an, yiwu ye yanqing shenqing zaishen huosheng], 19 February 17; Rights Defense Network, "Feidong County Court Opened Administrative Litigation Case Filed by Huang Kejin, Contesting Administrative Detention Punishment Imposed by Feidong Police for Walking Near Tiananmen Square" [Huang kejin bufu feidong jingfang dui qi zai tian'anmen guangchang fujin xingzou xingwei de zhi'an juliu chufa zhi xingzheng susong huo feidong xian fayuan li'an], 28 December 16; "709 Crackdown: Lawyer Jiang Tianyong Formally Arrested After Expiration of 'Residential Surveillance at a Designated Location'" [709 da zhuabu: jiang tianyong lushi "jianshi juzhu" qiman zao zhengshi daibu], Radio Free Asia, 1 June 17.

[41] Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14, item 4.3.

[42] Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 10 October 16, items 8, 12, 13. The Party's Leading Small Group on Comprehensive Reform issued an opinion on this subject matter in June 2016. "Xi Jinping: Concentrate Reform Resources and Activate Innovative Energy To Improve Effectiveness in Carrying Out Reform Work" [Xi jinping: juji gaige ziyuan jifa chuangxin huoli gengjia fuyou chengxiao zhuahao gaige gongzuo], Xinhua, 27 June 16.

[43] Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 10 October 16, item 12. The implementing opinion issued by the Supreme People's Court in February 2017 retains similar language. Supreme People's Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige de shishi yijian], issued 17 February 17, art. 14.

[44] Yu Ziru, "Chen Zhiyuan: Continue To Promote Trial-Centered Criminal Procedure System Reform, Work Hard To Raise 'Three Rates'" [Chen zhiyuan: jixu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige lizheng tigao "san lu"], Xinhua, 12 March 17. See also "Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 13.

[45] Liu Jingkun, "Supreme People's Court Prepares To Start the 'Three Procedures' Pilot Program" [Zuigao fayuan bushu kaizhan "sanxiang guicheng" shidian gongzuo], People's Court Daily, 11 June 17.

[46] Zhou Qiang, "Supreme People's Court Report on the Status of Deepening Judicial Disclosure and Promoting Access to Justice" [Zuigao renmin fayuan guanyu shenhua sifa gongkai, cujin sifa gongzheng qingkuang de baogao], National People's Congress, 5 November 16. See also Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14, item 4.4.

[47] Ibid.

[48] Supreme People's Court, Provisions on Publishing Case Judgments Online by People's Courts [Guanyu renmin fayuan zai hulianwang gongbu caipan wenshu de guiding], issued 25 July 16, effective 1 October 16, art. 6.

[49] Annual Report on China's Rule of Law, No. 15 (2017) [Zhongguo fazhi fazhan baogao no. 15 (2017)], eds. Li Lin and Tian He (Beijing: Social Sciences Academic Press (China), 2017), 241–42.

[50] Amnesty International, "China's Deadly Secrets," April 2017, 8, 27–28.

[51] Hao Xixi, "Some Thoughts on Improving the Quality of Legal Aid Services" [Dui tigao falu yuanzhu fuwu zhiliang de jidian sikao], China Court Net (Baotou Development District Court), reprinted in China Legal Aid Net, 14 October 16.

[52] Ministry of Justice and Ministry of Finance, Opinion on Lawyers Carrying Out Legal Aid Work [Guanyu lushi kaizhan falu yuanzhu gongzuo de yijian], issued 17 February 17, item 5. See also Wang Qian "Vice Minister of Justice Zhao Dacheng Offers Detailed Explanation for 'Opinion on Lawyers Carrying Out Legal Aid Work'" [Sifabu fubuzhang zhao dacheng xiangjie "guanyu lushi kaizhan falu yuanzhu gongzuo de yijian"], Xinhua, 9 March 17.

[53] Supreme People's Court, Supreme People's Procuratorate, and Ministry of Justice, Opinion on Gradually Implementing Legal Representation System in Criminal Case Petitions [Guanyu zhubu shixing lushi daili shensu zhidu de yijian], issued 1 April 17, arts. 1, 4, 5.

[54] PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 241; Zhou Bin, "SPP Criminal Case Petition Division Director Explains Procuratorate's Work in Criminal Case Petitions: Firmly Guard Against Wrongful Convictions" [Zuigaojian xingshi shensu ting tingzhang jiedu xingshi shensu jiancha gongzuo: shoulao fangzhi yuanjia cuo'an dixian], Legal Daily, reprinted in Supreme People's Procuratorate, 22 February 17.

[55] Aaron Halegua, "Who Will Represent China's Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights," New York University School of Law, U.S.-Asia Law Institute, October 2016, 23.

[56] Regulations on Letters and Visits, issued 5 January 05, effective 1 May 05; Benjamin L. Liebman, "A Populist Threat to China's Courts?" in Chinese Justice: Civil Dispute Resolution in Contemporary China, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011); Liang Shibin, "Resolutely Fight To Win the Battle on Clearing Backlog of Petitioning Cases" [Jianjue da ying huajie xinfang ji'an gong jian zhan], Legal Daily, 27 April 16. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

[57] See, e.g., "Over Ten Thousand Temporary Teachers From 29 Provinces and Municipalities Caused Another National Group Petitioning Movement" [29 shengshi yu wan ming minban jiaoshi zai xian quanguo jiti shangfang chao], Radio Free Asia, 19 October 16; "Two Thousand Petitioners From Shaanxi Went Petitioning at Provincial Letters and Visits Bureau, Ask for Release of Rights Defense Representative" [Shaanxi liangqian min shi sheng xinfang ju shangfang yaoqiu shifang weiquan daibiao], Radio Free Asia, 13 April 17.

[58] See, e.g., Liu Yuguo, "Chengdu Establishes a New Platform for 'Sunshine Petitioning'" [Chengdu dazao "yangguang xinfang" xin pingtai], People's Daily, 4 May 16; Liu Guiying, "Problems and Improvements of the Grassroots Petitioning System" [Jiceng xinfang zhidu cunzai de wenti ji wanshan], People's Tribune, 23 March 16; Xu Dandan, "Discussion of Shortcomings of China's Petitioning System and Their Solutions" [Qiantan zhongguo xinfang zhidu de biduan ji qi jiejue tujing], Feiyang Net, 27 February 16.

[59] State Bureau of Letters and Visits, "State Bureau of Letters and Visits Convenes Press Conference To Explain 'Implementing Measures on Letters and Visits Accountability System'" [Guojia xinfang ju zhaokai xinwen tongqi hui jiedu "xinfang gongzuo zerenzhi shishi banfa"], 26 October 16.

[60] Guo Hongmin, "Record-Deleting 'Money-Hoarding Syndicate' of State Bureau of Letters and Visits" [Guojia xinfang ju de xiaohao "liancai tuan"], Prosecutorial View, 2 May 17.

[61] Chinese Communist Party Central Committee General Office and State Council General Office, Measures on Implementing Calls and Visits Accountability System [Xinfang gongzuo zeren zhi shishi banfa], effective 8 October 16, arts. 9, 11.

[62] Yuechi County Public Security Bureau (Yuechi gong'an), "Report Regarding the Death of Yang Tianzhi" [Guanyu yang tianzhi siwang anjian de qingkuang baogao], Weibo post, 12 November 16. See also Wu Yang, "Report From Yuechi, Sichuan, Regarding 'Interception and Detention of Male Petitioner in His 70s Resulted in Death': 9 Individuals Taken Into Custody, County Commission for Discipline Inspection Starts Accountability Mechanism" [Sichuan yuechi tongbao "jie fang jujin zhi 7 xun nanzi siwang": zhuahuo 9 ren xian jiwei qidong wenze], China Youth Daily, 14 November 16.

[63] See, e.g., "Over a Thousand Petitioners From Different Places Gather in Beijing To Protest Violent Interception of Petitioners" [Yu qian gedi fangmin beijing kangyi baoli jie fang], Radio Free Asia, 28 November 16; "Pregnant Petitioner From Heilongjiang Sent Home With Mouth and Body Bound" [Heilongjiang yunfu fangmin zao feng kou kunbang qianfan], Radio Free Asia, 23 January 17; Voice of Petitioners, "Over a Hundred Old Veterans From Sichuan Petitioned at Provincial Civil Affairs Department and Were Violently Driven From Scene" [Sichuan bai yu tuiwu laobing sheng min zheng ting qingyuan bei baoli qingchang], 8 February 17.

[64] See, e.g., "Arrest for Shenyang Petitioner Lin Mingjie Approved, Guangdong Rights Defender Xiao Yuhui Criminally Detained" [Shenyang fangmin lin mingjie bei pi bu guangdong weiquan renshi xiao yuhui zao xingju], Radio Free Asia, 7 October 16; Voice of Petitioners, "Liaoning Dalian Zhou Jinxia Detained for 'Abnormal' Petitioning" [Liaoning dalian zhou jinxia yin "feizhengchang" shangfang bei juliu], 15 March 17; Voice of Petitioners, "Wuhan's Jiang Yanchun Released on Bail After 36 Days' Arbitrary Detention" [Wuhan jiang yanchun zao renyi jiya 36 tian hou qubao shifang], 4 January 17.

[65] See, e.g., Voice of Petitioners, "Wuhan's Jiang Yanchun Released on Bail After 36 Days' Arbitrary Detention" [Wuhan jiang yanchun zao renyi jiya 36 tian hou qubao shifang], 4 January 17; "Hubei Rights Defender Ding Yuanshun Released on Bail" [Hubei weiquan renshi ding yuanshun bei qubao], Radio Free Asia, 16 January 17; Rights Defense Network, "Rights Defender Zhao Zhenjia Arrested, Urgent Need for Human Rights Lawyer To Provide Legal Aid" [Renquan hanweizhe zhao zhenjia bei daibu, ji xu renquan lushi tigong falu yuanzhu], 25 February 17.

[66] Rights Defense Network, "Shanghai Rights Defender Ding Deyuan Criminally Detained for 'Obstructing Official Business,' Tortured in PSB Detention Center" [Shanghai renquan hanweizhe ding deyuan zao jingfang yi "fang'ai gongwu zui" xingju kanshousuo zao nuedai], 14 November 16; "Hundreds of Sent-Down Youth Clash With Police While Defending Rights in

Shanghai, One Person Criminally Detained" [Shanghai shubai zhiqing weiquan yu jingfang chongtu yi ren bei xingju], Radio Free Asia, 16 September 16.

[67] See, e.g., Voice of Petitioners, "Two Sessions Nearing, Many Petitioners Detained or Lost Contact" [Lianghui linjin duoming fangmin zao zhuabu shilian], 2 March 17; "Social Stability During 'Two Sessions': Petitioners in Beijing Continue To Be Intercepted by Local Authorities, Internet Space Narrows" ["Lianghui" weiwen: zai jing fangmin chixu zao difang dangju lanjie wangluo kongjian shouzhai], Radio Free Asia, 2 March 17; "Government on Guard as Two Sessions in China Convene, Many Petitioners Detained" [Zhongguo lianghui zhaokai dangju yanzhen yidai duoming fangmin bei juliu], Radio Free Asia, 5 March 17; "As Two Sessions Nears, Petitioners From Hong Kong Said To Be Taken Away or Subjected to Soft Detention" [Quanguo lianghui linjin gangren fangmin chuan zao daizou huo ruanjin], Oriental Daily, 27 February 17.

[68] For more information on Liu Feiyue, see the Commission's Political Prisoner Database record 2016-00460.

[69] For more information on Huang Qi, see the Commission's Political Prisoner Database record 2004-04053.

[70] Rights Defense Network, "Bulletin on Civil Rights & Livelihood Watch Director Liu Feiyue's Case: Family Members Receive 'Arrest Notice' From Suizhou Municipality, Hubei, PSB" [Minsheng guancha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong'anju fa de "daibu tongzhishu"], 11 January 17; Rights Defense Network, "Mainland NGO '64 Tianwang' Director Huang Qi Arrested by Authorities" [Dalu NGO "liusi tianwang" fuzeren huang qi yi bei dangju zhixing daibu], 20 December 16; "Sichuan State Security Summon Tianwang Volunteers in Close Succession To Collect Evidence, Huang Qi Suspected of Serious Criminal Offenses" [Sichuan guobao miji chuanhuan tianwang yigong souzheng zhi huang qi she yanzhong xingshi zuixing], Radio Free Asia, 5 December 16.

[71] Civil Rights & Livelihood Watch, "Introduction to CRLW" [Minsheng jianjie], last visited on 28 March 17; "'64 Tianwang' Founder Huang Qi Detained, Home Raided by Police" ["Liusi tianwang" chuangbanren huang qi zao jingfang chaojia jiya], Radio Free Asia, 29 November 16.

[72] "Sichuan State Security Summon Tianwang Volunteers in Close Succession To Collect Evidence, Huang Qi Suspected of Serious Criminal Offenses" [Sichuan guobao miji chuanhuan tianwang yigong souzheng zhi huang qi she yanzhong xingshi zuixing], Radio Free Asia, 5 December 16.

[73] For more information on Chang Hongyan, see the Commission's Political Prisoner Database record 2017-00109.

[74] "Hearing Held on Heilongjiang Petitioner Chang Hongyan's Case, Petitioners Detained for Showing Support Outside Court" [Heilongjiang fangmin chang hongyan an kaiting fangmin fayuan wai shengyuan bei zao zhuabu], Radio Free Asia, 2 March 17. See also Rights Defense Network, "Chang Hongyan, Host of 'Petitioners Saturday,' Taken Into Custody in Lu Village, Beijing, Arrest Approved on Suspicion of Obstructing Official Business" ["Fangmin xingqi liu" zhuchiren chang hongyan zai beijing lu cun bei yi shexian fanghai gongwu zui pibu zhuazou], 21 January 17; "Petitioner Chang Hongyan Arrested in Beijing, Zhao Zhenjia Detained for Organizing Signed Petition To Oppose Interception of Petitioners" [Fangmin chang hongyan zai jing zao daibu zhao zhenjia zuzhi fan jiefang qianming bei zhua], Radio Free Asia, 20 January 17; Rights Defense Network, "Fengtai District Procuratorate in Beijing Indicts Heilongjiang Rights Defender Chang Hongyan for 'Obstructing Official Business,' Because of Observing Interception of Petitioners" [Heilongjiang weiquan renshi chang hongyan yin weiguan jiefang mianlin bei beijing fengtai qu jianchayuan yi "fanghai gongwu zui" qisu], 27 December 16.

[75] UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 72.

[76] See, e.g., Josh Chin and Te-Ping Chen, "China Targets Human-Rights Lawyers in Crackdown," Wall Street Journal, 12 July 15; Human Rights Watch, "China: Secretly Detained Lawyers at Risk of Torture," 20 July 15; Huang Qingchang and Zou Wei, "Revealing the Dark Secrets of 'Rights Defense' Incidents" [Jiekai "weiquan" shijian de heimu], Xinhua, 11 July 15.

[77] For more information on Li Heping, see the Commission's Political Prisoner Database record 2015-00284.

[78] Human Rights Campaign in China, "July 9 Crackdown: Lawyer Li Heping Secretly Tried by Tianjin No. 2 Intermediate Court on April 25, Sentenced on April 28 To Serve Three Years, Suspended for Four" [709 da zhuabu li heping lushi yu 4 yue 25 ri zao tianjin er zhong yuan mimi shenpan 4 yue 28 ri xuanpan huoxing san nian huanqi si nian zhixing], 28 April 17.

[79] For more information on Xie Yang, see the Commission's Political Prisoner Database record 2015-00295.

[80] Josh Chin, "China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce," Wall Street Journal, 8 May 17.

[81] Ibid.

[82] "709 Crackdown: Letter Written by Xie Yang Revealed, Says He Has Not 'Pleaded Guilty'; Li Wenzu Received Death Threat" [709 da zhuabu: xie yang qinbi xin baoguang fou "renzui" li wenzu zao siwang weixie], Radio Free Asia, 8 March 17.

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[84] "Hunan 709 Lawyer Xie Yang Returns Home, Asks That Surveillance Installations Be Dismantled" [Hunan 709 lushi xie yang chongfan jiazhong yaoqiu chaichu jiankong sheshi], Radio Free Asia, 9 August 17.

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[91] Rights Defense Network, "Jiang Tianyong's Arrest Approved on Suspicion of 'Subversion of State Power,' His Father Today Formally Received Arrest Notice" [Jiang tianyong bei she "dianfu guojia zhengquan zui" pibu qi fu jinri zhengshi shoudao daibu tongzhishu], 5 June 17.

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[96] "Authorities Acted As If Facing Enemy During Wu Gan's Closed Trial, About 20 Citizens Detained Outside Courthouse" [Wu gan an bimen shenli dangju rulin dadi yue 20 gongmin fayuan wai bei zhua], Radio Free Asia, 14 August 17. See also Human Rights Campaign in China, "Butcher Wu Gan Case: Tianjin Municipal People's Procuratorate Second Branch Indicts Him on Suspicion of Subversion of State Power for Behavior Including Online Essays, Raising Banners in Front of Court, Posting Videos on the Internet, Holding Signs, Collecting Donations for the Jiansanjiang Case, Submitting a Complaint Letter, and Posting Big-Character Posters" [Tufu wu gan an tianjin shi renmin jianchayuan di er fen yuan yi tufu wangshang wenzhang, fayuan menkou la hengfu, luxiang shangchuan dao hulianwang, ju pai, jiansanjiang an mujuan, dijiao konggao xin, zhangtie dazibao deng xingwei qisu qi dianfu guojia zhengquan zui], 4 January 17.

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[100] "Zhou Shifeng: Chinese Law Firm Founder Jailed for Subversion," BBC, 4 August 16.

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[102] Ibid.

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[109] Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, preamble, arts. 20, 23. The Basic Principles on the Role of Lawyers emphasizes the right of having access to an independent legal profession and grants lawyers freedom of expression and association, as well as civil and penal immunity for good faith statements made in the course of carrying out their duties.

[110] Ministry of Justice, Measures on Managing Lawyers' Practice of Law [Lushi zhiye guanli banfa], issued 28 May 08, amended 18 September 16, effective 1 November 16, arts. 2, 37–40; Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 28 May 08, amended 30 November 12, 6 September 16, effective 1 November 16, arts. 3, 50. For prior versions of the measures, see Ministry of Justice, Measures on Managing Lawyers' Practice of Law [Lushi zhiye guanli banfa], issued 28 May 08, effective 18 July 08; Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 28 May 08, effective 18 July 08.

[111] Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 18 July 08, amended 30 November 12, 6 September 16, effective 1 November 16, art. 4.

[112] "Proposal To Duly Repeal Measures on Managing Law Firms Recently Issued by Ministry of Justice" [Yifa chexiao sifabu xin ban lushi shiwu suo guanli banfa de jianyi shu], 30 September 16, reprinted in Constitution and Human Rights Net, 9 October 16. Other legal professionals and NGOs likewise voiced opposition to the amendments. See, e.g., "Three Human Rights Lawyers Call for Repealing Unconstitutional Measures on Managing Law Firms" [San renquan lushi huyu chexiao weixian de lusuo guanli banfa], Radio Free Asia, 27 September 16; "Chinese Ministry of Justice's Measures on Managing Law Firms Caused Discontent, Lawyer Wang Quanping Alleges Minister Wu Aiying Responsible for Violating Law and Dereliction of Duty" [Zhongguo sifabu lusuo guanli banfa yin buman lushi wang quanping konggao buzhang wu aiying weifa shizhi], Radio Free Asia, 27 October 16; "China Issues Another Amendment, New Rules on Measures on Managing Lawyers' Practice of Law, Lawyers Issue Statement of 'Four Refusals'" [Zhongguo zai xiuding lushi zhiye guanli xin gui lushi fabiao "si bu" shengming], Radio Free Asia, 21 October 16; Yu Pinjian, "Angrily Denouncing Ten Violations of Measures on Managing Law Firms!'" [Nuchi xin "lushi shiwusuo guanli banfa" zhi shi zong zui!], Yu Pinjian's Blog, 16 October 16; Chinese Human Rights Defenders, "Revised Measures on Law Firms Further Curb Independence of Chinese Lawyers (9/21–10/3, 2016)," 3 October 16; Human Rights Watch, "China: New Rules Gag Lawyers," 25 October 16; Human Rights Now, "Day of the Endangered Lawyer 2017," 24 January 17, 1–3.

IV. Xinjiang

Security Measures and Conflict

During the Commission's 2017 reporting year, central and regional government authorities introduced new security measures and expanded implementation of existing security controls targeting Uyghur communities and individuals in the Xinjiang Uyghur Autonomous Region (XUAR). According to official statistics, XUAR authorities spent 30.05 billion yuan (approximately US$4.43 billion) on public security in 2016, nearly 20 percent more than the previous year.[1] After Chen Quanguo became XUAR Communist Party Secretary in August 2016, replacing Zhang Chunxian,[2] regional authorities implemented a number of new security measures.[3] These included, but were not limited to, the installation of "convenience police stations" throughout the region, including 949 in the regional capital Urumqi alone;[4] the convening of mass anti-terrorism rallies;[5] the recruitment of tens of thousands of security personnel from both within and outside of the XUAR;[6] the implementation of a "double-linked household" (*shuanglian hu*) system;[7] and the mandatory installation of satellite-tracking devices on vehicles in one prefecture in the XUAR.[8] Chen previously implemented some of these measures in the Tibet Autonomous Region (TAR), where he served as Party Secretary for five years,[9] and many international observers expressed the view that central government and Party authorities sought, through Chen's appointment, to enhance "stability" and security in the XUAR, using a more hardline approach than his predecessor.[10] Australian scholar James Leibold criticized recent security measures in the XUAR as "counterproductive" and "disproportional to the actual threat posed," and said such measures "[threaten] to make China's problem with terror far more serious and complex in the future."[11]

- **"Convenience police stations."** Among the security initiatives that Chen Quanguo introduced to the XUAR was the establishment of "convenience police stations" (*bianmin jingwu zhan*).[12] The stations enhance authorities' ability to closely surveil and police local communities, in what two international scholars described as "Orwellian levels of securitization."[13] In the latter part of 2016, authorities recruited close to 30,000 security personnel to staff the stations, which provide "convenient" services to the community—including medical supplies and mobile phone charging stations.[14] In the first seven months of 2017, authorities reportedly advertised more than 53,000 additional security positions in the XUAR, which a European researcher connected to the establishment of the stations.[15]
- **Mass rallies.** Beginning in December 2016, XUAR authorities held mass rallies reportedly as a show of force and to emphasize the need to fight terrorism and violence.[16] In February 2017, tens of thousands of security personnel participated in "anti-terror" rallies in four cities in the XUAR.[17] On May 29, during the Ramadan period, officials throughout the XUAR reportedly held simultaneous mass anti-terrorism rallies involv-

ing more than six million people.[18] Scholar James Leibold called the February rallies "political theatre" showing that "the party is in firm control in Xinjiang and those who seek to resist will be crushed."[19]

- **"Double-linked household" system.** Officials in multiple jurisdictions in the XUAR have begun implementing this system, which divides households into groups of 10 for the dual purposes of "watch[ing] over each other" and poverty relief.[20] The system is reportedly aimed in part at using local communities to curb security threats and "religious extremism" and supervise individuals designated "key persons" of interest to security authorities.[21]
- **DNA collection.** According to research conducted by Human Rights Watch and reporting by the journal Nature, security personnel have been collecting DNA samples from Uyghurs in the XUAR and from other people throughout China on a massive scale, in many cases without consent.[22] International observers raised the concern that officials may misuse the collected biometric data to heighten security controls on the Uyghur population, as officials build a database of citizens' biometric information not limited to those with a criminal background, as in other countries, and lacking the kinds of legal safeguards other countries implement to manage their DNA databases.[23]

Several violent incidents involving ethnic or political tensions reportedly took place in the XUAR between December 2016 and February 2017.[24] These included a December attack in Qaraqash (Moyu) county, Hotan prefecture, in which several attackers—who reportedly had Uyghur names—killed a Communist Party official and a security guard and injured three other individuals using knives and an explosive device;[25] a January attack in Guma (Pishan) county, Hotan, in which police killed three individuals whom official media outlets described as "terror suspects";[26] and a February attack in Guma, in which three Uyghur men stabbed five Han Chinese pedestrians to death and injured five others.[27] According to a Radio Free Asia report, two of the three suspects in the February attack were angry at local officials for clamping down on an "illegal" prayer service their family had held in their home.[28]

Legal and Counterterrorism Developments

On March 29, 2017, the XUAR People's Congress adopted the region's first anti-extremism regulations.[29] The regulations categorize 15 actions as "extremism," and according to a Chinese legal scholar, "[draw] a clear line between legal religion and illegal religion."[30] While the XUAR People's Congress adopted regional measures in July 2016 to implement the PRC Counterterrorism Law that also described how authorities should work to counter religious extremists,[31] the 2017 regional regulations provide more detailed descriptions of the responsibilities of XUAR government authorities to eliminate "extremism."[32] Measures aimed at countering "extremism" in the XUAR in recent years reportedly have often threatened to criminalize Uyghurs' peaceful practice of religious faith.[33]

International rights groups expressed concern over Chinese authorities' lack of transparency in reporting information regarding terrorism convictions and executions. According to research Human Rights Watch (HRW) published in March 2017, the Supreme People's Court (SPC) annual work report for 2016 did not provide information on terrorism cases, including the number of people convicted on terrorism charges, as it had in previous years.[34] As noted by HRW, the opacity of Chinese authorities' reporting on terrorism prosecution in the XUAR provides leeway for officials to silence critics and repress religious identity.[35] Both HRW and Amnesty International criticized Chinese authorities' implementation of the PRC Counterterrorism Law, which took effect in January 2016, with regard to the latitude the law's wording provides officials in punishing individuals for "terrorism" and "extremism."[36] A report Amnesty International published in April 2017 documented a discrepancy between death penalty cases reported in the Chinese media and those included in China Judgements Online, a publicly accessible database created by the SPC in July 2013.[37] According to Amnesty International, while Chinese media provided information on the executions of 27 people for incidents related to terrorism in 2014 and 2015, the SPC database only included approved death sentences for 10 of these people.[38] Amnesty International also noted that while Uyghurs make up 0.7 percent of China's total population, 4 percent of the death penalty cases included in China Judgements Online were of Uyghurs.[39]

As in the previous reporting year,[40] XUAR officials in some locations reportedly offered substantial monetary rewards for information on suspected terrorist activity.[41] In March 2017, Radio Free Asia reported that authorities in Guma (Pishan) county, Hotan prefecture, offered up to 500,000 yuan (approximately US$74,000) for tips on "suspicious terrorist activity or suspicious individuals," such as "double-faced" cadres, Party members, and religious clergy,[42] referring to those who "pretend to support national unity but secretly spread separatism and extremism."[43] Officials in several other counties in Hotan also reportedly offered rewards: for instance, in Chira (Cele) county, officials announced they would reward tip providers with 10,000 yuan (approximately US$1,500) for information on "the suspicious activities of individuals returning from overseas travel."[44]

XUAR Party and government authorities punished or criticized local officials for what they called failures to effectively combat religious extremism and terrorism. In April 2017, Party authorities announced that they had punished 97 cadres in Hotan, including those who reportedly failed to carry out surveillance of residents' worship at local mosques or who did not regulate ceremonies, such as weddings and funerals, according to Party policy.[45] Among the 97 cadres was Jelil Matniyaz, a village Party chief, whom authorities demoted in part because he refused to smoke in front of religious figures.[46] One Hotan official reportedly said Matniyaz's refusal to smoke "conforms with extreme religious thought."[47] Another one of the cadres was Salamet Memetimin, a village Party official, whom authorities reportedly punished for holding her marriage ceremony at home, instead of at a government office.[48] In April, a senior Uyghur official criticized local cadres in Kashgar

city, Kashgar prefecture, for not fulfilling their duties to fight terrorism and religious extremism.[49]

Development Policy

During this reporting year, central and regional government and Party officials continued to promote the XUAR as an important center for Belt and Road (B&R) (also known as One Belt, One Road) Initiative development projects.[50] A U.S.-based Uyghur rights organization criticized the economic inequality exacerbated by official development projects, as well as the enhanced securitization officials employed to accompany such projects.[51]

Chinese officials have expressed the belief that development and the reduction of poverty will lessen security threats. An article published by an Australian think tank in March 2017 cites a former Chinese ambassador to Pakistan, who said the economic gains of the China-Pakistan Economic Corridor, one of the B&R's most important initiatives, will help "[tackle] the incubator of terrorism, namely poverty."[52] The same article cites the head of the XUAR branch of the People's Bank of China as stating that enhancing transport connections between the XUAR and Central Asia will bring both "economic and national security dividends."[53]

In March 2017, Zhu Weiqun, currently Chairman of the Chinese People's Political Consultative Conference Ethnic and Religious Affairs Committee[54] and formerly a senior Party official,[55] cautioned that due to increased cross-border exchanges along the Silk Road economic belt, authorities must seek to prevent "religious extremism" from arising in areas of northwest China with a large ethnic minority population.[56] Although Zhu did not specifically mention Uyghurs in his speech, international media and other observers have reported that authorities' actions aimed at preventing "religious extremism" have frequently targeted Uyghurs' peaceful Islamic religious practices.[57] Zhu stressed that the "sinicization" of Islam was vital to the success of the Silk Road economic belt, and Chinese authorities must cooperate with relevant countries to enhance security and prevent terrorism for China's own interest and the economic interest of these countries.[58] [For more information on "sinicization," see Section II—Freedom of Religion.]

According to research published in March 2017 by a U.S.-based Uyghur rights organization, development initiatives in the XUAR have disproportionately benefited Han Chinese residents and simultaneously marginalized Uyghurs and other ethnic minorities.[59] In its report, the organization asserted that central and regional government authorities used development projects associated with the Silk Road and B&R strategies to enhance securitization and state control over minority populations in the XUAR, and to facilitate Han migration to areas previously dominated by Uyghur communities.[60]

Freedom of Religion

XUAR officials continued to use new legislation and other measures that narrowed the scope of Uyghur Muslims' ability to peacefully practice their religious faith and express their Muslim cultural identity. On September 29, 2016, the XUAR People's Con-

gress adopted two new regulations, effective November 1, limiting the role of religion in education.[61] Article 9 of the XUAR Regulations on the Prevention of Juvenile Delinquency provides that parents or guardians may not "organize, lure or force minors into attending religious activities," and may not "force them to dress in extremist clothing or other extremist symbols."[62] Article 17 of the regulations stipulates that educational authorities must teach students "to resist ethnic separatism, extremist ideology and the infiltration of religion on campus."[63] Article 25 of the XUAR Regulations on the Popularization of High School Education in Southern Parts of the Region stipulates that "no organization or individual" may "coerce, lure, or in the name of religion obstruct or interfere with" the high school education of students of a relevant age, causing them to miss school or drop out of school.[64]

On March 29, 2017, the XUAR People's Congress adopted the XUAR Anti-Extremism Regulations, the region's first anti-extremism regulations, defining 15 actions as "religious extremism" and containing provisions for government officials and the public to constrain such actions.[65] Article 9 of the regulations classifies the 15 "extremist" actions, including the wearing of burqas with face coverings, spreading religious fanaticism through "irregular" beards or name selection, and not allowing children to receive public education.[66] A U.S.-based Uyghur rights organization said authorities sought to use the regulations to "codify repressive actions" in order to "provide a veneer of legality."[67]

During the reporting period, regional officials introduced policies regulating some of the most personal expressions of Uyghurs' religious faith. The Global Times, a Party-run media outlet, reported in November 2016 that in September, authorities established new local religious and residential committees in some locations in the XUAR to "manage religious practices."[68] According to a Chinese scholar cited in the report, under the new pilot practice, authorities required local residents "to report their religious activities or activities attended by religious people, including circumcision, weddings, and funerals."[69] In April 2017, an international media report indicated authorities throughout the XUAR had begun banning baby names deemed "extremist," with a penalty of preventing noncompliant parents from registering their children for household registration (*hukou*).[70] Radio Free Asia (RFA) and Human Rights Watch reported that according to the "Naming Rules for Ethnic Minorities," dozens of names with Islamic connotations, including Saddam and Medina, were banned.[71] On June 1, an international media report indicated that XUAR authorities expanded the ban on names to cover anyone up to age 16.[72] [For more information on the *hukou* system, see Section II—Population Control and Section II—Freedom of Residence and Movement.]

A Hong Kong-based policy analyst wrote in February 2017 that XUAR Party Secretary Chen Quanguo was considering reducing the number of mosques in the XUAR, as Chinese experts on Uyghurs view mosques as incubators for Islamic fundamentalism and anti-Chinese sentiment.[73] Prior to this analyst's claim, RFA reported in December 2016 that in three months in late 2016, authorities demolished thousands of mosques in the XUAR as part of a "mosque rectification" campaign introduced by central govern-

ment officials and overseen by local security personnel.[74] RFA said it independently confirmed the destruction of mosques in Kashgar, Hotan, and Aksu prefectures, and received reports of demolitions in other parts of the XUAR.[75] RFA interviewed local officials who cited "the safety of worshippers" due to the age of the mosques among the official reasons for the campaign.[76] In August 2017, RFA reported that authorities in Kashgar prefecture had begun implementing a directive earlier in the summer that ordered local mosques to fly the national flag of China and to replace religious inscriptions with patriotic banners.[77]

According to a report from RFA, in May 2017, authorities in Urumqi municipality, XUAR, sentenced Uyghur religious scholar Hebibulla Tohti to 10 years in prison for "illegal religious activity."[78] In September 2015, the Islamic Association of China, which had sponsored his studies, reportedly praised his academic work upon his completion of a doctorate degree in theology at Al-Azhar Islamic University in Cairo, Egypt.[79] Tohti reportedly returned from Egypt to the XUAR in July 2016 when Chinese officials threatened Uyghurs studying in Egypt with punishment and detained their relatives, in some cases, to compel them to return.[80] During his initial detention in July, authorities reportedly questioned Tohti about having taught religion to Uyghurs in Egypt without the approval of Chinese officials, among other "illegal activities."[81]

As in previous reporting years,[82] XUAR officials reportedly imposed controls on Uyghur Muslims' observance of Ramadan, while heightening security measures and carrying out detentions of religious believers throughout the XUAR. Authorities placed restrictions on fasting for state employees and teachers,[83] forced restaurants to remain open,[84] and held events aimed at increasing "stability maintenance"[85] work during Ramadan. In late May 2017, authorities reportedly detained at least 22 Uyghurs in areas in and around Hotan prefecture for engaging in religious activities.[86] In addition, authorities reportedly assigned Chinese officials to stay in every Uyghur household in Hotan during Ramadan for up to 15 days, to prevent Uyghurs from fasting or praying.[87]

Authorities Crack Down on Ethnic Kazakh Muslims

In 2017, authorities reportedly cracked down on ethnic Kazakh Muslim residents of the XUAR, detaining many for peaceful religious activities and for "offenses" such as sending online messages on emigration issues, as well as for having connections to friends and relatives living in Kazakhstan and for "having close ties" to Uyghur Muslims in the XUAR.[88] In June 2017, officials in Wumachang township, Qitai county, Changji Hui Autonomous Prefecture, XUAR, reportedly issued a notice saying that local Muslims must obtain a permit before praying, or they could be detained for "illegally engaging in religious activities."[89] Local Kazakhs, however, said authorities subsequently detained many Muslims who applied for a permit, and also detained some local imams for presiding over prayers without having obtained a permit.[90] In early 2017, authorities in Altay (Aletai) prefecture sentenced well-known Kazakh imam Okan to 10 years' imprisonment for performing traditional Kazakh funerary rites.[91] In or around April, a court in Emin county, Tacheng prefecture, Yili Kazakh Autonomous Prefecture, sentenced Kazakh Yesihati to 10 years' imprisonment after he reportedly posted online content regarding Kazakhstan's immigration policies.[92] In June, authorities in Changji Hui Autonomous Prefecture reportedly detained ethnic Kazakh imam Akmet for unknown reasons; several days later authorities said he had hung himself and returned his body to his family.[93] XUAR authorities reportedly detained more than 100 of Akmet's acquaintances who made comments online about his death.[94]

Freedom of Expression

During this reporting year, central and regional officials placed restrictions on communication tools,[95] issued regulations limiting the spread of "false" or "harmful" information,[96] and constrained the ability of foreign journalists to report from the Xinjiang Uyghur Autonomous Region.[97] In one example of new state controls on cell phone use, in or around July 2017, authorities in multiple XUAR jurisdictions ordered residents to install an application called *Jingwang Weishi* (or "Web Cleansing Guard") on their cell phones that enables the government to surveil their online activities, monitoring "terrorist" and "illegal religious" content.[98] Authorities reportedly set up checkpoints to randomly check whether residents had installed the software on their phones, and those who had failed to do so faced a possible 10-day detention.[99]

As in the previous reporting year,[100] authorities reportedly penalized mobile phone users for downloading software to circumvent the Great Firewall, the censorship hardware and software that Chinese authorities use to filter the Internet.[101] International media reported in October 2016 that, according to an official crime report that was issued by public security authorities in Changji Hui Autonomous Prefecture and leaked on Chinese social media, public security authorities in Changji classified the downloading of Internet censorship circumvention software to a mobile device as "terrorist" in nature.[102] According to the crime report, Changji security personnel detained a local Internet user in October 2016 for allegedly downloading the software to bypass the Great Firewall.[103]

[For more information on Internet restrictions in China, see Section II—Freedom of Expression.]

In another example of authorities' restrictions on XUAR residents' access to communication tools, regional authorities issued regulations, effective October 1, 2016, requiring individuals in the region to register with their real names before being permitted to access the Internet, including on their mobile phones.[104] In December 2016, the XUAR People's Congress issued regulations providing for punishments for residents who spread "false" or "harmful" information on the Internet.[105] Under the regulations, website operators who "create, compile, spread, release or copy" "false" or "harmful" content can be subject to substantial fines, and authorities may shut down their websites.[106] Types of "false" or "harmful" information covered by the regulations include information that is "harmful to national security"; "promotes religious fanaticism, or destroys religious harmony"; and "promotes ethnic hatred or ethnic discrimination."[107]

Freedom of Movement

As in past reporting years,[108] XUAR officials continued to restrict Uyghurs' ability to travel freely, in violation of Chinese law and international legal standards. Beginning in October 2016, authorities in locations throughout the XUAR reportedly ordered residents to turn their passports in to police, with varying deadlines of up to four months.[109] Authorities subsequently required residents to seek approval from police for international travel in order to retrieve their passports.[110] In a statement published in November, Human Rights Watch (HRW) likened the passport recall to similar restrictions in the Tibet Autonomous Region, describing it as a form of "collective punishment."[111] HRW said public security personnel in eight locations throughout the XUAR confirmed that regional public security bureau authorities issued the recall, and that authorities were implementing it across the XUAR.[112] HRW described the passport recall as having "no basis in Chinese law," and specifically noted Articles 2 and 15 of the PRC Passport Law.[113] According to Article 2 of the law, "no organization or individual should . . . illegally seize passports."[114] Article 15 of the law limits Chinese officials' authority to seize passports to instances "where necessary for handling a case," and only to passports belonging to "the parties of a case."[115] In addition, according to Article 12 of the International Covenant on Civil and Political Rights, "[e]veryone shall be free to leave any country, including his own."[116]

XUAR authorities also reportedly restricted the ability of ethnic Kazakhs to travel freely, and confiscated the Chinese passports and permanent residence permits for Kazakhstan of around 200,000 individuals, though authorities reportedly later returned at least some of these documents.[117] In addition, XUAR officials reportedly detained some ethnic Kazakhs who returned to China after living in or visiting Kazakhstan.[118]

Beginning in late January 2017, Chinese authorities reportedly ordered some Uyghurs studying abroad in countries including Egypt, Turkey, France, Australia, and the United States to return to the XUAR.[119] XUAR authorities detained or threatened to de-

tain relatives of some students to compel them to return,[120] and reportedly detained some returnees and forced some students to undergo "political reeducation."[121] Chinese authorities reportedly threatened Uyghur and Kazakh students studying in Egypt with punishment if they did not return to China.[122] Despite concern from international organizations that Chinese authorities would mistreat the students upon their return to China,[123] as of August 2017, Egyptian authorities had reportedly forcibly deported at least 22 individuals.[124] Reports from July and August indicated that XUAR authorities had detained some Uyghurs, as well as their accompanying family members, upon their return, and some Kazakhs whom authorities deported from Egypt disappeared.[125]

Labor

Some government and private employers within the XUAR discriminated against non-Han job applicants. As in past reporting years,[126] the Commission observed employment advertisements that reserved positions exclusively for Han Chinese, including civil servant and private sector positions, in contravention of Chinese labor law.[127] Private and public employers also continued to reserve some positions exclusively for men, leaving non-Han women to face both ethnic and gender discrimination in the hiring process.[128]

In a report published in April 2017, a U.S.-based Uyghur rights organization documented employment advertisements from various cities in the XUAR that discriminated against Uyghur job applicants, noting that employment discrimination exists in the fields of civil service, education, state-owned enterprises, and private industry.[129] The report stated that in addition to ethnic discrimination, Uyghurs faced difficulty finding employment due to language-based, religious, and gender discrimination; a lack of social capital; and administrative costs to employers due to government requirements to enforce security measures for Uyghurs.[130] Employers reportedly must complete "special registration procedures" when hiring Uyghurs and report regularly to public security officials on Uyghur employees, especially since the July 2009 demonstrations and riots in the regional capital of Urumqi.[131]

HASHAR

Reports emerged this past year that officials continued to require Uyghurs to engage in *hashar,* a type of forced, unpaid group labor for public works projects.[132] In November 2016, a Germany-based Uyghur exile organization published a report compiling information on authorities' use of *hashar* as a means of "stability maintenance," particularly in southern parts of the XUAR such as Kashgar, Aksu, and Hotan prefectures, and Bayingol Mongol Autonomous Prefecture.[133] According to a February 2017 Radio Free Asia report, officials in Guma (Pishan) county, Hotan, told residents that they had abolished *hashar,* but also informed them they would require residents to perform the same type of work they had performed under *hashar,* such as flood management and tree planting.[134] Forced labor violates the International Labour Organization's Convention Concerning Forced or Compulsory Labour.[135]

Language Policy and "Bilingual Education"

During this reporting year, XUAR government authorities expanded Mandarin-focused "bilingual education" in the region, a policy that contravenes international law[136] and that a Uyghur rights advocacy organization criticized for its emphasis on Mandarin-language education at the expense of other languages as well as for the loss of Uyghur educators' jobs.[137] Under "bilingual education," class instruction takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups.[138] In June 2017, education officials in Hotan prefecture, XUAR, reportedly issued a directive further restricting the use of the Uyghur language in schools through the secondary school level, "in order to strengthen elementary and middle/high school bilingual education."[139] The directive includes a prohibition on Uyghur-only signage on school grounds, as well as the use of Uyghur in schools' public activities and educational management work.[140] In March 2017, state media announced that authorities would strengthen preschool "bilingual education" in the XUAR, by building or expanding a total of 4,387 "bilingual kindergartens" and hiring 10,000 "bilingual teachers" in 2017.[141] The plans continued a regional government initiative to expand "bilingual education" at the preschool level between 2016 and 2020 using central government funds.[142] In addition, a Ministry of Education and State Language Commission document issued in March 2017 stated that the inability of some people in the central and western parts of China to speak Mandarin could have an impact on "ethnic unity and harmony."[143]

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V. Tibet

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

There has been no formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010.[1] In its 2016 Report on Tibet Negotiations, the U.S. State Department reiterated the long-standing position of the U.S. Government that promoting substantive dialogue between the Chinese government and the Dalai Lama or his representatives is an "important U.S. foreign policy objective" and that "resumption of dialogue and steps to redress Tibetan grievances are critical to reducing the continuing high tensions between Tibetans and Chinese authorities."[2] On February 3, 2017, the Party-run Global Times reported that Zhu Weiqun, Chairperson of the Ethnic and Religious Affairs Committee of the Chinese People's Political Consultative Conference and a former senior Party official, said the Chinese government would not engage in dialogue with what Zhu referred to as an "illegal group" whose aim is to split China.[3]

Reincarnation and the 14th Dalai Lama

The Chinese central government maintains that only it has the right to decide the Dalai Lama's successor.[4] The 14th Dalai Lama, Tenzin Gyatso, who reached the age of 82 in July 2017,[5] has said "the person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized."[6] The issue of the current Dalai Lama's reincarnation garnered substantial attention during this reporting year, prompted in part by the Dalai Lama's travel to two places with significant historical ties to Tibetan Buddhism—Mongolia in November 2016, and Tawang, Arunachal Pradesh, India, in April 2017—and speculation that the Dalai Lama may be exploring possible places for his reincarnation.[7]

While in Tawang, where the Dalai Lama gave teachings to 50,000 people, he said it was "nonsense" for the Chinese government to claim that it has the right to decide his successor.[8] The Dalai Lama reiterated that whether the institution of the Dalai Lama is still relevant, or if he should be the last Dalai Lama, is something for the Tibetan people to decide.[9] He said he expects not only Tibetan refugees, but also others across the Himalayan region, including Tawang, to provide input into the decision regarding whether the institution should continue.[10] On August 9, 2017, during a lecture in India, the Dalai Lama said that "[s]ome of the preparation for the future of the Dalai Lama institution will begin in the next one or two years."[11] He further stated that people in India and Mongolia "also have . . . responsibility" in this matter.[12]

Chinese authorities continued to expand the public profile of their chosen Panchen Lama, 27-year-old Gyaltsen Norbu, whom Party and government officials selected as the 11th Panchen Lama in 1995, shortly after declaring the Dalai Lama's recognition of then six-year-old Gedun Choekyi Nyima to be "illegal and invalid."[13] According to observers, Gyaltsen Norbu is likely to play

a significant role in the Party and government's selection of their endorsed successor to the 14th Dalai Lama.[14] In August 2016, the Global Times stated that as Gyaltsen Norbu becomes more involved in religious, political, and social affairs, he "is expected to mitigate" the influence of the Dalai Lama.[15] Chinese authorities abducted Gedun Choekyi Nyima and his parents on May 17, 1995, three days after the Dalai Lama recognized him as the reincarnation of the 10th Panchen Lama, and have refused to permit an independent expert to visit him.[16] The Panchen Lama and his family's whereabouts remain unknown.[17]

In August 2016, for the first time, the U.S. State Department addressed the Dalai Lama's reincarnation in its annual Report on Tibet Negotiations, stating that as a matter of the "universally recognized right of religious freedom," the decision regarding the Dalai Lama's succession or reincarnation "must be reserved to the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people." [18]

Despite the harsh measures that the Chinese government and Party have taken to try to undermine the stature of the Dalai Lama in the eyes of Tibetans, Tibetan Buddhists continue to revere him as their spiritual leader and take great risks to access his teachings, possess an image of him, or express their devotion in other ways.[19] In December 2016, the Aba Intermediate People's Court in Ma'erkang (Barkham) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, reportedly sentenced at least eight Tibetans in Aba (Ngaba) county, to prison terms ranging from 5 to 14 years for involvement in activities relating to the celebration of the Dalai Lama's 80th birthday in July 2015,[20] including 48-year-old Bonkho Kyi, whom authorities sentenced to 7 years in prison reportedly for organizing a public picnic to celebrate the Dalai Lama's birthday.[21]

Security, Surveillance, and Party Policy

The government and Party continued implementing repressive policies in Tibetan autonomous areas [22] of China through the use of extensive and intrusive surveillance, stringent measures that restrict Tibetans' fundamental rights, and pervasive displays of police and military force, in what U.K.-based professor Tsering Topgyal has described as the "securitization" of the region, Tibetan Buddhism, and Tibetan culture.[23] Chinese officials in the Tibet Autonomous Region (TAR) announced in November 2016 that they were again extending a grassroots surveillance program, first launched in October 2011, which involves the deployment of tens of thousands of cadres to rural areas to monitor local Tibetans and deepen the Party's penetration into villages, religious institutions, and neighborhood committees, with the aim of preserving "social stability" and fostering support for the Party.[24] Officials have also reportedly deployed similar methods in Tibetan areas of Sichuan, Qinghai, and Gansu provinces.[25]

At various times during the year, the government and Party continued to use large-scale displays of military and security forces throughout Tibetan areas of China, reportedly unlinked to any actual or tangible threat of violence, which international human rights organizations described as an attempt to intimidate Tibet-

ans.[26] Authorities intensified the security presence during major religious festivals and "sensitive" dates, including the entire month of March 2017.[27]

New high-level political appointments in the TAR are unlikely to lead to any changes in current policies or methods of governance.[28] In late August 2016, authorities announced that the Chinese Communist Party Central Committee had selected Wu Yingjie—an official linked to previous crackdowns who has spent most of his career in the TAR—to be the new Party Secretary of the TAR.[29] In a speech Wu gave the following month, he called for "deepen[ing] the struggle against the Dalai Lama clique," which he described as "the highest priority" of the Party's ethnic affairs work.[30] In January 2017, Tibetan official Qizhala (Che Dalha), the former Party secretary of Lhasa municipality, TAR, became the governor of the TAR.[31]

Chinese authorities continued to denounce the Dalai Lama as a "splittist"[32] or "separatist,"[33] blaming him and "hostile foreign forces" for "inciting separatism" in Tibetan areas of China,[34] despite the fact the Dalai Lama has stated repeatedly that he seeks genuine autonomy for Tibet, not independence.[35] In May 2017, the secretary of the TAR's Commission for Discipline Inspection, Wang Yongjun, alleged that some Party officials had donated funds to the Dalai Lama, and thus "severely undermine[d] the Party's fight against separatism."[36] State media reported in April 2017 that authorities used polygraph tests to assess the capability and "psychological fitness" of 168 leading cadres (*lingdao ganbu*) in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), an area known as a stronghold of Tibetan identity and culture.[37] The International Campaign for Tibet described the use of polygraphs to assess the political loyalty of Party officials as indicative of "an escalation of the [Party's] efforts to assert its dominance" amid "a climate . . . of fear and mistrust" that the Party created.[38]

Self-Immolations

Self-immolations by Tibetans as a form of protest reportedly focusing on religious and political issues continued during this reporting year.[39] As of August 21, 2017, there were 5 known self-immolations in Tibetan autonomous areas of China, 4 of which were confirmed to be fatal, bringing the total number of such self-immolations by Tibetans living in China to 144 since 2009, 127 of which were reportedly fatal.[40] This extreme form of protest and expression has become less frequent in recent years, as the Chinese government has continued to impose collective punishment on family members and others close to self-immolators in an apparent effort to deter self-immolations.[41] Since 2009, many Tibetan self-immolators have called for the long life of the Dalai Lama, his return from exile, and freedom for Tibet.[42]

Chinese authorities responded as they have in other self-immolation cases: Officials threatened and detained family members and supporters, attempted to prevent images and videos of the self-immolations from being circulated, and detained those suspected of sharing information.[43] As in previous years, self-immolation protesters called for the Dalai Lama's long life and return, and/or freedom for Tibet.[44]

- On December 8, 2016, 31-year-old father of two **Tashi Rabten** died after self-immolating in Maqu (Machu) county seat, Gannan (Kanlho) TAP, Gansu province.[45]
- **Pema Gyaltsen,** a 24-year-old unmarried farmer from Xinlong (Nyagrong) county, Ganzi (Kardze) TAP, Sichuan province, self-immolated on March 18, 2017, in Ganzi county seat.[46] Police reportedly took into custody nearly 200 Tibetan bystanders, some of whom had expressed solidarity with Gyaltsen.[47] Reports following his self-immolation indicated that it was unclear whether he survived.[48]
- **Wangchug Tseten,** a father of four in his 30s, also from Xinlong, self-immolated in the Ganzi county seat on April 15, 2017.[49] Authorities reportedly detained five Tibetans in connection with the self-immolation, three for apparently being in possession of Wangchug Tseten's mobile phone, and two others for allegedly filming his protest.[50] Wangchug Tseten later died from his injuries.[51]
- **Chagdor Kyab,** a 16-year-old student from Bora township, Gannan, set himself on fire near Bora Monastery on May 2, 2017.[52] Chinese security forces quickly extinguished the flames and removed Chagdor Kyab from the scene.[53] In the aftermath of the self-immolation, authorities briefly detained his parents twice, prevented relatives and friends from visiting the family at their home, and barred monks from performing religious rituals for Chagdor Kyab.[54] He later died from his injuries.[55]
- **Jamyang Losel,** a monk in his early 20s, set fire to himself in Jianzha (Chentsa) county, Huangnan (Malho) TAP, Qinghai province, on May 19, 2017, and died shortly thereafter.[56] Authorities refused to return his body to his family.[57]

Religious Freedom for Tibetan Buddhists

The Party and government continued to regulate Tibetan Buddhism and its practices in an effort to strengthen their control over Tibetan Buddhists, with the aim of transforming Tibetan Buddhism, monasteries and nunneries, and monastics into loyal supporters of the Party and country.[58] One international scholar has described the restrictions and requirements placed on monastics and monasteries as a "pervasive regime of control."[59] Among the most significant developments this past year with respect to the right of religious freedom were the demolitions and expulsions at the famous Tibetan Buddhist institutes Larung Gar and Yachen Gar.[60] [For information on the relevant law relating to religious freedom in China, see Section II—Freedom of Religion—International and Chinese Law on Religious Freedom.]

Demolitions and Expulsions at Two Famous Tibetan Buddhist Institutes

Larung Gar

In mid-July 2016, Chinese authorities in Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), Sichuan province, began the process of demolishing dwellings and expelling monks and nuns at Larung Gar Buddhist Institute, in Seda (Serthar) county, Ganzi TAP.[61] The Seda county government, reportedly operating under instructions from "higher authorities," mandated that by September 2017, Larung Gar's occupancy could not exceed 5,000 residents.[62]

In June 2017, a senior abbot at Larung Gar told the community that since 2016, Chinese authorities had expelled "more than 4,828 monks and nuns"[63] and that "4,725 monastic dwellings" had been demolished.[64] Before the expulsions began in 2016, estimates suggested that the population of Larung Gar, one of the world's largest Buddhist institutes, was at least 10,000, if not higher—comprised not only of Tibetan monks and nuns, but also thousands of Han Chinese practitioners, as well as students from India and Western countries.[65] In March 2017, a senior abbot told the remaining residents: "Those who have left had never wanted to leave. All left against their own wish."[66] He also urged them not to protest what he described as the "implementation of Chinese government policy" which he said came from "senior levels of government."[67] Sources reported the expulsions and demolitions caused significant distress and despair within the community,[68] including the suicide of three nuns in protest during the summer of 2016.[69] In addition, Chinese authorities across the TAR subjected monks and nuns expelled from Larung Gar to periods of "patriotic education" lasting from several weeks to six months upon arrival in their home localities, before officials allowed them to return to their family homes.[70]

Official explanations of the measures taken at Larung Gar included concerns about overcrowding, health and safety, and the desire to make a "'more orderly, beautiful' land."[71] Some observers believe that Chinese authorities' purpose in reducing the size of Larung Gar was to contain and control its influence, and to further restrict religious freedom.[72] The popularity of Larung Gar among Han Chinese may also have been a factor.[73] According to the International Campaign for Tibet and the Tibetan Centre for Human Rights and Democracy (TCHRD), the expulsions and demolitions at Larung Gar were also driven by the Chinese government's plans to increase business and tourism in the area, which would further marginalize the religious community.[74] A Tibetan monastic instructor told a TCHRD source in late July 2017 that "[m]ost of the people who now come to Larung Gar are tourists rather than people who want to practice Buddhism."[75]

Demolitions and Expulsions at Two Famous Tibetan Buddhist Institutes—Continued

Yachen Gar

Yachen Gar, located in Beiyu (Pelyul) county, Ganzi (Kardze) TAP, Sichuan, had an estimated population of 10,000, comprised mainly of nuns, before expulsions at Yachen Gar began in April 2016.[76] By mid-September 2016, authorities at the institute had expelled as many as 1,000 nuns who originally came from the TAR.[77] Authorities reportedly threatened family members of nuns at Yachen Gar from the TAR with punishment if the nuns did not return to their place of household registration (*hukou*).[78] The demolition of approximately 200 dwellings to accommodate new curb and sidewalk construction, in addition to other construction projects, indicated that Chinese authorities were preparing Yachen Gar for an influx of tourists.[79] In August 2017, Radio Free Asia reported that demolitions were continuing at Yachen Gar.[80] Chinese officials reportedly ordered the expulsion of 2,000 nuns and monks and the demolition of 2,000 houses by the end of 2017.[81]

Various human rights are implicated in the Chinese government's demolitions and forced expulsions at the two Buddhist institutes.[82] Six UN special rapporteurs jointly submitted a letter to the Chinese government in November 2016, in which they wrote that "grave concern is expressed over the serious repression of the Buddhist Tibetans' cultural and religious practices and learning in Larung Gar and Yachen Gar."[83] The U.S. Commission on International Religious Freedom described the destruction at Larung Gar as exemplifying the Chinese government's "desire to eviscerate the teachings and study of Tibetan Buddhism that are integral to the faith."[84] In addition, by compelling relocation of monks and nuns from Larung Gar and Yachen Gar, Chinese authorities also arguably violated their rights of freedom of residence and movement.[85]

Freedom of Movement

As in previous years, Chinese authorities tightly restricted the freedom of movement of Tibetans, both domestically and internationally, in contravention of international human rights standards.[86] Chinese authorities continued to restrict access to the Tibet Autonomous Region (TAR) for Tibetans not from the TAR.[87] Moreover, in August 2017, the State Council announced that the government would cap the permanent resident population in the central urban areas of Lhasa municipality, TAR, at 500,000 by 2020.[88] According to Chinese census data, in 2010, there were 559,423 permanent residents in Lhasa.[89] In April 2017, authorities reportedly required residents of Xinlong (Nyagrong) county, Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), Sichuan province, to obtain three different permits—village, township, and county—in order to travel to Ganzi township, the county seat of Ganzi county, Ganzi TAP, after two Tibetans from Xinlong self-immolated there within one month of each other.[90] [For information on international legal standards regarding freedom of movement, see Section II—Freedom of Residence and Movement—International Travel, Domestic Movement.]

The Chinese government severely restricts the ability of Tibetans to travel abroad.[91] It is very difficult for Tibetans to obtain passports, and even if obtained, Chinese authorities may easily confiscate or cancel them.[92] Chinese authorities made concerted efforts to prevent an estimated 7,000 Tibetan pilgrims from attending the Kalachakra ceremony[93] and teachings given by the Dalai Lama in Bodh Gaya, India,[94] in January 2017.[95] The International Campaign for Tibet described these efforts as "the most systematic crackdown so far linked to a Dalai Lama's teaching in exile."[96]

In October 2016, Chinese authorities began to confiscate Tibetans' passports and ordered thousands of Tibetans who had already managed to travel to Nepal and India on pilgrimage to return to China.[97] In late November, the Dalai Lama granted a special audience and gave teachings in Dharamsala, India, to over 1,000 Tibetans who were ordered to return to China.[98] Chinese authorities threatened various punishments if pilgrims disobeyed the order to return, including detention and loss of pension and jobs for themselves or their family members; monks were told they would not be permitted to return to their monasteries.[99]

Chinese authorities labeled the Dalai Lama's Kalachakra "illegal" and reportedly prohibited Tibetans from sharing news or organizing local gatherings related to the teachings.[100] Tibetan sources in Qinghai and Sichuan provinces, nonetheless, told Radio Free Asia that Tibetans were holding small gatherings to pray and to participate in the Kalachakra teachings via the Internet.[101]

Freedom of Expression

Chinese authorities continued to detain and imprison Tibetans for exercising their rights to freedom of expression and opinion, and for engaging in solo peaceful protests.[102] Several representative cases follow.

- In November 2016, a court in Heishui (Trochu) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, sentenced **Lobsang Sonam,** a 23-year-old monk from Kirti Monastery, to six years in prison for sharing information and images about Tibet with entities outside of China.[103]
- **Sonam Tashi** a 20-year-old resident of Seda (Serthar) county, Ganzi (Kardze) TAP, Sichuan, was detained by police in January 2017 after engaging in a peaceful solo protest during which he called for the long life of the Dalai Lama and freedom for Tibet, while dispersing leaflets as he walked along the street.[104] Police seized him quickly, and his whereabouts are unknown.[105]
- On February 25, 2017, public security officials in Aba county, Aba T&QAP, detained **Lobsang Tsultrim,** a young Kirti Monastery monk, following his peaceful solo protest calling for the Dalai Lama's return and freedom for Tibetans.[106] As of August 2017, his condition and whereabouts were unknown.[107]
- Authorities took **Gedun,** a young villager from Shiqu (Sershul) county, Ganzi TAP, into custody in early March 2017, and reportedly severely beat him for sharing photos of the Dalai Lama, the Tibetan national flag, and essays about the

preservation of the Tibetan language on the messaging service WeChat.[108]

Status of Tibetan Culture

China's 2016–2020 National Human Rights Action Plan (HRAP) provides both that "the cultural rights of ethnic minorities shall be guaranteed" and that "[t]he right of ethnic minorities to learn, use and develop their own spoken and written languages shall be respected and guaranteed," echoing provisions of China's Constitution, the PRC Regional Ethnic Autonomy Law, and the PRC Education Law.[109] Tibetan culture and language face increasing pressure and marginalization, however, as the Chinese government and Party continue to promote Mandarin Chinese as the main language of instruction in Tibetan areas.[110] Given the inextricable link between language, culture, and identity,[111] and the need for Tibetan language in order to access Buddhist texts,[112] Chinese authorities view Tibetan-language instruction as a potential security issue—a force that could fuel "separatism."[113] Public security officials detained Tibetan language rights advocate and entrepreneur Tashi Wangchug[114] in January 2016 in Yushu (Kyegudo) city, Yushu TAP, Qinghai province, following a November 2015 New York Times report and video of his efforts to advocate for a genuine Tibetan-Mandarin bilingual education system.[115] Authorities subsequently indicted Tashi Wangchug for "inciting separatism," and he remains detained awaiting trial.[116]

Despite the risks, Tibetans continue to organize Tibetan-language literacy groups,[117] and during this past year, several open letters and essays written by Tibetans appeared online expressing concern about the state of "bilingual education."[118] A Washington Post reporter wrote that several Tibetans he spoke with in Lhasa municipality, TAR, in September 2016, expressed unhappiness that young Tibetans study in Mandarin as their primary language of instruction, and study and speak Tibetan as if it were a foreign language.[119]

Economic Development and Tourism

The Chinese government has long held the view that economic development is the key to solidifying its control in Tibet.[120] The Commission, however, observed no evidence during its 2002–2017 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in autonomous Tibetan areas of China.[121] Much central government investment for development has targeted large-scale infrastructure projects and government administration.[122] Experts note that Han Chinese have mainly benefited from the job opportunities that these projects have created, because many Tibetans are disadvantaged in competing with Han migrant workers, who generally have higher levels of education as well as requisite Mandarin skills.[123] In September 2016, a TAR official told a group of foreign reporters that the Chinese government's goal was to turn Tibet into a "world-class tourism destination."[124] Millions of Chinese tourists travel to the TAR each year, and the government is planning to attract more foreign visitors to the TAR.[125] The pres-

sure placed on Tibetan culture, livelihood, and identity by the influx of Han migrants and tourists is substantial.[126] In April 2017, reports emerged that the Chinese government is considering making the entire Tibetan plateau into a national park, which will be open mainly to tourists, and will impact many Tibetan residents.[127] In July 2017, the China Daily reported that the government would build China's first Mars simulation base in the Haixi Mongolian and Tibetan Autonomous Prefecture, Qinghai province, and that it would "be turned into a cultural and tourist experience base."[128]

Notes to Section V—Tibet

[1] U.S. Department of State, "Report on Tibet Negotiations, P.L. 107-228 Section 613(b), of the Foreign Relations Authorization Act of Fiscal Year 2003," attached to letter from Julia Frifield, Assistant Secretary, Legislative Affairs, U.S. Department of State, to the Senate Committee on Foreign Relations, 19 August 16, 1.

[2] Ibid. See also "US Committed to Tibetan Issue, Says Tillerson," Agence France-Presse, reprinted in Zee News, 8 May 17; International Campaign for Tibet, "Secretary Tillerson Says He Is Committed To Promoting Dialogue on Tibet and Receiving the Dalai Lama," 1 February 17. During his confirmation proceedings in the U.S. Senate Committee on Foreign Relations (SFRC) in January 2017, Rex Tillerson stated if confirmed as Secretary of State he would continue to encourage dialogue between the Chinese government and the Dalai Lama and/or representatives of Tibet's "government-in-exile." International Campaign for Tibet, "Senate Confirms Terry Branstad as U.S. Ambassador to China as He Commits To 'Urge Chinese Authorities To Engage in Meaningful and Direct Dialogue With the Dalai Lama,'" 22 May 17. During Terry Branstad's confirmation hearing in the SFRC for the position of U.S. Ambassador to China, he committed to "urge Chinese authorities to engage in meaningful and direct dialogue with the Dalai Lama and his representatives without preconditions to lower tensions and resolve differences."

[3] Chu Xiaohui and Li Ruohan, "Courting Dalai Lama Would Hurt US Interest: Official," Global Times, 3 February 17. For more information on Zhu Weiqun and his role in earlier dialogues with the Dalai Lama's envoys, see CECC, 2016 Annual Report, 6 October 16, 302, endnotes 43–45; CECC, 2015 Annual Report, 8 October 15, 300.

[4] Sui-Lee Wee, "China Sticks to Right To Decide Reincarnation of Dalai Lama," Reuters, 30 November 15. See also KJM Varma, "'Dalai Lama's Successor Must Have China's Endorsement,'" Press Trust of India, 9 April 17; CECC, 2016 Annual Report, 6 October 16, 301–2; CECC, 2008 Annual Report, 31 October 08, 189; "Special Topic Paper: Tibet 2008–2009," Congressional-Executive Commission on China, 22 October 09, 38–39.

[5] Office of His Holiness the Dalai Lama, "A Brief Biography," last visited 14 May 17. According to biographical information on the Dalai Lama's official website, he was born on July 6, 1935.

[6] Office of His Holiness the Dalai Lama, "Reincarnation," 24 September 11. The statement was published initially with the title, "Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation." See also Melissa Locker, "John Oliver Had an Enlightening Talk With the Dalai Lama on Last Week Tonight," Time, 5 March 17; "Dalai Lama: Last Week Tonight With John Oliver (HBO)" [Video file], YouTube, 5 March 17, 9 min. 20 sec.; CECC, 2016 Annual Report, 6 October 16, 302.

[7] Ellen Barry, "Dalai Lama's Journey Provokes China, and Hints at His Heir," New York Times, 6 April 17; Lucy Hornby and Amy Kazmin, "Dalai Lama's Travel Plans Ignite Reincarnation Row," Financial Times, 24 March 17; Edward Wong, "Mongolia, With Deep Ties to Dalai Lama, Turns From Him Toward China," New York Times, Sinosphere (blog), 30 December 16; Joseph Dussault, "Why the Dalai Lama Is No Longer Welcome in Mongolia," Christian Science Monitor, 26 December 16; "Standardization of Terms Aimed at Reaffirming Sovereignty: Experts," Global Times, 18 April 17; "A Himalayan Rivalry," Economist, 19 August 10. As the Economist notes, Tawang is an important center of Tibetan Buddhism and the birthplace of the Sixth Dalai Lama. Tawang is located in the Indian state of Arunachal Pradesh, which is a disputed territory on the Indo-China border that the Chinese government claims as "South Tibet."

[8] Office of His Holiness the Dalai Lama, "His Holiness the Dalai Lama Gives Buddhist Teachings to 50,000 in Tawang," 8 April 17.

[9] Sunil Kataria, "Dalai Lama Says Tibetan People Should Decide on His Succession," Reuters, 11 April 17. See also Office of His Holiness the Dalai Lama, "Reincarnation," 24 September 11. The statement was published initially with the title, "Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation."

[10] Office of His Holiness the Dalai Lama, "His Holiness the Dalai Lama Gives Buddhist Teachings to 50,000 in Tawang," 8 April 17.

[11] "Dalai Lama Suggests Preparations of Finding His Successor Will Begin in Next 1–2 Years" [Video file], India Today Television, 9 August 17.

[12] Ibid.

[13] Guo Xin, "It Is Both Illegal and Invalid for the Dalai Lama To Universally Identify the Reincarnated Soul Boy of the Panchen Lama," People's Daily, 1 December 95 (translated in Open Source Center, 1 December 95); "China's Panchen Lama Calls for Patriotism, Says Greed Taints Tibetan Buddhism," Reuters, 14 March 17; "Dalai Lama Rejects Communist Party 'Brazen Meddling' in Tibetan Buddhist Reincarnation," CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3; CECC, 2016 Annual Report, 6 October 16, 301. See also Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 32. Despite the Chinese government's denunciation of the Dalai Lama's selection of Gedun Choekyi Nyima, the "overwhelming majority of Tibetan Buddhists recognize [Gedun Choekyi Nyima] as the 11th Panchen Lama."

[14] "Dalai Lama: Last Week Tonight With John Oliver (HBO)" [Video file], YouTube, 5 March 17, 9 min. 5 sec.; Simon Denyer, "China Prepares for Dalai Lama's Death by Looking to Its Own Top Tibetan Cleric," Washington Post, 26 September 16; International Campaign for Tibet, "China Attempts To Legitimize Its Panchen Lama Through a Major Speech as the Real Panchen Lama's Birthday Approaches," 21 April 15; John Powers, The Buddha Party: How the People's Republic of China Works To Define and Control Tibetan Buddhism (New York: Oxford University Press, 2017), 125. See also CECC, 2016 Annual Report, 6 October 16, 301–2. For more information on the Panchen Lama and China's likely model for selecting the next Dalai Lama, see CECC, 2008 Annual Report, 31 October 08, 189.

[15] Huang Jingjing, "An Increasingly Active Panchen Lama Is Expected To Mitigate Dalai's Influence," Global Times, 24 August 16; Simon Denyer, "China Prepares for Dalai Lama's Death by Looking to Its Own Top Tibetan Cleric," Washington Post, 26 September 16.

[16] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 29; International Campaign for Tibet, "China Attempts To Legitimize Its Panchen Lama Through a Major Speech as the Real Panchen Lama's Birthday Approaches," 21 April 15; "Dalai Lama Rejects Communist Party 'Brazen Meddling' in Tibetan Buddhist Reincarnation," CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3; UN Committee on the Rights of the Child, Concluding Observations: China (including Hong Kong and Macau Special Administrative Regions), adopted by the Committee at its 1080th Meeting (30 September 2005), CRC/C/CHN/CO/2, 24 November 05, paras. 44–45. The report observed under paragraphs 44 and 45: "The Committee notes the information provided about the Gedhun Choekyi Nyima, but remains concerned that it has not yet been possible to have this information confirmed by an independent expert . . .. In particular, the Committee recommends that the State party: . . . e) allow an independent expert to visit and confirm the well-being of Gedhun Choekyi Nyima while respecting his right to privacy, and that of his parents." CECC, 2016 Annual Report, 6 October 16, 301.

[17] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 35; CECC, 2016 Annual Report, 6 October 16, 301. For more information about Gedun Choekyi Nyima, see the Commission's Political Prisoner database, record 2004-00835.

[18] U.S. Department of State, "Report on Tibet Negotiations, P.L. 107-228 Section 613(b), of the Foreign Relations Authorization Act of Fiscal Year 2003," attached to letter from Julia Frifield, Assistant Secretary, Legislative Affairs, U.S. Department of State, to the Senate Committee on Foreign Relations, 19 August 16, 2. For the full text of the U.S. State Department's annual reports on Tibet negotiations from previous years, see International Campaign for Tibet, "State Department Annual Reports on Tibet," last visited 15 July 17.

[19] See, e.g., Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 86–87, 100; "Tibetan Youth Detained, Warned Over Dalai Lama Photo," Radio Free Asia, 15 June 17; International Campaign for Tibet, "Tibetan Pilgrims Compelled To Return From Dalai Lama Teaching to Bodh Gaya, India; China Calls the Teaching 'Illegal,'" 9 January 17; "Tibetans in China Defy Warnings, Support the Kalachakra," Radio Free Asia, 6 January 17.

[20] Tibetan Centre for Human Rights and Democracy, "China Jails Tibetans for Celebrating Dalai Lama's Birthday: Nine Tibetans Get Varying Terms of 5 to 14 Years," 7 December 16. For more information on eight Tibetans from Aba (Ngaba) county sentenced by the same court and on the same date for celebrating the Dalai Lama's 80th birthday in 2015, see the Commission's Political Prisoner Database records 2008-00632 on Tsultrim, 2011-00422 on Lobsang Khedrub, 2012-00222 on Lodroe, 2012-00261 on Bonkho Kyi, 2016-00212 on Argya Gya, 2017-00026 on Drugdra, 2017-00027 on Lobsang Gephel, and 2017-00028 on Tsultrim.

[21] Tibetan Centre for Human Rights and Democracy, "China Jails Tibetans for Celebrating Dalai Lama's Birthday: Nine Tibetans Get Varying Terms of 5 to 14 Years," 7 December 16. For more information on Bonkho Kyi, see the Commission's Political Prisoner Database record 2012-00261.

[22] For more information on the Tibetan autonomous areas of China, see CECC, "Special Topic Paper: Tibet 2008–2009," 22 October 09, 22–24. In China there is 1 provincial-level area of Tibetan autonomy (Tibet Autonomous Region (TAR)), and there are 10 prefectural-level areas of Tibetan autonomy and 2 county-level areas of Tibetan autonomy. The area of the TAR (approximately 1.2 million square kilometers), the 10 Tibetan Autonomous Prefectures (TAPs) (approximately 1.02 million square kilometers), and the 2 Tibetan Autonomous Counties (TACs) (approximately 0.019 million square kilometers) totals approximately 2.24 million square kilometers. The 10 TAPs make up approximately 46 percent of the TAR/TAP/TAC total area. Steven Marshall and Susette Cooke, Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics (Washington, DC: Self-published CD–ROM, 1997), Table 7, citing multiple Chinese sources. Table 7 provides the following information. Tibet Autonomous Region (1.2 million square kilometers, or 463,320 square miles). Qinghai province: Haibei (Tsojang) TAP (52,000 square kilometers, or 20,077 square miles), Hainan (Tsolho) TAP (41,634 square kilometers, or 16,075 square miles), Haixi (Tsonub) Mongol and Tibetan AP (325,787 square kilometers, or 125,786 square miles), Huangnan (Malho) TAP (17,901 square kilometers, or 6,912 square miles), Guoluo (Golog) TAP (78,444 square kilometers, or 30,287 square miles), and Yushu (Yushul) TAP (197,791 square kilometers, or 76,367 square miles). Gansu province: Gannan (Kanlho) TAP (45,000 square kilometers, or 17,374 square miles) and Tianzhu (Pari) TAC (7,150 square kilometers, or 2,761 square miles). Sichuan province: Ganzi (Kardze) TAP (153,870 square kilometers, or 59,409 square miles), Aba (Ngaba) Tibetan and Qiang AP (86,639 square kilometers, or 33,451 square miles), and Muli (Mili) TAC (11,413 square kilometers, or 4,407 square miles). Yunnan province: Diqing (Dechen) TAP (23,870 square kilometers, or 9,216 square miles). The table provides areas in square kilometers; conversion to square miles uses the formula provided on the website of the U.S. Geological Survey: 1 square kilometer = 0.3861 square mile. For population data, see Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–4. According to China's 2010 ethnic census data, the total Tibetan population in China was 6,282,187. The Tibetan population of the TAR (approximately 2.72 million), the 10 TAPs (approximately 2.97 million), and the 2 TACs (approximately 0.096 million) totaled approximately 5.78 million Tibetans living in areas of Tibetan autonomy. Approximately 0.498 million Tibetans lived outside of the areas of Tibetan

autonomy. Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–2. When the Chinese government, Party officials, and state-run media refer to "Tibet," they generally refer to the area of what is today the Tibet Autonomous Region (TAR). See, e.g., Anne-Marie Blondeau and Katia Buffetrille, eds. Authenticating Tibet: Answers to China's 100 Questions (Berkeley: University of California Press, 2008), 71; Andrew Martin Fischer, The Disempowered Development of Tibet in China (Lanham: Lexington Books, 2014), xix. Fischer explains that he, among others (including the "Tibetan Exile Government") use "Tibet" to refer to the TAR and the Tibetan areas incorporated into Sichuan, Qinghai, Gansu, and Yunnan provinces: "Often known as 'greater Tibet,' 'cultural Tibet,' or 'ethnographic Tibet,' this region is about the size of western Europe or about one quarter of China." See also CECC, "Special Topic Paper: Tibet 2008–2009." 22 October 09, 87, endnote 1.

[23] Tsering Topgyal, "The Securitisation of Tibetan Buddhism in Communist China," Politics and Religion in Contemporary China, Vol. 6, No. 2 (2012), 232–33, 238–41; International Campaign for Tibet, "'The Teeth of the Storm': Lack of Freedom of Expression and Cultural Resilience in Tibet," 14 June 15 (referring to the "hyper-securitization" of Tibet); International Campaign for Tibet, "ICT Inside Tibet: The Four Loves and the Enemy Within: New Ideological Campaign in Tibet Reflects Heightened Agenda of Control in 19th Party Congress Year," 20 April 17; Human Rights Watch, "World Report 2017," 2017, 195; Yeshi Dorje, "China Vows 'Strike' Against Dalai Lama as Tibetans Mark Uprising," Voice of America, 10 March 17; Tibetan Centre for Human Rights and Democracy, "China Extends Tibet Surveillance Program for Sixth Year in Row," 30 November 16. See also John Powers, The Buddha Party: How the People's Republic of China Works To Define and Control Tibetan Buddhism (New York: Oxford University Press, 2017), 24; Ben Hillman, "Unrest in Tibet and the Limits of Regional Autonomy," in Ben Hillman and Gray Tuttle, eds., Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West (New York: Columbia University Press, 2016), 22, 35, endnote 10. Hillman writes, "As a major source of Tibetan cultural identity, as a competing source of legitimacy and authority, and as an occasional vehicle for political mobilization, organized Tibetan Buddhism is widely perceived as the greatest potential threat to Communist Party rule in Tibetan areas."

[24] Tibetan Centre for Human Rights and Democracy, "China Extends Tibet Surveillance Program for Sixth Year in Row," 30 November 16; Ma Jing, "Tibet's Sixth Batch of Village-Based Cadre Teams Set Off for the Grassroots" [Xizang di liu pi zhucun gongzuodui chufa qu jiceng], China Tibet Net, 26 November 16; International Campaign for Tibet and International Federation for Human Rights, "China's New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs," November 2016, 31–33, 53; Human Rights Watch, "China: No End to Tibet Surveillance Program," 18 January 16. In urban areas, authorities continue to implement the "grid management" surveillance system. See Ben Hillman, "Unrest in Tibet: Interpreting the Post-2008 Wave of Protest and Conflict," Dalny Vychod [Far East] Vol. 4, Issue 1 (2014), 7. Hillman notes that, "In urban areas local authorities have divided neighborhoods into grids, appointing staff to monitor each grid and to report suspicious activities to the district administration or police." See also Human Rights Watch, "Relentless: Detention and Prosecution of Tibetans Under China's 'Stability Maintenance' Campaign," May 2016, 18–20.

[25] International Campaign for Tibet, "Tightening of an Invisible Net: New Security Measures in Eastern Tibet Heighten Surveillance, Control," 16 February 16.

[26] Human Rights Watch, "China: Cease Intimidation on Tibetan Anniversary," 9 March 17; Sophie Richardson, Human Rights Watch, "Dispatches: Intimidation as Governance in Tibet," 25 November 16; International Campaign for Tibet, "ICT Inside Tibet: Tibetan New Year Marked by Security Agenda; Mass Deployment of Troops for Prayer Festival," 7 March 17; "Chinese Security Forces Swarm Festival at Tibetan Monastery," Radio Free Asia, 13 February 17; International Campaign for Tibet (ICT) and International Federation for Human Rights (FIDH), "China's New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs," November 2016, 10. As ICT and FIDH write in their joint report on China's new counter-terrorism law, "Despite the absence of any violent insurgency in Tibet, an aggressive 'counter-terrorism' drive in Tibet with a strongly political dimension has involved an expansion of militarization across the plateau. China's new counter-terrorism law introduces further extra-judicial measures, reinforcing the powers of local police and Party officials to impose restrictive measures and use violence against individuals with impunity. It also involves further controls over telecommunications, internet and media."

[27] Sophie Richardson, Human Rights Watch, "Dispatches: Intimidation as Governance in Tibet," 25 November 16 (large-scale military displays carried out across the plateau in November 2016); "Chinese Security Forces Swarm Festival at Tibetan Monastery," Radio Free Asia, 13 February 17; International Campaign for Tibet, "ICT Inside Tibet: Tibetan New Year Marked by Security Agenda; Mass Deployment of Troops for Prayer Festival," 7 March 17 (security forces present in large numbers during a major religious festival at Kumbum monastery in Qinghai province in February 2017); International Campaign for Tibet, "ICT Inside Tibet: The Four Loves and the Enemy Within: New Ideological Campaign in Tibet Reflects Heightened Agenda of Control in 19th Party Congress Year," 20 April 17 (describing a military drill in Naqu (Nagchu) prefecture, TAR, on March 6, 2017, reportedly involving more than 200 paramilitary police and soldiers and a wide range of "advanced military vehicles"); Tenzin Monlam, "Rebkong Under Heavy Security Since Tibetan Uprising Anniversary," Phayul, 15 March 17; "During the Sensitive Period in March, Multiple Places in Tibetan Areas Under Strict Control and Surveillance" [Sanyue min'ganqi zangqu duodi bei yanguan yankong], Radio Free Asia, 14 March 17 (during the "sensitive month" of March, Chinese authorities employed heightened security measures in Tibetan areas that had experienced the largest number of self-immolations and protests). Several important and "sensitive" dates and anniversaries occur in March. These include March 10, which marks both the 1959 "Tibetan People's Uprising" in Lhasa and the start of widespread

Tibetan protests in 2008, as well as March 28, the official "Serfs Emancipation Day," which marks the 1959 dissolution of the former Tibetan government in Lhasa—a holiday that many Tibetans seek to avoid. Annual intensified security clampdowns often begin at some point in February to include Losar, the Tibetan New Year. "Special Topic Paper: Tibet 2008–2009," Congressional-Executive Commission on China, 22 October 09, 56–65. March also contains "sensitive" anniversaries specific to certain locations. For example, on March 16, 2008, a peaceful protest that began at Kirti Monastery in Aba (Ngaba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, ended in bloodshed after Chinese security forces opened fire, reportedly killing at least 15 Tibetans, and injuring hundreds of others. Tibetan Centre for Human Rights and Democracy, "Solitary Tibetan Protests Continue in Ngaba To Commemorate '16 March Massacre,'" 21 March 17.

[28] International Campaign for Tibet, "New Party Boss in Tibet Autonomous Region Associated With Hardline Campaigns, Anti-Dalai Lama Struggle," 2 September 16; Yeshe Choesang, "New TAR Party Chief Calls for Deeper Criticism of Spiritual Leader in Tibet," Tibet Post International, 3 September 16.

[29] "Wu Yingjie Appointed Party Secretary of the Tibet Autonomous Region" [Wu yingjie ren xizang zizhiqu dangwei shuji], China Tibet News Net, 29 August 16; Jayadeva Ranada, "Extensive Profile on China's New Tibet Party Secretary: Wu Yingjie," reprinted in MikelDunham (blog), 24 October 16; International Campaign for Tibet, "New Party Boss in Tibet Autonomous Region Associated With Hardline Campaigns, Anti-Dalai Lama Struggle," 2 September 16; Tshering Chonzom Bhutia, "Does Tibet's New Governor Signal Change?" The Diplomat, 19 January 17; Yeshe Choesang, "New TAR Party Chief Calls for Deeper Criticism of Spiritual Leader in Tibet," Tibet Post International, 3 September 16.

[30] "China Says Countering Dalai Lama Is Top Ethnic Priority in Tibet," Reuters, 30 September 16.

[31] Tshering Chonzom Bhutia, "Does Tibet's New Governor Signal Change?" The Diplomat, 19 January 17. For more background on Qizhala, see International Campaign for Tibet (ICT), "Tibetan Becomes New Lhasa Party Secretary; Updates on Leadership in Tibetan Areas and the Current Climate in Lhasa," 13 December 2011. ICT notes that prior to Qizhala becoming the Lhasa Party Secretary in November 2011—with the exception of a brief stint as head of the TAR United Front Work Department immediately preceding his being named Lhasa Party Secretary—Qizhala had spent his whole career in Diqing (Dechen) TAP, Yunnan province. As head of Diqing TAP, Qizhala was reportedly "well-regarded" by the local Tibetans.

[32] "China Calls Dalai Lama's Kalachakra 'Illegal,' Threatens Punishment for Those Taking Part," Radio Free Asia, 5 January 17; "China Warns India Over Invite to Dalai Lama to Buddhist Meet," Press Trust of India (PTI), reprinted in Economic Times, 20 March 17.

[33] "China Calls Dalai Lama a 'Separatist,' Says He Fled After Failed Armed Rebellion," Press Trust of India (PTI), reprinted in Hindustan Times, 8 April 17. See also "China Calls Dalai Lama's Kalachakra 'Illegal,' Threatens Punishment for Those Taking Part," Radio Free Asia, 5 January 17. The Commission has observed that the Chinese government appears to use the English terms "splittist" and "separatist" interchangeably as translations of the Chinese term *fenlie fenzi* when referring to the Dalai Lama.

[34] International Campaign for Tibet, "ICT Inside Tibet: Tibetan New Year Marked by Security Agenda; Mass Deployment of Troops for Prayer Festival," 7 March 17; Bureau of Democracy, Human Rights and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 36; Chu Xiaohui and Li Ruohan, "Courting Dalai Lama Would Hurt US Interest: Official," Global Times, 3 February 17; Shubhajit Roy, "My Reincarnation Can't Be Born in Place With No Freedom: The Dalai Lama," Indian Express, 26 May 17; Ben Hillman, "Unrest in Tibet and the Limits of Regional Autonomy," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 24, 34. See also Ben Hillman, "Introduction: Understanding the Current Wave of Conflict and Protest in Tibet and Xinjiang," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 3. According to Hillman, "[t]he Chinese government blames all of the unrest and violence in Tibet and Xinjiang on separatists determined to weaken and split China by fomenting instability."

[35] See, e.g., Office of His Holiness the Dalai Lama, "His Holiness's Middle Way Approach for Resolving the Issue of Tibet," last visited 11 June 17; Tenzin Dharpo, "Genuine Autonomy for Tibet, Reiterates Dalai Lama in Arunachal Pradesh," Phayul, 5 April 17; Shubhajit Roy, "My Reincarnation Can't Be Born in Place With No Freedom: The Dalai Lama," Indian Express, 26 May 17. See also "Special Topic Paper: Tibet 2008–2009," Congressional-Executive Commission on China, 22 October 09, 7–8.

[36] "Some CPC Members Funding Dalai Lama: Official," Global Times, 1 May 17; "Leadership Biographies—Wang Yongjun" [Lingdao jianli—wang yongjun], TAR Commission for Discipline Inspection Net, 1 December 16; International Campaign for Tibet, "ICT Inside Tibet: Use of 'Lie-Detector' To Test Communist Party Members Indicates Escalation of Control in Tibet," 15 May 17; CECC, 2016 Annual Report, 6 October 16, 302–3.

[37] Song Zhiyong, "[Ganzi] TAP Assessed the Capability and Psychological Fitness of 168 Leading Cadres" [Wozhou ceping 168 ming lingdao ganbu nengli he xinli suzhi], Ganzi Daily, 7 April 17; International Campaign for Tibet, "ICT Inside Tibet: Use of 'Lie-Detector' To Test Communist Party Members Indicates Escalation of Control in Tibet," 15 May 17; International Campaign for Tibet, "Tibetan Nun Self-Immolates in Kardze: Continued Resistance Despite Chinese Crackdown," 4 November 11 (describing Kardze, in the Tibetan area of Kham, Sichuan province, as a place "where Tibetans have a strong sense of Tibetan identity and resilient, nationalist spirit"). See also Tibetan Centre for Human Rights and Democracy, "Tibetans Protest in Kardze During the Tibetan New Year," 8 March 09; Hannah Beech, "Burning Desire for Freedom," Time, 14 November 11; "Chinese Authorities Arrest a Young Monk in Tibet for Unknown Reason," Tibet Post International, 17 May 16.

[38] International Campaign for Tibet, "ICT Inside Tibet: Use of 'Lie-Detector' To Test Communist Party Members Indicates Escalation of Control in Tibet," 15 May 17.

[39] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 13–15; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 100. For information in recent Commission annual reports on Tibetan self-immolation, see CECC, 2015 Annual Report, 8 October 15, 300–4; CECC, 2014 Annual Report, 9 October 14, 172–75; CECC, 2013 Annual Report, 10 October 13, 172–81; and CECC, 2012 Annual Report, 10 October 12, 156–60. See also "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 10 January 17. The Commission has posted on its website (www.cecc.gov), under Resources, Special Topics, a series of lists relating to Tibetan self-immolations focusing on political and religious issues.

[40] This self-immolation total (144), as of August 21, 2017, does not include the following six self-immolations/burnings (two of which were possibly not self-immolations but deaths resulting from an accidental house fire): Qinghai province property protests by females Dekyi Choezom and Pasang Lhamo on June 27 and September 13, 2012, respectively, and Konchog Tsomo in March 2013; by female Tashi Kyi in Gansu province on August 28, 2015; and the April 6, 2012, deaths of a Tibetan Buddhist abbot, Athub, and a nun, Atse, in a Sichuan house fire initially reported as accidental and later as self-immolation. The Commission continues to monitor reports on their deaths. "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 10 January 17; CECC, 2016 Annual Report, 6 October 16, 298, 311, endnote 5. The self-immolation total includes the five known self-immolations that occurred during this reporting year and are discussed in the text: Tashi Rabten (December 8, 2016), Pema Gyaltsen (March 18, 2017), Wangchug Tseten (April 15, 2017), Chagdor Kyab (May 2, 2017), and Jamyang Losel (May 19, 2017). "Tibetan Cuts Own Throat in Lhasa Freedom Protest," Radio Free Asia, 23 June 17. On June 23, 2017, a Tibetan man in Lhasa municipality, Tibet Autonomous Region, slit his throat outside the Jokhang Temple, in a solo protest during which he called for freedom for Tibet. A local Tibetan source told RFA that he thought the man was "unlikely to have survived."

[41] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 14–15; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 100; Tsering Shakya, "Transforming the Language of Protest," Self-Immolation as Protest in Tibet Series, Hot Spots, Cultural Anthropology website, 8 April 12; CECC, 2016 Annual Report, 6 October 16, 298–99; CECC, 2014 Annual Report, 9 October 14, 172–78. Self-immolators who survived have also faced punishment. On May 10, 2017, Lobsang Gyatso, a 19-year-old monk from Kirti Monastery, was released from Deyang prison in Deyang municipality, Sichuan province, after serving five years on an unknown charge following his self-immolation in 2012 in Aba (Ngaba) county, Tibetan and Qiang Autonomous Prefecture, Sichuan. For more information on Lobsang Gyatso, see the Commission's Political Prisoner Database record 2017-00234.

[42] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 14; "Nearly Two Hundred Detained Following Self-Immolation in Kardze," Radio Free Asia, 20 March 17; "Special Report: Tibetan Self-Immolation—Rising Frequency, Wider Spread, Greater Diversity," Congressional-Executive Commission on China, 22 August 12, 4, endnote 18; CECC, 2015 Annual Report, 8 October 15, 302.

[43] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 14–15; "Tibetan Self-Immolator's Family Harassed, Visitors Restricted," Radio Free Asia, 10 May 17; "Tibetan Monk Detained on Suspicion of 'Passing Information' Outside Protest Area," Radio Free Asia, 8 May 17; "Tibetan Social Media Draw Chinese Police Attention After Self-Immolations," Radio Free Asia, 30 May 17.

[44] See, e.g., Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 14 (Tashi Rabten reportedly called for the Dalai Lama's long life and that he be allowed to return); "Young Farmer Stages First Tibetan Self-Immolation of 2017," Radio Free Asia, 19 March 17 (Pema Gyaltsen reportedly decried the absence of freedom in Tibet and called for the Dalai Lama's return); Yeshe Choesang, "Yet Another Layman Sets Himself on Fire in Tibet To Protest China's Rule," Tibet Post International, 17 April 17 (Wangchug Tsetsen reportedly protested "China's repressive rule in Tibet"); "Tibetan Teenager Stages Self-Immolation Protest in Gansu," Radio Free Asia, 7 May 17 (Chagdor Kyab reportedly shouted "Tibet wants freedom" and "Let His Holiness the Dalai Lama come back to Tibet"); "Tibetan Monk Dies After Self-Immolation To Protest China's Rule in Tibet," Tibet Post International, 19 May 17 (Jamyang Losel reportedly shouted for the Dalai Lama's return and protested Chinese rule. The report also notes that most of the self-immolations (since 2009) have involved calls "for the return of the Dalai Lama and freedom for the Tibetan people."); CECC, 2015 Annual Report, 8 October 15, 302.

[45] 45 Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 14; "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, 10 January 17.

[46] "Young Farmer Stages First Tibetan Self-Immolation of 2017," Radio Free Asia, 19 March 17; "Nearly Two Hundred Detained Following Self-Immolation in Kardze," Radio Free Asia, 20 March 17.

[47] "Nearly Two Hundred Detained Following Self-Immolation in Kardze," Radio Free Asia, 20 March 17; International Campaign for Tibet, "Security Crackdown Follows First Tibetan Self-Immolation in 2017," 28 March 17.

[48] International Campaign for Tibet, "Security Crackdown Follows First Tibetan Self-Immolation in 2017," 28 March 17; "Young Farmer Stages First Tibetan Self-Immolation of 2017," Radio Free Asia, 19 March 17.

[49] "Local Tibetans Summoned After Latest Self-Immolation," Voice of America, 18 April 17; Yangchen Dolma, "Man Who Set Himself on Fire in Kardze County of Eastern Tibet Dies," Tibet

Post International, 24 April 17; "Five Detained Following Self-Immolation in Kardze Town," Radio Free Asia, 19 April 17.

[50] "Five Detained Following Self-Immolation in Kardze Town," Radio Free Asia, 19 April 17. For more information on the Tibetans detained in connection with the self-immolation of Wangchug Tseten, see the Commission's Political Prisoner Database records 2017-00303 on Nyima Tsering, 2017-00304 on Konchog Gyaltsen, and 2017-00305 on Tsering Gyatso.

[51] Yangchen Dolma, "Man Who Set Himself on Fire in Kardze County of Eastern Tibet Dies," Tibet Post International, 24 April 17.

[52] "Tibetan Teenager Stages Self-Immolation Protest in Gansu," Radio Free Asia, 7 May 17.

[53] Ibid.

[54] "Tibetan Self-Immolator's Family Harassed, Visitors Restricted," Radio Free Asia, 10 May 17; Tibetan Centre for Human Rights and Democracy, "China Suspected of Using Torture on Self-Immolator's Sister as Tibetan Monk Dies of Self-Immolation," 20 May 17.

[55] Tibetan Centre for Human Rights and Democracy, "China Suspected of Using Torture on Self-Immolator's Sister as Tibetan Monk Dies of Self-Immolation," 20 May 17.

[56] Ibid.; International Campaign for Tibet, "Young Tibetan Monk Becomes the 150th Self-Immolator in Tibet," 23 May 17.

[57] International Campaign for Tibet, "Young Tibetan Monk Becomes the 150th Self-Immolator in Tibet," 23 May 17; "Tibetan Monk Dies After Self-Immolation To Protest China's Rule in Tibet," Tibet Post International, 19 May 17.

[58] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 86–101; Elson Tong, "Beijing's Panchen Lama Tells Monks To Love the Party, Decries Commercialisation of Buddhism," Hong Kong Free Press, 13 March 17; John Powers, The Buddha Party: How the People's Republic of China Works To Define and Control Tibetan Buddhism (New York: Oxford University Press, 2017), 13, 14; CECC, 2016 Annual Report, 6 October 16, 300–4.

[59] John Powers, The Buddha Party: How the People's Republic of China Works To Define and Control Tibetan Buddhism (New York: Oxford University Press, 2017), 160.

[60] See, e.g., Human Rights Watch, "China: Major Tibetan Buddhist Institution Faces Further Demolitions," 29 March 17; "China Steps Up Demolition, Evictions at Larung Gar Buddhist Center," Radio Free Asia, 19 September 16; Edward Wong, "China Takes a Chain Saw to a Center of Tibetan Buddhism," New York Times, 28 November 16; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 2–5; Edward Wong, "U.N. Human Rights Experts Unite To Condemn China Over Expulsions of Tibetans," 27 February 17; Letter to the Ambassador and Permanent Representative, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, from Six Special Rapporteurs (each covering a separate area of human rights): the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief, AL CHN 10/2016, 7 November 16.

[61] International Campaign for Tibet, "Demolitions Begin at Larung Gar, 'A Monastery for the World,' as Religious Teachers Urge Calm," 25 July 16.

[62] Human Rights Watch, "China: Major Tibetan Buddhist Institution Faces Further Demolitions," 29 March 17; "Larung Gar Expulsions Now Complete: Local Source," Radio Free Asia, 7 April 17. According to RFA, the order apparently came from the central government. The Sichuan provincial governor, Yin Li, and other Chinese officials visited Larung Gar on March 30, 2017, and during a meeting with the management committee of the institute, reminded them that "higher authorities" had ordered the expulsions and demolitions. See also "China Steps Up Demolition, Evictions at Larung Gar Buddhist Center," Radio Free Asia, 19 September 16; "Destruction at Larung Gar Greater Than Earlier Reported," Radio Free Asia, 22 June 17. Chinese authorities had ordered Larung Gar to reduce its numbers in an earlier campaign in 2001. In total, since 2001, more than 7,000 monastic dwellings have been destroyed at Larung Gar.

[63] "Destruction at Larung Gar Greater Than Earlier Reported," Radio Free Asia, 22 June 17; "Larung Gar Removals 'Almost Complete,' Senior Abbot Says," Radio Free Asia, 23 March 17; "China Steps Up Demolition, Evictions at Larung Gar Buddhist Center," Radio Free Asia, 19 September 16; Edward Wong, "China Takes a Chain Saw to a Center of Tibetan Buddhism," New York Times, 28 November 16; "China Reduces Number of Larung Gar Dwellings Marked for Destruction," Radio Free Asia, 17 March 17. A senior abbot said that the expulsions reportedly began in 2014, when 600 monks and nuns were removed; in 2015, an additional 1,600 monks and nuns were forced out. It is unclear who ordered the earlier expulsions. The mandated ceiling of 5,000 monks and nuns at Larung Gar by September 30, 2017, was contained in the Seda (Serta) county order issued in June 2016. Human Rights Watch, "Serta County Order on Larung Gar Monastery," 9 June 16. See also CECC, 2016 Annual Report, 6 October 16, 303–4.

[64] "Destruction at Larung Gar Greater Than Earlier Reported," Radio Free Asia, 22 June 17; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 3; "Larung Gar Removals 'Almost Complete,' Senior Abbot Says," Radio Free Asia, 23 March 17; International Campaign for Tibet, "Security Crackdown Follows First Tibetan Self-Immolation in 2017," 28 March 17; "China Reduces Number of Larung Gar Dwellings Marked for Destruction," Radio Free Asia, 17 March 17. Initially Chinese officials had targeted 4,320 dwellings for demolition, but the management committee of the institute had appealed to authorities for fewer demolitions, and the target was subse-

quently reduced by more than 1,000 homes. However, according to the June 22, 2017, report from Radio Free Asia, Chinese authorities had demolished 4,725 homes since 2016.

[65] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 1; International Campaign for Tibet, "Demolitions Begin at Larung Gar, 'A Monastery for the World,' as Religious Teachers Urge Calm," 25 July 16; Human Rights Watch, "China: Major Tibetan Buddhist Institution Faces Further Demolitions," 29 March 17; Edward Wong, "China Takes a Chain Saw to a Center of Tibetan Buddhism," New York Times, 28 November 16.

[66] "Larung Gar Removals 'Almost Complete,' Senior Abbot Says," Radio Free Asia, 23 March 17.

[67] Ibid.; Human Rights Watch, "China: Major Tibetan Buddhist Institution Faces Further Demolitions," 29 March 17.

[68] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 3–5.

[69] Free Tibet, "Note Left by Larung Gar Nun Confirms Suicide," 14 August 17; "Tibetan Nun Commits Suicide at Buddhist Complex in China's Sichuan Province," Radio Free Asia, 8 August 16; "More Suicides Reported in Protest of Destruction at Sichuan's Larung Gar," Radio Free Asia, 29 August 16; Tibetan Centre for Human Rights and Democracy, "Nuns Continue Suicide Protest Against Demolition of Buddhist Institute," 1 September 16; Human Rights Watch, "China: 1,000 Evictions from Tibetan Buddhist Centers," 14 September 16.

[70] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 4; "China Reduces Number of Larung Gar Dwellings Marked for Destruction," Radio Free Asia, 17 March 17; "Larung Gar Evictees Forced To Attend Political Classes Back Home," Radio Free Asia, 4 November 16. For more information on "patriotic education," which entails studying and expressing support for the Party and its policies, denouncing the Dalai Lama, and recognizing the Chinese-appointed Panchen Lama, see John Powers, The Buddha Party: How the People's Republic of China Works To Define and Control Tibetan Buddhism (New York: Oxford University Press, 2017), 88 (exiled monastics he has interviewed "overwhelmingly cite patriotic education as the most aversive aspect of PRC rule"); Tsering Shakya, "Transforming the Language of Protest," Self-Immolation as Protest in Tibet series, Cultural Anthropology website, 8 April 12; Bureau of Democracy, Human Rights and Labor, U.S. Department of State, International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 36; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 95–96. See also "Special Topic Paper: Tibet 2008–2009," Congressional-Executive Commission on China, 22 October 09, 33–36.

[71] International Campaign for Tibet, "Demolitions Begin at Larung Gar, 'Monastery for the World,' as Religious Teachers Urge Calm," 25 July 16; Human Rights Watch, "China: 1,000 Evictions From Tibetan Buddhist Centers," 14 September 16; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 12; Edward Wong, "China Takes a Chain Saw to a Center of Tibetan Buddhism," New York Times, 28 November 16; CECC, 2016 Annual Report, 6 October 16, 303–4.

[72] "More Punishment for Tibetan Buddhists," New York Times, 5 December 16; Edward Wong, "China Takes a Chain Saw to a Center of Tibetan Buddhism," New York Times, 28 November 16; Tibetan Centre for Human Rights and Democracy, "Undercover in Larung Gar: A Year After Demolition, World's Largest Tibetan Buddhist Institute Sliced Like a Melon," 11 August 17; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 1, 12–13. The New York Times Editorial Board wrote, "The effort to destroy Larung Gar is further evidence of the government's insecurity and its fear of any movement, religious or social, that it can't fully control." See also Tibet: Freedom of Religion, Hearing of the Tom Lantos Human Rights Commission, 12 July 17, Testimony of Tenzin Dorjee, Commissioner, U.S. Commission on International Religious Freedom, 4. Commissioner Dorjee stated, "Rigorous study and practice are very important to the Nalanda Tradition of Tibetan Buddhism. The Chinese government seeks to strike at the heart of Tibetan Buddhism by attacking the Tibetan religious and educational institute of Larung Gar, ..."

[73] Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 89–90. An estimated several million Han Chinese have reportedly become followers of Tibetan Buddhism over the past decade, and an estimated 10,000 Han Chinese are believed to have completed studies at Larung Gar since its founding in 1980. See also Tsering Topgyal, "The Securitisation of Tibetan Buddhism in Communist China," Politics and Religion in Contemporary China, Vol. 6, No. 2 (2012), 234–35. Earlier, in 2001, officials from Beijing ordered a reduction in the number of monks and nuns at Larung Gar (also referred to as Serta Institute), resulting in the demolition of approximately 2,000 homes. Authorities also ordered reductions at Yachen Gar. At the time, Larung Gar had 1,000 mainland and overseas Chinese among the 9,300 residents at the institute. A middle-aged Han medical doctor said that Chinese authorities told teachers from Larung Gar and Yachen Gar not to teach Han Chinese Tibetan Buddhism, and that Chinese were "forbidden to follow or receive Buddhist talks from Tibetan lamas. So many Chinese are coming to these areas where Tibetans usually live, but really the authorities don't want us to have connections with any lamas here."

[74] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 1, 5–7, 11, 12–13; Tibetan Centre for Human Rights and Democracy, "Undercover in Larung Gar: A Year After Demolition, World's Largest Tibetan Buddhist Institute Sliced Like a Melon," 11 August 17. A Western researcher quoted in ICT's report who recently traveled to the area said that many of the local Tibetans he spoke with "believe that behind the evictions and destruction is an interest in transforming the now world-famous Buddhist institutes into a tourist destination, which will further dilute the authentic culture." See also Steve Shaw, "China Tears Down the Tibetan City in the Sky,"

The Diplomat, 3 August 17; "Tibetans Forced From Their Land in Town Near Larung Gar," Radio Free Asia, 16 August 16.

[75] Tibetan Centre for Human Rights and Democracy, "Undercover in Larung Gar: A Year After Demolition, World's Largest Tibetan Buddhist Institute Sliced Like a Melon," 11 August 17.

[76] Human Rights Watch, "China: 1,000 Evictions From Tibetan Buddhist Centers," 14 September 16.

[77] Ibid.

[78] Ibid.; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 4–5.

[79] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 1, 8, 11, 13. See also Human Rights Watch, "China: 1,000 Evictions From Tibetan Buddhist Centers," 14 September 16.

[80] "Demolition of Tibetan Residences Underway at Sichuan's Yachen Gar Buddhist Center," Radio Free Asia, 15 August 17.

[81] Ibid.

[82] Human Rights Watch, "China: 1,000 Evictions From Tibetan Buddhist Centers," 14 September 16; Letter to the Ambassador and Permanent Representative, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, from Six Special Rapporteurs (each covering a separate area of human rights): the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief, AL CHN 10/2016, 7 November 16.

[83] Letter to the Ambassador and Permanent Representative, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva, from Six Special Rapporteurs (each covering a separate area of human rights): the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief, AL CHN 10/2016, 7 November 16, 3; Edward Wong, "U.N. Human Rights Experts Unite To Condemn China Over Expulsions of Tibetans," New York Times, 27 February 17.

[84] U.S. Commission on International Religious Freedom, "2017 Annual Report—China," April 2017, 35.

[85] See, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force, 23 March 76, arts. 2(1), 12(1), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1); Human Rights Watch, "China: 1,000 Evictions From Tibetan Buddhist Centers," 14 September 16. See also "Former Larung Gar Monks Ordered Out of New Homes," Radio Free Asia, 26 April 17. Authorities in Daofu (Tawu) county, Ganzi (Kardze) TAP, subsequently ordered nearly 300 displaced monks from Larung Gar who had moved to a retreat center in Daofu county to leave the center.

[86] See, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force, 23 March 76, arts. 2(1), 12(1), 12(2), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1), 13(2); Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2016—China (Includes Tibet, Hong Kong, and Macau)," 3 March 17, 90–91; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 96; Ben Hillman, "Unrest in Tibet: Interpreting the Post-2008 Wave of Protest and Conflict," Dalny Vychod [Far East], Vol. 4, Issue 1 (2014), 10, 12; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 34; Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 5 (describing the myriad rules and restrictions on movement both within Tibetan areas of China and travel outside of China as having turned Tibet into a "giant open prison").

[87] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 34. Ben Hillman, "Unrest in Tibet and the Limits of Regional Autonomy," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 30, 37–38, endnote 31. Hillman refers to the TAR travel ban as an "unwritten rule" and a "divide-and-rule tactic" seen elsewhere in China, which highlights the Party's "zero tolerance for associations that unite and coordinate people from different localities."

[88] "State Council Reply Regarding the Overall Urban Plan for Lhasa Municipality" [Guowuyuan guanyu lasa shi chengshi zongti jihua de pifu], issued 30 July 17; "State Council Approves City Plan for Lhasa," 8 August 17; "China To Limit Lhasa Population to 500k by 2020," Global Times, 8 August 17.

[89] Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development,

State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975; "China To Limit Lhasa Population to 500k by 2020," Global Times, 8 August 17.

[90] "Local Tibetans Summoned After Latest Self-Immolation," Voice of America, 18 April 17; "Young Farmer Stages First Tibetan Self-Immolation of 2017," Radio Free Asia, 19 March 17.

[91] Human Rights Watch, "One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others," July 2015, 2, 15–17, 21; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "International Religious Freedom Report for 2015—China (Includes Tibet, Hong Kong, and Macau)," 10 August 16, 34–35.

[92] International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 18; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2016—China (Includes Tibet, Hong Kong, and Macau)," 3 March 17, 91; Human Rights Watch, "One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others," July 2015, 2, 15–17, 21.

[93] "China Calls Dalai Lama's Kalachakra 'Illegal,' Threatens Punishment for Those Taking Part," Radio Free Asia, 5 January 17. The Kalachakra, or "Wheel of Time," is "a ritual that prepares devotees to be reborn in Shambhala, a celestial kingdom which, it is said, will vanquish the forces of evil in a future cosmic battle."

[94] Ibid. Bodh Gaya, India is believed to be the site where the Buddha achieved enlightenment.

[95] Annie Gowen, "Hundreds of Tibetans Defy China, Gather at Birthplace of Buddhism in India," Washington Post, 13 January 17; International Federation for Human Rights (FIDH) and International Campaign for Tibet (ICT), "Tibet Locked Down and Travellers Banned During Sensitive Anniversary: Joint Statement by FIDH and ICT," 27 January 17; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 18. The Washington Post reported that in 2012, when the last Kalachraka was held in Bodh Gaya, after an estimated 10,000 Tibetans traveled to India to attend, Chinese officials declared the Kalachakra "illegal," and detained many Tibetans for re-education after they returned to China. See also Human Rights Watch, "One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others," July 2015, 16.

[96] International Campaign for Tibet, "Tibetan Pilgrims Compelled To Return From Dalai Lama Teaching in Bodh Gaya, India; China Calls the Teaching 'Illegal,'" 9 January 17.

[97] Ibid.; "China Seizes Tibetans' Passports in a Bid To Block Travel," Radio Free Asia, 14 November 16; "Tibetans Ordered Home by China Are Questioned by Police, Lose Their Passports," Radio Free Asia, 23 January 17; Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 64–68; Tibetan Centre for Human Rights and Democracy (TCHRD), "China Restricts Freedom of Movement of Tibetans Ahead of Dalai Lama's Teachings," 24 November 16. TCHRD reported on 39 Tibetan pilgrims traveling from China with Chinese passports who were detained by Nepal police at the Nepal-India border for apparently not having visas to travel to India. They had reportedly decided against applying for Indian visas "for fear of reprisals from the Chinese government," because if Chinese authorities saw Indian visas in their passports, they could end up jailed after their return to China.

[98] "Dalai Lama Receives Tibetans Ordered Home by China," Radio Free Asia, 2 December 16.

[99] International Campaign for Tibet, "Tibetan Pilgrims Compelled To Return From Dalai Lama Teaching in Bodh Gaya, India; China Calls the Teaching 'Illegal,'" 9 January 17; "Dalai Lama Receives Tibetans Ordered Home by China," Radio Free Asia, 2 December 16; "Tibetans Ordered Home by China Are Questioned by Police, Lose Their Passports," Radio Free Asia, 23 January 17; Annie Gowen, "Hundreds of Tibetans Defy China, Gather at Birthplace of Buddhism in India," Washington Post, 13 January 17; International Federation for Human Rights (FIDH) and International Campaign for Tibet (ICT), "Tibet Locked Down and Travellers Banned During Sensitive Anniversary: Joint Statement by FIDH and ICT," 27 January 17; "Tibetan Pilgrims See Passports Destroyed on Their Return," Radio Free Asia, 31 January 17.

[100] "Tibetans in China Defy Warnings, Support the Kalachakra," Radio Free Asia, 6 January 17; "China Calls Dalai Lama's Kalachakra 'Illegal,' Threatens Punishment for Those Taking Part," Radio Free Asia, 5 January 17; Masashi Crete-Nishihata, Jeffrey Knockel, and Lotus Ruan, "Tibetans Blocked From Kalachakra at Borders and on WeChat," University of Toronto, Munk School of Global Affairs, Citizen Lab, 10 January 17.

[101] "Tibetans in China Defy Warnings, Support the Kalachakra," Radio Free Asia, 6 January 17. A source in Qinghai told RFA, "In my own village, people are engaged in virtuous activities such as fasting, performing prostrations, and setting animals free . . .. The same things are happening in other places, too . . .. Families are hosting gatherings to recite mantras and other prayers, and this is being done in secret as the monasteries and communities are being careful not to do anything more openly." "Support for the Kalachakra Spreads Among Tibetans Living in China," Radio Free Asia, 9 January 17. A Tibetan source in Sichuan said that local Tibetans had shared the Dalai Lama's teachings on social media, and provided translation into the local dialect. The source also said that "several hundred elders" gathered to recite mantras and pray.

[102] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 12–20; Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance Under Xi Jinping," February 2017, 100.

[103] Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2016," 24 February 17, 13, 27; Yeshe Choesang, "Another Tibetan Monk Jailed Over Allegedly Sharing Information on Tibet," Tibet Post International, 9 December 16. For more information on Lobsang Sonam, see the Commission's Political Prisoner Database record 2017-00009.

[104] "Tibetan Protestor Detained, Missing in Serthar," Radio Free Asia, 16 February 17. For more information on Sonam Tashi, see the Commission's Political Prisoner Database record 2017-00132.

[105] "Tibetan Protestor Detained, Missing in Serthar," Radio Free Asia, 16 February 17.

[106] "Tibetan Monk Detained in First Ngaba Protest This Year," Radio Free Asia, 27 February 17. For more information on Lobsang Tsultrim, see the Commission's Political Prisoner Database record 2017-00233.

[107] "Tibetan Monk Detained in First Ngaba Protest This Year," Radio Free Asia, 27 February 17.

[108] "Tibetan in Shiqu County, Gengdun (Gedun), Detained and Beaten" [Shiqu xian zangren gengdun bei bu shou ou], Radio Free Asia, 7 March 17; Free Tibet, "Tibetan Man Arrested for Sharing Pictures of the Dalai Lama and Tibetan Flag," 9 March 17; Tenzin Dharpo, "Tibetan Man Detained for Storing Photos of Dalai Lama, Tibetan Flag on WeChat," Phayul, 8 March 17. For more information on Gedun, see the Commission's Political Prisoner Database record 2017-00174.

[109] State Council Information Office, "National Human Rights Action Plan of China (2016–2020)," August 2016, reprinted in Xinhua, 29 September 16, sec. IV; Clemence Henry, "The Chinese Education System as a Source of Conflict in Tibetan Areas," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 100; PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 4, 121; PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyu zizhifa], issued 31 May 84, effective 1 October 84, amended and effective 28 February 01, arts. 10, 21, 37; State Council, Certain Provisions on Implementing the PRC Regional Ethnic Autonomy Law [Guowuyuan shishi "zhonghua renmin gongheguo minzu quyu zizhifa" ruogan guiding], issued 19 May 05, effective 31 May 05, art. 22. China's Constitution and the PRC Regional Ethnic Autonomy Law provide nominal protection for the use of minority languages. The State Council Provisions on Implementing the PRC Regional Ethnic Autonomy Law affirm the freedom to use and develop minority languages, but also place emphasis on the use of Mandarin by promoting "bilingual" education and bilingual teaching staff.

[110] Tibetan Centre for Human Rights and Democracy, "Bilingual Education Policy in Tibet: The Systematic Replacement of Tibetan Language With Mandarin Chinese," 14 April 17, 5–12; Tenzin Monlam, "PEN International Calls Replacement of Tibetan Language With Mandarin 'Absurd,'" Phayul, 5 May 17; Free Tibet, "Tibetan Languages Face Heavy Government Pressure Whilst Modernity Threatens Neglected Dialects," Hong Kong Free Press, 5 March 17; Gray Tuttle, "China's Race Problem: How Beijing Represses Minorities," Foreign Policy, May/June 2015; Edward Wong, "China Charges Tibetan Education Advocate With Inciting Separatism," New York Times, 30 March 16.

[111] Tibetan Centre for Human Rights and Democracy, "Bilingual Education Policy in Tibet: The Systematic Replacement of Tibetan Language With Mandarin Chinese," April 2017, 4; Khenpo Tsultrim Lodoe, "An Urgent Call for the Protection and Preservation of Tibetan," translated in High Peaks Pure Earth, 15 September 14. Abbot of Larung Gar Khenpo Tsultrim Lodoe wrote of the importance of the Tibetan language, "Language is the fundamental lifeline of a culture. It is the reservoir of identity and the most precious gem of a nationality—of a people."

[112] Tibetan Centre for Human Rights and Democracy, "Bilingual Education Policy in Tibet: The Systematic Replacement of Tibetan Language With Mandarin Chinese," April 2017, 3–4, 28–29, 84, 88.

[113] Tsering Topgyal, "The Securitisation of Tibetan Buddhism in Communist China," Politics and Religion in Contemporary China, Vol. 6, No. 2 (2012), 238–40; International Campaign for Tibet, "Shadow of Dust Across the Sun: How Tourism Is Used To Counter Tibetan Cultural Resilience," 13 March 17, 16–17.

[114] Tashi Wangchug's name also appears as Tashi Wangchuk in English language reports on his case. See, e.g., Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2016—China (Includes Tibet, Hong Kong, and Macau)," 3 March 17, 83; Edward Wong, "Rights Groups Ask China To Free Tibet Education Advocate," New York Times, 18 January 17; Human Rights Watch, "China: Drop Charges Against Tibet Education Activist," 15 January 17.

[115] Edward Wong, "China Charges Tibetan Education Advocate With Inciting Separatism," New York Times, 30 March 16; Edward Wong, "Rights Groups Ask China To Free Tibet Education Advocate," New York Times, 18 January 17.

[116] Ibid.

[117] Alak Dorshi, "I Too Can Speak About Education," translated in High Peaks Pure Earth, 14 April 17.

[118] "Tibetans in Chengdu Call for Bilingual Education for Their Children," Radio Free Asia, 19 January 17. In January 2017, a Chengdu-based Tibetan professor at Sichuan Normal University, and a member of the regional Chinese People's Political Consultative Conference, submitted a proposal to that body urging the creation of a bilingual education system. She wrote that an estimated 100,000 Tibetans live in Chengdu, including reportedly 2,000 school-age children, and there are no schools that teach in the Tibetan language. "An Open Letter to Zhang Wenkui, Party Secretary of Tsolho Tibetan Autonomous Prefecture, From Tsering Kyi," translated by High Peaks Pure Earth, 11 April 17; Alak Dorshi, "I Too Can Speak About Education," translated in High Peaks Pure Earth, 14 April 17.

[119] Simon Denyer, "Tibet Is Harder To Visit Than North Korea. But I Got In and Streamed Live on Facebook," Washington Post, 16 September 16.

[120] Gray Tuttle, "China's Race Problem: How Beijing Represses Minorities," Foreign Affairs, May/June 2015; International Campaign for Tibet and International Federation for Human Rights, "China's New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs," November 2016, 53. See also Simon Denyer, "China Says Tourism Is Tibet's Best Hope. But Can Its Culture Survive the Onslaught?" Washington Post, 6 October 16; Dexter Roberts, "Tibet Can't Kick Its Subsidy Habit," Bloomberg Businessweek, 16 December 15.

[121] See, e.g., Rinzin Dojree, "China's Urbancide in Tibet," The Diplomat, 17 March 17; Andrew Martin Fischer, The Disempowered Development of Tibet in China (Lanham: Lexington Books,

2014), xxx (noting that Tibetans "have had little or no control over the main policy levers driving economic development, the development of urban areas and of infrastructure"). For information in recent Commission annual reports on the Chinese Communist Party and government approach to economic development in Tibetan autonomous areas of China, see CECC, 2016 Annual Report, 6 October 16, 305–8; CECC, 2015 Annual Report, 8 October 15, 298–300; CECC, 2014 Annual Report, 9 October 14, 182–83; CECC, 2013 Annual Report, 10 October 13, 184; CECC, 2012 Annual Report, 10 October 12, 165–66; CECC, 2011 Annual Report, 10 October 11, 216–19; and CECC, 2010 Annual Report, 10 October 10, 222–24.

[122] Gray Tuttle, "China's Race Problem—How Beijing Represses Minorities," Foreign Affairs, May/June 2015; Ben Hillman, "Unrest in Tibet and the Limits of Regional Autonomy," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 32. See, e.g., Stephen Chen, "China Plans World's Biggest National Park on Tibetan Plateau," South China Morning Post, 22 April 17; Rinzin Dojree, "China's Urbancide in Tibet," The Diplomat, 17 March 17; Dexter Roberts, "Tibet Can't Kick Its Subsidy Habit," Bloomberg Businessweek, 16 December 15; "Special Topic Paper: Tibet 2008–2009," Congressional-Executive Commission on China, 22 October 09, 41–43.

[123] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2016—China (Includes Tibet, Hong Kong, and Macau)," 3 March 17, 95; Andrew Martin Fischer, The Disempowered Development of Tibet in China (Lanham: Lexington Books, 2014), 31; Gray Tuttle, "China's Race Problem—How Beijing Represses Minorities," Foreign Affairs, May/June 2015; Ben Hillman, "Unrest in Tibet and the Limits of Regional Autonomy," in Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West, Ben Hillman and Gray Tuttle, eds. (New York: Columbia University Press, 2016), 26; "China Defends Tibetan Development Plan," Voice of America, 18 May 11; Tibetan Centre for Human Rights and Democracy, "Bilingual Education Policy in Tibet: The Systematic Replacement of Tibetan Language With Mandarin Chinese," 14 April 17, 12–13. See, e.g., Simon Denyer, "China Says Tourism Is Tibet's Best Hope. But Can Its Culture Survive the Onslaught?" Washington Post, 6 October 16.

[124] Simon Denyer, "China Says Tourism Is Tibet's Best Hope. But Can Its Culture Survive the Onslaught?" Washington Post, 6 October 16.

[125] Ibid. See also Stephen Chen, "China Plans World's Biggest National Park on Tibetan Plateau," South China Morning Post, 22 April 17.

[126] Simon Denyer, "China Says Tourism Is Tibet's Best Hope. But Can Its Culture Survive the Onslaught?" Washington Post, 6 October 16; Simon Denyer, "China's Tibet Tourism Statistics Just Don't Add Up," Washington Post, 6 October 16; CECC, 2016 Annual Report, 6 October 16, 305–6.

[127] Stephen Chen, "China Plans World's Biggest National Park on Tibetan Plateau," South China Morning Post, 22 April 17; International Campaign for Tibet, "Nomads in 'No-Man's Land': China's Nomination for UNESCO World Heritage Risks Imperilling Tibetans and Wildlife," 30 June 17, 2, 13–14; Leng Shumei, "National Park To Be Built on Qinghai-Tibet Plateau," Global Times, 24 April 17.

[128] Wu Yan, "First Mars Simulation Base To Be Built in Northwest China," China Daily, 26 July 17.

VI. Developments in Hong Kong and Macau

Hong Kong

During the Commission's 2017 reporting year, interference by the Chinese central government in Hong Kong's political and legal affairs, in particular with regard to the Hong Kong judiciary's disqualification of six opposition lawmakers, further undermined the "one country, two systems" policy meant to ensure Hong Kong's autonomy as guaranteed under Hong Kong's Basic Law. The March 2017 Chief Executive election was not held by universal suffrage; the 1,194-member Election Committee selected Carrie Lam Cheng Yuet-ngor, the Chinese government's preferred candidate, to be Hong Kong's fourth Chief Executive. In August, the Hong Kong government successfully appealed to increase the sentences issued to pro-democracy activists through judicial review; some international human rights organizations and local pro-democracy groups asserted the prosecution of these cases was politically motivated.

CHIEF EXECUTIVE ELECTION

Hong Kong's fifth Chief Executive (CE) election took place on March 26, 2017.[1] It was the first since the fall 2014 pro-democracy protests and the June 2015 defeat of the Hong Kong government's electoral reform proposal.[2] The fall 2014 protests began after the National People's Congress Standing Committee (NPCSC) issued an August 2014 decision restricting the ability of candidates to freely run for CE.[3] The 2017 CE election was held under the same procedure as the 2012 election, as set forth in the 2014 NPCSC decision.[4] The UN Human Rights Committee (the Committee) has repeatedly urged Hong Kong to enact reforms to implement elections by universal suffrage[5] in accordance with Article 25 of the International Covenant on Civil and Political Rights,[6] which applies to Hong Kong under the Basic Law.[7] During the fall 2014 pro-democracy protests, the Committee reiterated its concerns over restrictions on the ability of candidates to freely run for election.[8]

In December 2016, approximately 107,000 electors voted to elect most members of the Election Committee,[9] which both nominates candidates and elects the CE.[10] The Election Committee's 38 subsectors consist of members of trade and business interest groups—including corporations—as well as district and legislative councilors, religious bodies, and national legislators.[11] A majority of the Election Committee is reportedly supportive of the central government and its policies.[12] In the December subsector elections, pro-democracy organizations won a record high of 326 seats out of 1,194.[13] Three candidates qualified[14] to run in the CE election: former Financial Secretary John Tsang Chun-wah; former judge Woo Kwok-hing; and former Chief Secretary Carrie Lam Cheng Yuet-ngor.[15]

As in the 2012 CE election,[16] the Chinese central government reportedly sought to determine the outcome of the election by instructing Election Committee members to support Lam, its preferred candidate, over other candidates[17] and declaring its power to disregard election results.[18] In February 2017, NPCSC Chair-

man Zhang Dejiang and other central government representatives reportedly met with Election Committee members in Shenzhen municipality, Guangdong province, telling them the central government supported only Lam in the election.[19] Later in February, Hong Kong's first CE and current Chinese People's Political Consultative Conference Vice Chairman Tung Chee-hwa reportedly said that the Chinese government would not appoint anyone it deemed unacceptable.[20] All 30 legal sector members of the Election Committee issued a joint statement in response to Tung's remarks, condemning "any attempt to exert pressure or influence . . . [the] Election Committee . . .."[21] In March, Zhang reportedly asserted the central government's "right to step in" to the CE election[22] and said the central government required the CE to "love the country and love Hong Kong."[23] Other central government officials reiterated the central government's interest in the election, emphasizing the central government's "substantive power" to appoint a CE[24] who meets the central government's criteria.[25]

On March 26, 2017, the Election Committee selected former Chief Secretary Carrie Lam Cheng Yuet-ngor as the next CE; Lam won 777 of 1,194 votes.[26] Pro-democracy legislators, activists, and international rights organizations criticized the restricted nature of the election and the central government's interference in the campaign,[27] in part for violating Hong Kong's Basic Law.[28]

BASIC LAW INTERPRETATION AND DISQUALIFICATIONS OF LEGISLATIVE COUNCILORS

After pro-democracy candidates gained seats in the September 2016 Legislative Council (LegCo) elections, and after repeated warnings from the central government about the unacceptability of calls for Hong Kong independence or self-determination,[29] the Chinese central government and Hong Kong government sought to prevent opposition legislators from taking office. During the October 2016 oath-taking ceremony for the new LegCo, two "localist" legislators-elect, Sixtus "Baggio" Leung Chung-hang and Yau Wai-ching, altered their oaths, swearing allegiance to the "Hong Kong nation" and using what some considered to be profanity and a derogatory term to refer to China.[30] The Hong Kong government filed for judicial review to disqualify the two from taking office.[31]

On November 7, 2016, the National People's Congress Standing Committee (NPCSC) issued an interpretation of Hong Kong's Basic Law, holding that oaths of office under Article 104 of the Basic Law are legal commitments to both Hong Kong and China[32] and prohibiting those whose oaths are determined to be invalid from retaking the oath.[33] The NPCSC issued the interpretation, the fifth since 1997, without receiving a request from the Hong Kong government or Court of Final Appeal.[34] The interpretation came while a Hong Kong court was considering the Hong Kong government's case against legislators-elect Leung and Yau.[35] The Hong Kong judge hearing the case ruled in the government's favor, finding that Leung and Yau "declin[ed] to take the LegCo Oath" and disqualifying the two.[36] The judge held that his decision would have been the same regardless of the NPCSC interpretation.[37] In August 2017, the Court of Final Appeal rejected Leung and Yau's appeal.[38]

On December 2, 2016, Hong Kong officials filed a lawsuit to disqualify four additional pro-democracy legislators—Nathan Law Kwun-chung, Lau Siu-lai, Edward Yiu Chung-yim, and Leung Kwok-hung (also known as "Long Hair")—asserting that their previously accepted oaths were invalid.[39] On July 14, 2017, a Hong Kong court disqualified the legislators from office on grounds that included violating Article 104 of the Basic Law according to a retroactive application of the November 2016 NPCSC interpretation.[40]

Lawyers,[41] legislators,[42] and rights organizations[43] strongly criticized the NPCSC interpretation. One legal association contended that the NPCSC interpretation "deeply damaged the rule of law and Hong Kong's autonomy" by interfering in Hong Kong's domestic laws.[44] The Hong Kong Bar Association criticized the interpretation, arguing that the NPCSC interpretation "[gives] the impression that the NPCSC is effectively legislating for Hong Kong."[45] On November 8, more than 1,000 lawyers and activists held a silent march to protest the interpretation's infringement on the autonomy of Hong Kong's legal system.[46]

GOVERNMENT LEGAL ACTION AGAINST POLITICAL OPPOSITION

The Hong Kong government continued to pursue legal cases against participants in the 2014 pro-democracy protests and members of the political opposition.[47] The day after the Chief Executive election, Hong Kong police charged nine protest leaders, student activists, and politicians—including two Legislative Councilors—in connection with the 2014 protests.[48] Legislators, international rights organizations, and Hong Kong and international scholars questioned the timing of the announcement, suggesting that Hong Kong officials made the decision for political reasons.[49] The Hong Kong government denied that there were political considerations or that Carrie Lam was involved in the decision.[50] In April 2017, police charged localist legislator Cheng Chung-tai with desecrating the Chinese and Hong Kong flags[51] during an October 2016 LegCo session,[52] when pro-government legislators prevented Leung and Yau from retaking their oaths by walking out of the LegCo chamber, after which Cheng turned the flags on several legislators' desks upside down in protest.[53] Also in April, Hong Kong police charged Leung and Yau for "unlawful assembly" in connection with an attempt to enter the LegCo chamber in November 2016.[54]

This past year, the Hong Kong government successfully appealed to increase the sentences issued to pro-democracy activists through judicial review from the Court of Appeal in Hong Kong. In August 2017, the Court of Appeal ruled in favor of government prosecutors and sentenced pro-democracy leaders Joshua Wong Chi-fung, Nathan Law Kwun-chung, and Alex Chow Yong-kang to between six and eight months' imprisonment on charges of inciting or participating in "unlawful assembly" for their activities during the 2014 protests outside of government headquarters.[55] A lower court had previously sentenced Wong and Law to community service, which the two had completed, and given Chow a suspended sentence.[56] According to the Hong Kong Legislative Council Ordinance, the prison terms bar them from running in LegCo elections for five years.[57] The presiding judges stated that the sentences for the three were meant to serve as a deterrent.[58] During the same week,

the Court of Appeal decided in the government's favor to lengthen the sentences of 13 pro-democracy activists to between 8 and 13 months' imprisonment after a lower court had sentenced them to community service on charges including "unlawful assembly" for storming the LegCo chamber to protest a government development plan in June 2014.[59] While the Hong Kong government and two local legal organizations denied claims of political interference in the judicial review of these cases,[60] some international human rights organizations and local pro-democracy groups asserted that the prosecutions were politically motivated.[61] The UN Human Rights Committee noted in its 2013 review of the Hong Kong government's compliance with the International Covenant on Civil and Political Rights that the "unlawful assembly" provisions within the Public Order Ordinance under which the pro-democracy activists were charged "may facilitate excessive restriction to the Covenant rights."[62]

PRESS FREEDOMS

Hong Kong journalists and journalists' organizations reported a continued worsening of press freedom in Hong Kong in this past year, noting concerns over self-censorship, government restrictions on reporters, and the 2015 abductions and disappearances of five Hong Kong booksellers by mainland Chinese authorities. According to the Hong Kong Journalists Association (HKJA), 72 percent of reporters surveyed felt that press freedom in Hong Kong had deteriorated in 2016.[63] Respondents reported concerns over self-censorship, interference by media owners, and the 2015 abductions and disappearances of five Hong Kong booksellers.[64] The international press freedom organization Reporters Without Borders (RSF) announced in April 2017 that it would open an Asia office in Taiwan, rather than Hong Kong, reportedly due in part to fears over RSF staff safety.[65] Hong Kong dropped four places in RSF's World Press Freedom Index, to 73rd in the world.[66]

The Hong Kong government continued[67] to restrict the ability of online media to freely report. In December 2016, the Office of the Ombudsman called on the Hong Kong government to grant access to government events and information services to online-only media and criticized the government's failure to provide such access since announcing a review of its policy in 2014.[68] Also in December, Hong Kong officials prevented a journalist for an online publication from reporting at the vote count center for the Election Committee subsector elections.[69] In March 2017, the government banned online-only media from reporting at Chief Executive election events.[70] International and Hong Kong rights organizations criticized the government's continued obstruction of online journalists.[71]

Macau

Macau's Basic Law does not provide for elections by "universal suffrage,"[72] though its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau[73] and guarantee Macau a "high degree of autonomy" within China.[74] During the 2017 reporting year, the Commission did not observe progress in Macau toward "an electoral system based on

universal and equal suffrage . . ." in line with the ICCPR,[75] as recommended by the UN Human Rights Committee.[76] During the September 2017 Macau Legislative Assembly elections, pro-democracy legislators won 4 seats out of 14 directly elected seats, making up a minority in the 33-member chamber, where 12 legislators are selected by professional sector associations and 7 are appointed by Macau's Chief Executive.[77]

In December 2016, the Macau Legislative Assembly (AL) passed revisions to the AL Electoral Law,[78] including new provisions requiring candidates and legislators to swear to uphold Macau's Basic Law and declare their loyalty to the Macau Special Administrative Region, and making those who "do not defend the Basic Law of [Macau] or are not loyal to [Macau] . . ." ineligible to be elected.[79] The amendment gave the power to determine candidates' eligibility to the Legislative Assembly Electoral Affairs Commission, a Macau administrative agency.[80] The amendment came in response to the National People's Congress Standing Committee (NPCSC) November 2016 interpretation of Hong Kong's Basic Law.[81] Three pro-democracy legislators voted against the amendment, with one asserting that localist political sentiments were not present in Macau.[82] Some legal experts and at least one pro-democracy political organization criticized the amendment for threatening Macau voters' rights to freely vote and run for election,[83] in particular the lack of clearly defined criteria that would prove a candidate's disloyalty to Macau or the Basic Law.[84]

The Macau Portuguese and English Press Association sought clarification from the government over other provisions in the revised law that define "electoral propaganda" and set penalties for publishing such material prior to the beginning of a campaign period.[85] The Association raised concerns that, due to the law's broad definition of "electoral propaganda," election reporting could be penalized under the revised law.[86]

RESTRICTIONS ON MOVEMENT AND TRAVEL

During this reporting year, the Macau government continued to deny entry to some pro-democracy politicians and activists from Hong Kong. Macau's Internal Security Framework Law allows authorities to refuse entry to non-residents "considered inadmissible or who constitute a threat to the stability of internal security," but does not define inadmissibility or what would pose a threat to Macau's security.[87] Around the time of Premier Li Keqiang's visit to Macau in October 2016, Macau authorities prevented Hong Kong activists, a filmmaker, and at least one politician from entering Macau, claiming they threatened Macau's "internal security."[88] In December 2016 and January 2017, Macau authorities barred two former and one current pro-democracy Hong Kong legislators, saying they presented "threats to Macau's internal security and stability."[89] After Macau authorities barred another Hong Kong legislator from entering in April, a Macau pro-democracy activist suggested that authorities wanted "to prevent Hong Kong activists from affecting the political atmosphere in Macau."[90] Around the time of a May visit to Macau by NPCSC Chairman Zhang Dejiang, Macau authorities prevented at least four members of the Democratic Party of Hong Kong from entering Macau.[91] Also in May,

Macau authorities expelled two Hong Kong activists after they entered Macau as tourists; police reportedly asked the Hong Kong activists if they had had contact with Macau pro-democracy activists.[92] In August, Macau authorities prevented four journalists from entering Macau to cover the aftermath of a typhoon,[93] and denied entry to pro-democracy Hong Kong legislator Helena Wong Pik-wan.[94]

In February 2017, a Macau art gallery canceled a performance by a Tibetan painter and advised him not to travel to Macau, reportedly under pressure from the Macau government over his art.[95] The artist said a Chinese military official contacted the gallery and warned that the artist was "on a blacklist" prohibiting his entry into Macau.[96]

Notes to Section VI—Developments in Hong Kong and Maucau

[1] Hong Kong Information Services Department, "Chief Executive Election Result" [Xingzheng zhangguan xuanju jieguo], 26 March 17.

[2] James Pomfret and Clare Baldwin, "Mystery Walk-Out in Hong Kong Vote Brings Heavy Defeat for Beijing," Reuters, 18 June 15; "Political Reform Rejected by Large 28:8 Margin" [28:8 zheng gai da bi shu foujue], Ming Pao, 18 June 15. See also Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, annex I, instrument 2; CECC, 2015 Annual Report, 8 October 15, 325–26.

[3] Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzheng qu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui changsheng banfa de jueding], issued 31 August 14, sec. 4; Michael Forsythe, "U.N. Urges China To Allow Free Elections in Hong Kong," New York Times, 23 October 14; Stephanie Nebehay, "U.N. Rights Watchdog Calls for Open Elections in Hong Kong," Reuters, 23 October 14.

[4] Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzheng qu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui changsheng banfa de jueding], issued 31 August 14, sec. 4; Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage [Quanguo renda changweihui guanyu xianggang tebie xingzheng qu 2012 nian xingzheng zhangguan he lifa hui chansheng banfa ji youguan puxuan wenti de jueding], issued 29 December 07, para. 4; Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, art. 45, annex I, instrument 2.

[5] UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Hong Kong, China, adopted by the Committee at its 107th session (11–28 March 2013), CCPR/C/CHN-HKG/CO/3, para. 6. See also UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 12 July 96, para. 21.

[6] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25.

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