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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2020

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

DECEMBER 2020

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

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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 17 to 0.†

I. Executive Summary

STATEMENT FROM THE CHAIRS

The Congressional-Executive Commission on China (Commission) was established by the U.S.-China Relations Act of 2000 (Public Law No. 106–286) as the People's Republic of China (PRC) prepared to enter the World Trade Organization.

The Commission is mandated by law to issue an annual report to the President and the Congress focusing on whether the acts of the PRC are in compliance with or in violation of internationally recognized human rights, including the rights to free expression, peaceful assembly, and religious belief and practice, as well as any progress or regression on the development of the rule of law. The Commission is also mandated to maintain a database of political prisoners in China—individuals who have been detained or imprisoned for exercising their internationally recognized civil and political rights, as well as rights protected by China's Constitution and other domestic laws.

The Commission's 2020 Annual Report covers the period from July 1, 2019 to July 1, 2020. As discussed in the subsequent chapters of this report, **the Chinese government and Communist Party have taken unprecedented steps in the last year to extend their repressive policies through censorship, intimidation, and the detention of individuals and groups for exercising their fundamental human rights, especially in the Xinjiang Uyghur Autonomous Region (XUAR) and Hong Kong.**

In recent years, the Commission has become increasingly concerned that the Chinese government and Party have expanded their human rights violations around the world, even reaching the American people. These efforts include threatening and intimidating critics, blocking social media content, pressuring publishers to censor their content in China, influencing academic institutions to the detriment of academic freedom, interfering in multilateral institutions, and pressuring U.S. and international companies to suppress practices that do not conform to the political narratives and demands of Chinese officials.

The Commission has contributed to bringing these issues to light with a series of hearings on the Chinese government's "long arm of authoritarianism." Building on this initiative, we are pleased that the 2020 Annual Report includes a new chapter on the Chinese government's human rights violations in the U.S. and globally, along with a new set of policy recommendations.

Another key part of the Commission's mandate is to provide recommendations for legislative and executive action. In addition to the recommendations contained in this report, the Commission drafted, edited, and provided support for key legislative initiatives including the Hong Kong Human Rights and Democracy Act, the PROTECT Hong Kong Act, the Hong Kong Autonomy Act, the Uyghur Human Rights Policy Act, the Tibetan Policy and Support Act, the Uyghur Forced Labor Prevention Act, and many other House and Senate bills and resolutions related to China and human rights. We are proud of the role the Commission played in moving each of these initiatives forward in Congress.

Executive Summary

During the 116th Congress, the Commission held hearings on "Hong Kong's Future in the Balance: Eroding Autonomy and Challenges to Human Rights," "Tiananmen at 30: Examining the Evolution of Repression in China," "Hong Kong's Summer of Discontent and U.S. Policy Responses," "Forced Labor, Mass Internment, and Social Control in Xinjiang," and "The Human Rights Situation in Tibet and the International Response." The Commission also held a town hall event in New York City with Tibetan communities from New York and New Jersey on "U.S. Policy on Tibet and Critical Issues Prevailing Inside Tibet," and a roundtable on "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region."

The Commission regularly holds congressional briefings and meetings with U.S. and international non-governmental organizations, journalists, and academics, and Chinese, Tibetan, Hong Kong, and Uyghur human rights advocates. We have also met with family members of individuals detained and imprisoned in China; many of these individuals' cases are available in the Commission's Political Prisoner Database.

As legislative and executive branch decisionmakers seek a more effective strategy for promoting human rights and the rule of law in China, the Commission plays an essential role in reporting on conditions, raising awareness of human rights violations, and informing U.S. policy. We are grateful for the opportunity to serve as the Commission Chair and Co-Chair, and we appreciate the attention of the U.S. Congress and Administration to the issues highlighted in this report.

Sincerely,

Representative James P. McGovern
Chair

Senator Marco Rubio
Co-Chair

OVERVIEW

Over the last year, the Congressional-Executive Commission on China (Commission) found that the Chinese government and Communist Party have taken unprecedented steps to extend their repressive policies through censorship, intimidation, and the detention of people in China for exercising their fundamental human rights. Nowhere is this more evident than in the Xinjiang Uyghur Autonomous Region (XUAR) where new evidence emerged that crimes against humanity—and possibly genocide—are occurring, and in Hong Kong, where the "one country, two systems" framework has been effectively dismantled.

These policies are in direct violation of China's Constitution, which guarantees "freedom of speech, of the press, of assembly, of association, of procession and of demonstration," as well as "freedom of religious belief." The actions of the Chinese government also contravene both the letter and the spirit of the Universal Declaration of Human Rights; violate its obligations under the International Covenant on Civil and Political Rights, which the Chinese government has signed but not ratified; and violate the International Covenant on Economic, Social, and Cultural Rights, ratified in 2001. Further, the Chinese government has abandoned any pretense of adhering to the legally binding commitments it made to the international community when it signed the 1984 Sino-British Joint Declaration on the future of Hong Kong.

President and Party General Secretary Xi Jinping has tightened his grip over China's one-party authoritarian system, and the Party has further absorbed key government functions while also enhancing its control over universities and businesses. Authorities promoted the official ideology of "Xi Jinping Thought" on social media and required Party members, government officials, journalists, and students to study it, making the ideology both pervasive, and for much of the country, mandatory.

In the **Xinjiang Uyghur Autonomous Region (XUAR),** it is now estimated that up to 1.8 million Uyghurs, Kazakhs, Kyrgyz, Hui, and others have been arbitrarily detained in a system of extrajudicial mass internment camps where they are subjected to forced labor, torture, and political indoctrination. In the last year, leaked Chinese government documents provided additional evidence that the mass internment camp system was organized at the direction of top Party officials and confirmed the prevalence of the use of coercive force and punishment for inmates.

Forced labor in the XUAR is widespread and systematic and exists within the mass internment camps and elsewhere throughout the region, as part of a targeted campaign of repression against Turkic and Muslim minorities. These facts are confirmed by the testimony of former camp detainees, satellite imagery, media reports, and leaked government documents. Many U.S., international, and Chinese companies are increasingly at risk of complicity in the exploitation of forced labor involving Uyghurs and other predominantly Muslim minorities.

In last year's annual report, the Commission stated that the situation in the XUAR may constitute crimes against humanity as outlined in Article 7(1) of the Rome Statute of the International Crimi-

nal Court. In March 2020, the Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum stated that there is a "reasonable basis to believe the government of China is committing crimes against humanity" in the XUAR.

Disturbing new evidence has also emerged of a systematic and widespread policy of forced sterilization and birth suppression of the Uyghur and other minority populations. Further, an official XUAR policy document from 2017 stated that nearly half a million middle and elementary school-age children in the XUAR were attending boarding schools, many of whom were involuntarily separated from their families. These trends suggest that the Chinese government is intentionally working to destroy Uyghur and other minority families, culture, and religious adherence, all of which should be considered when determining whether the Chinese government is responsible for perpetrating atrocity crimes—including genocide—against Uyghurs, Kazakhs, and other Turkic and predominantly Muslim ethnic minorities in China.

In **Hong Kong,** the "one country, two systems" framework has been dismantled, severely undermining the rule of law and respect for human rights that the territory has long enjoyed. The political turmoil in Hong Kong over the past year is the result of the Hong Kong and Chinese governments' refusal to address the legitimate demands of the Hong Kong people that excessive police violence against peaceful protesters be stopped and investigated. Authorities arrested pro-democracy leaders, prevented journalists from reporting, applied political pressure on the judiciary, and allowed the Hong Kong Police Force to grow increasingly abusive toward nonviolent protesters.

Instead of reducing tensions, the Chinese government bypassed Hong Kong's Legislative Council to impose national security legislation that directly threatens Hong Kong residents' right to due process, as well as their freedoms of expression and association. The legislation is clearly meant to target, intimidate, and silence Hong Kong's robust civil society, including the many organizations that have advocated for human rights in mainland China from the relative safety of Hong Kong.

Despite these challenges, the spirit of democracy and human rights remains strong in Hong Kong. Hundreds of thousands gathered in Victoria Park to commemorate the 31st anniversary of the 1989 Tiananmen protests, even though the Hong Kong Police Force refused to authorize the annual candlelight vigil.

Chinese officials continue to avoid transparency and accountability to the families of those killed, tortured, imprisoned, or exiled for their participation in the pro-democracy demonstrations in **Tiananmen Square** and throughout China during the spring of 1989. The Tiananmen Mothers, a group in China composed of parents and family members of individuals killed, annually call for justice, truth, and accountability about the massacre.

In **Tibet,** the Chinese government continued—as it has for over a decade—to block dialogue with the Dalai Lama, his representatives, or the Central Tibetan Administration toward a negotiated agreement. Religious freedom continued to be severely curtailed as new measures have been implemented to manage and shape Tibetan Buddhism as part of the policy of "sinicizing religion." Chi-

nese officials continued to claim that they have the sole authority to select the next reincarnation of the Dalai Lama, in violation of the religious freedom of the Tibetan Buddhist community. In the Tibet Autonomous Region, new regulations on "ethnic unity" were passed this year that mandate acceptance and promotion of government ethnic and religious policy.

It has been 25 years since Gedun Choekyi Nyima, the 11th Panchen Lama, was abducted along with his parents and forcibly disappeared. Since then, they have not been seen or heard from by anyone outside China, and to this day they remain among the world's longest detained political and religious prisoners. The members of the Commission continue to call for their immediate and unconditional release.

The outbreak of **COVID–19** in Wuhan municipality, Hubei province, in late 2019 caused incalculable suffering for the people of China and presented a major challenge to the Chinese Communist Party's leadership. The strategy employed by the Chinese government in response to the pandemic echoed its responses to other domestic and international challenges. Chinese officials used the heavy hand of repression, censorship, and secrecy to control the public narrative in a manner designed to preserve the political legitimacy of the Party. Attempts to minimize the severity of the outbreak by censoring vital information and silencing doctors exacerbated the spread of COVID–19 in China and around the world. Instead of providing a full and transparent accounting of the emergence of the novel coronavirus in China, the Chinese government pushed back against calls for an independent international investigation.

The Chinese government continued its hardline approach to exerting control over journalists and other independent voices. In 2019, China reportedly had detained the highest number of imprisoned **journalists** in the world. This past year, the Chinese government expelled New York Times, Wall Street Journal, and Washington Post journalists from mainland China and Hong Kong while strengthening government and Party control of domestic media outlets. Hundreds of citizens have been penalized for sharing online information and concerns about the COVID–19 outbreak and have been accused of "rumor-mongering." Authorities reportedly detained two Beijing-based legal scholars—prominent civil society advocate Xu Zhiyong and leading public intellectual Xu Zhangrun—in connection with their criticism of Xi Jinping.

Civil society played a critical role in the COVID–19 response, as citizens worked through civil society organizations and grassroots volunteer groups to assist the most vulnerable people impacted by the pandemic. The people of China continued to participate in diverse forms of collective organization for mutual and public interest, including popular protest, issue-based grassroots advocacy, and professionalized charities and social enterprises. In recent years, rights advocates working on a broad range of issues, from gender equality to labor to disability rights, have been targets of government repression and exclusion. For example, several rights advocates who gathered informally to discuss civil society developments in December 2019 were detained and charged with "inciting subversion of state power." Meanwhile, organizations aligned

with official priorities have become integral to providing public services.

Criminal law and police power continued to be used to punish government critics, rights advocates, religious believers, and ethnic minority groups. Various types of arbitrary detention, including some forms of extrajudicial detention, were used to deprive individuals of their liberty, contravening international human rights standards.

Five years after the July 2015 "709 Crackdown" on **human rights lawyers and rights defenders,** many of those Chinese lawyers and rights defenders are surveilled by public security authorities in what one leading expert has termed "non-release release." Lawyers continued to face repression, intimidation, and punishment for attempting to protect human rights in China. Besides detention and imprisonment, the Chinese government used administrative measures, including disbarment, to target lawyers who express critical views or who advocate for clients whom the Chinese government has tried to suppress.

The Chinese government further intensified the campaign of "sinicization" to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture, thereby curtailing religious freedom. The rights of **religious believers** continued to be violated, as churches, mosques, and temples were demolished; underground religious groups were targeted; surveillance was expanded; and religious leaders were detained and imprisoned. Wang Yi, the founder and pastor of the Early Rain Covenant Church, was sentenced to nine years in prison for "inciting subversion of state power," despite the UN Working Group on Arbitrary Detention deeming his detention "arbitrary" according to international human rights standards.

The Chinese government has increasingly worked to **suppress free speech outside China.** Economic coercion, surveillance, intimidation, and censorship on China-based social media platforms were all employed to silence critics, punish foreign organizations for private speech of individual employees, and encourage self-censorship. Most visibly, the Chinese government retaliated against the National Basketball Association after Houston Rockets General Manager Daryl Morey posted a tweet in October 2019 in support of pro-democracy protests in Hong Kong. The targets also included Chinese students studying abroad, Uyghurs living in the United States, and U.S. and international companies. Authorities even attempted to silence or otherwise intimidate individuals living in the U.S.—particularly Uyghurs—by coercing or threatening their family members living in China.

Women in China have faced even more difficult circumstances due to the disproportionate risks and burdens associated with the essential role they have played in the COVID–19 response. During the pandemic, domestic violence rose substantially, and experts predicted that already existing gender gaps in employment and well-being would be further exacerbated by the economic and social disruption caused by the outbreak. Women's rights advocacy continues to face heavy repression, but the inclusion of anti-sexual-harassment provisions in the Civil Code in May 2020 shows that their advocacy has had an impact.

Independent trade unions are banned in China. Labor rights advocates and citizen journalists continued to be targeted and detained for their work, including for documenting numerous workers' strikes and subsequent crackdowns. The level of unemployment and labor unrest is significant, although the severity is difficult to ascertain due to censorship and government control of information.

Everyone deserves a government that respects their human rights, their culture, and their hopes and dreams for a better life for themselves and their families. As the Chinese government expands its global influence, the international community must be aware that intensifying authoritarianism in China is also a threat to internationally recognized human rights norms as enshrined in the Universal Declaration of Human Rights. It is essential that the U.S. Congress and the Administration work together to promote effective policies to support human rights and the rule of law in China.

KEY FINDINGS

FREEDOM OF EXPRESSION

• The Chinese government and Communist Party's pervasive information controls contributed to the severity of the outbreak in late 2019 of a novel coronavirus and the resulting COVID–19 pandemic. Official suppression of information about the outbreak, particularly authorities' censorship of the media, and actions to silence frontline hospital personnel who sought to inform community members, sparked outrage in China and led to unprecedented calls by Chinese citizens for freedom of speech, along with criticism of the censorship system in China.

• Several Chinese media outlets, particularly China Business News, Caixin, and Beijing News published critical investigative reports, interviews, and editorials about the government's response to the COVID–19 outbreak. While many of these reports were subsequently censored by the government, several citizen-led projects to archive disappearing reports emerged. Public security authorities detained three individuals from one such project, Terminus 2049. State and Party media pushed a positive narrative about the government's efforts to contain the spread, featuring President and Party General Secretary Xi Jinping as "commander" of the "people's war" against the virus.

• Reporters Without Borders' (RSF) 2020 press freedom index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the second year in a row. RSF pointed to ongoing censorship, harassment and detention of journalists, and the pervasive spread of surveillance as key factors in its assessment. China imprisoned the most journalists in the world in 2019, according to the Committee to Protect Journalists (CPJ). Many of the detained Chinese journalists on CPJ's list are "citizen journalists," some of whom are non-professional or former journalists who use digital media platforms to document rights abuses. In April 2020, authorities sentenced former state and Party media journalist **Chen Jieren** to 15 years' imprisonment on multiple charges in connection to his critical commentary and reports online.

• The Chinese government expelled or failed to renew the work visas for nearly 19 foreign journalists this past year. The expulsions from China of U.S. journalists from the New York Times, the Washington Post, and the Wall Street Journal reportedly were in retaliation for the U.S. Government requirement that five state- and Party-run media outlets working in the United States register as foreign missions. As part of the same retaliatory action, Chinese authorities also forced many Chinese nationals working at the China offices of the New York Times, the Wall Street Journal, CNN, and Voice of America to resign.

• In its 2019 annual report on internet freedom throughout the world, Freedom House again found the Chinese government to be the world's worst abuser of internet freedom, the fourth consecutive year China has held that position. This past year, the Cyberspace Administration of China released provi-

sions that aim to promote "a positive online ecosystem, to ensure the lawful rights and interests of citizens, legal persons, and other organizations; and to preserve national security and the public interest." The provisions also place greater pressure and liability on internet and social media platforms to monitor online content, which may lead to "overzealous censorship," according to an expert. Additionally, these platforms are instructed to manipulate artificial intelligence (AI)-based algorithms to shape—and restrict—online users' access to information, such as content from user searches, trending topics, and pop-ups.

Worker Rights

- Chinese authorities continued to arbitrarily detain many prominent labor advocates and censor reporting and social media comments on unemployment, strikes, and other issues involving workers. During the Commission's 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun, Ke Chengbing,** and **Wei Zhili,** as well as non-governmental organization (NGO) worker **Li Dajun.** All of them had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019.
- Officially reported Chinese statistics—widely regarded as unreliable—continue to mask the true levels of unemployment, labor protests, and worker safety concerns, potentially distorting coverage by the international organizations and media that use them. In 2019, the Chinese government again did not publicly report the number of worker strikes and protests, making it challenging to obtain comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,385 strikes and other labor actions in 2019. CLB estimates that they are able to document between 5 and 10 percent of total worker actions.

Percentage of Worker Strikes and Other Labor Actions by Sector

[As documented by China Labour Bulletin]

Year	Manufacturing	Construction	Transportation	Services	Other	Total number documented
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	7.7% (107)	1,385
2018	15.5% (265)	44.8% (764)	15.9% (272)	16.8% (286)	7.0% (119)	1,706
2017	21.1% (265)	41.4% (521)	9.2% (116)	20.7% (261)	7.6% (95)	1,258

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year.

- The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organiza-

tion permitted under Chinese law, and workers are not allowed to establish independent unions. Official praise for workers does not indicate genuine government support for workers' rights. State-run media celebrated the efforts of Chinese construction workers for working long hours to construct quarantine hospitals rapidly. Police, however, responded violently when hundreds of these workers protested after they were not paid adequate wages. Research by China Labour Bulletin found that the ACFTU did not adequately protect the rights of workers and played only a limited role in assisting workers during the novel coronavirus crisis.

• Chinese corporations are often able to enlist the local police in resolving labor and business disputes. In December 2019, Chinese and international media reported on Li Hongyuan, a 13-year veteran of Huawei, who obtained a court award for about 108,000 yuan (US$15,000) in compensation after authorities detained him for 251 days following a request by Huawei due to a dispute over his severance pay.

Criminal Justice

• The Chinese government and Communist Party continued to use criminal law and police power to punish government critics and to "maintain stability" with the goal of perpetuating one-party rule. The Commission observed that the Chinese government targeted the following groups in particular: rights advocates and lawyers; doctors and other citizens who shared information about the novel coronavirus outbreak; supporters in mainland China of protests in Hong Kong; religious believers and clergy; and ethnic minority groups. In so doing, the Chinese government violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards.

• The Chinese government continues to arbitrarily detain Chinese citizens, circumventing judicial oversight and the protection of detainees' rights under the PRC Criminal Procedure Law. Forms of arbitrary detention used to deprive individuals of their liberty include extralegal "black jails" and forced psychiatric commitment of individuals who are engaged in petitioning or other activities that authorities find politically troublesome. Provisions under the PRC Criminal Law such as crimes of "endangering state security" and "picking quarrels and provoking trouble"—provide a legal basis for authorities to suppress rights advocacy and other activities protected under international human rights standards.

• The National People's Congress Standing Committee repealed "custody and education," a frequently abused form of administrative detention. Under custody and education, public security officials were able to detain sex workers and their clients for six months to two years without judicial oversight. One longtime advocate for the abolition of "custody and education" called the development a "rare victory for a vulnerable group in China."

• Chinese Communist Party control over law enforcement has prompted the deployment of mass surveillance technologies in

the name of public safety against those committing political as well as criminal offenses. Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data. This endangers Chinese citizens' privacy and increases the potential for public security officials to use this technology to crack down on rights advocates and other targeted persons.

Freedom of Religion

- Chinese believers and outside experts compared the current situation to the Cultural Revolution (1966 to 1976), widely seen as the most repressive era for religions in PRC history, with one expert describing the present situation as "a toxic blend of Mao's ruthlessness and sophisticated 21st-century surveillance techniques—in effect, an updated religious Cultural Revolution."
- Chinese authorities at the national level in February 2020 implemented the new Measures on the Administration of Religious Groups, supplementing the revised Regulations on Religious Affairs of 2018. The Measures subject all registered religious groups to even tighter government control and surveillance than before, requiring their leaders and lay believers to accept, support, and promote the Party's leadership among their leaders and lay believers, publicize Party policies, and implement the Party's campaign to "sinicize" religions—i.e., to force them to conform to the Party's version of Chinese culture. The Measures essentially render all unregistered groups illegal, whereas there previously had been some tolerance for many of them. Critics wrote that these combined Regulations (2018) and Measures (2020) led to increased control over or persecution of religious groups.
- The Sino-Vatican agreement on the appointment of bishops signed in September 2018 led to the jointly approved appointment of four bishops as of July 1, 2020, and some friendly high-level interactions between the two sides. Critics said, however, that authorities had used the agreement to increase pressure on unregistered Catholic clergy to agree to a separation (i.e., "independence") of the Church in China from the Holy See, and to join the Chinese Catholic Patriotic Association (CCPA), a government body that oversees this separation. Authorities subjected unregistered (or "underground") Catholic clergy who resisted to pressure tactics, detention, surveillance, and removal from their churches and duties. Authorities also continued to demolish Catholic church buildings, remove crosses, cancel religious activities and pilgrimages, and pursue the "sinicization" campaign.
- Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply "anti-terrorism" measures currently used in the Xinjiang Uyghur Autonomous Region in the Ningxia Hui Autonomous Region—a region with a high concentration of Hui Muslim believers. Authorities required Islamic religious leaders to study Party ideology and demonstrate their political reliability or risk losing their legal

status. A five-year plan to "sinicize" Islam in China continued in 2020, leading officials in many locations to demolish mosques; remove minarets, domes, and other Islamic features from buildings; place surveillance cameras inside mosques; close Islamic schools; and restrict Islamic preaching, clothing, Arabic script, halal food, and use of the Islamic financial system.

• Authorities also subjected registered Protestant churches to the intensified restrictions described above, and continued to shut down unregistered or "house churches," and continued to detain some leaders for refusing to join the Three-Self Patriotic Movement. Authorities charged one house church pastor, **Zhao Huaiguo,** with "inciting subversion of state power," and sentenced pastor **Wang Yi** of Early Rain Covenant Church, whom they previously charged with the same crime, to nine years in prison.

• Officials continued to persecute members of "illegal" spiritual groups such as Falun Gong and the Church of Almighty God, especially those labeled by authorities as "evil cults" (*xiejiao*), under Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law."

Ethnic Minority Rights

• The Chinese Communist Party and government carried out efforts to solidify their control over the cultural identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law. In a September 2019 speech, Party General Secretary and President Xi Jinping appeared to endorse a "second generation" of ethnic policies, promoted by some Chinese officials and scholars, that would dismantle regional and local autonomy frameworks and replace them with policies aimed at diluting ethnic minority cultures.

• Officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture. According to a September 2019 New York Times report, in 2018 the State Council issued a confidential directive mandating local officials' implementation of policies reducing the role of Islam in government and community institutions. Hui community members and other observers expressed the belief that the "Xinjiang model" of detention and religious repression appeared to be further expanding into Hui-populated areas.

• In January 2020, security officials in Jinan municipality, Shandong province, criminally detained Hui poet **Cui Haoxin** on suspicion of "picking quarrels and provoking trouble." Cui, who uses the pen name An Ran, had, in recent years, been critical of official policies toward ethnic minorities. Cui's detention, after his longtime criticism of official ethnic policies, may mark a further narrowing of the space for dissent and expression among Hui communities in China.

Population Control

- Central government authorities rejected calls to end birth restrictions, despite population experts voicing demographic, economic, and human rights concerns over China's population control policies. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. If not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could undermine China's economy and political stability.
- Chinese authorities implemented the "universal two-child policy" for a fourth consecutive year in 2019, and the latest government statistics showed that the policy's effect was limited. National Bureau of Statistics of China (NBS) data showed that the total number of births in 2019—reportedly the lowest since 1961—dropped by 580,000 in comparison to the 2018 figure, with some independent demographers claiming that China's number of births and total population are significantly lower than the official NBS statistics. In 2019, China's fertility rate remained around 1.6 births per woman, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The birth rate was 10.48 per 1,000 persons, reportedly the lowest since 1949 when the People's Republic of China was founded. The working-age population declined by 890,000, its eighth consecutive decline, while the elderly population increased by 4.39 million. China's overall sex ratio in 2018 was 104.45 males to 100 females, and there were approximately 30.49 million more males than females in China.
- The Chinese government's restrictive population control policies have exacerbated China's sex ratio imbalance, which reportedly has fueled the demand for foreign women and resulted in human trafficking for purposes of forced marriage and commercial sexual exploitation.

Human Rights Violations in the U.S. and Globally

- During and prior to the Commission's 2020 reporting year, the Chinese government and Communist Party, as well as entities acting with their encouragement or at their direction, took steps to limit the freedom of expression of American corporations and citizens outside China through the use of targeted economic coercion. These steps were generally taken to discourage through threatening or inflicting disproportionate economic damage the expression by American companies, entities, and their employees or customers of political views considered unacceptable by the Chinese Communist Party on a range of issues, including events in Hong Kong, the Tibet Autonomous Region and other Tibetan areas of China, the Xinjiang Uyghur Autonomous Region (XUAR), and Taiwan.
- The government and Party continued to surveil and intimidate students from China and Hong Kong studying at universities in the United States, through means such as government-supervised student organizations, social media surveillance and harassment, and state media intimidation of stu-

dents who publicly express political views objectionable to the Party. This had a documented chilling effect on the willingness of students from these localities to exercise their freedom of expression while studying in the United States.

• Identified agents of the Chinese government intimidated and harassed members of China's Turkic Muslim minorities residing in the United States, particularly those from the Uyghur community. In many cases, this harassment included threats to family members still in China, and was conducted through China-based social media platforms such as WeChat. Uyghurs inside the United States who chose to speak out about worsening persecution of their community by the Chinese government reported retaliation against family members and acquaintances still in China.

• The government and Party continued a longstanding campaign to impede or redirect the work of United Nations human rights bodies and to reshape international consensus around human rights in ways that elevate state power and diminish the power of the individual to seek redress from the state. This included concerted efforts to downplay, or avoid scrutiny of, events in the XUAR by accredited UN human rights bodies.

Status of Women

• Women in China face persistent gender inequality that scholars attribute to economic liberalization and the promotion of sexist and regressive gender norms in official discourse in recent years. Women in China experience severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Due to existing gender inequality in the distribution of labor, both paid and unpaid, women bore greater risk of infection and more of the burden for treatment and containment during the coronavirus disease 2019 (COVID–19) outbreak. UN Women warned that because of already existing gender gaps in earnings, savings, and job security, the long-term effects of the epidemic would disproportionately affect the livelihoods of women, particularly those at the margins with fewer resources to weather economic losses.

• Gender-based violence in China remains a serious issue, including that perpetrated by the state against Uyghur and other ethnic minority women. The number of incidents reported under the PRC Anti-Domestic Violence Law remains low. Domestic violence rose substantially during the epidemic due to enforced co-habitation and rising tension in households from economic strain and fear about the virus, according to experts on gender-based violence. The Commission observed reports of gender-based violence against ethnic minority women in the Xinjiang Uyghur Autonomous Region; interviews of Uyghur and Kazakh women released from mass internment camps have indicated acts of rape, forced abortion, and forced sterilization.

• A grassroots feminist movement has persisted in Chinese political and cultural life in recent years despite government restrictions and censorship. Feminist activists continued working on issues including employment discrimination, gender-based

violence, and the rights of single women to access services and benefits related to pregnancy and birth—as well as to acquire legal documentation for their children—for which current policies require proof of marriage. Young Chinese people outside China have also played an increasingly important role in feminist activism in China as the government intensifies restrictions within China's borders. The inclusion of anti-sexual-harassment provisions in the Civil Code in May 2020 was a sign that women's rights advocacy is having an impact even as it has been severely suppressed. During the COVID–19 outbreak, grassroots volunteers and civil society organizations brought attention to gaps in support for women during the epidemic and marshaled donations, services, and volunteers to address needs overlooked in the official response.

HUMAN TRAFFICKING

• Under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), forced labor constitutes a form of human trafficking. The Chinese government continued to force individuals who have not been criminally convicted to perform labor—including in the Xinjiang Uyghur Autonomous Region (XUAR) and in forms of administrative detention throughout China.
• Chinese authorities transferred Uyghurs and other ethnic minorities from the XUAR to factories in other parts of China for forced labor. These transfers were part of company participation in "Xinjiang Aid" programs that exploit ethnic minority labor and promote investment in the XUAR. Authorities placed transferred ethnic minorities in conditions of surveillance and indoctrination similar to those of ethnic minority workers in the XUAR.
• Women and girls were trafficked in China for the purposes of forced marriage and sexual exploitation. Their countries of origin included Burma (Myanmar), Cambodia, Indonesia, Laos, Madagascar, Mongolia, Nepal, North Korea, Pakistan, Paraguay, Uganda, Ukraine, and Vietnam.

NORTH KOREAN REFUGEES IN CHINA

• The Chinese government continued to detain North Korean refugees in China and repatriate them to the Democratic People's Republic of Korea (DPRK). North Korean refugees face severe punishments upon repatriation to the DPRK, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China's obligations under international human rights law and refugee law. The UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea has stated that such repatriation may amount to "aiding and abetting crimes against humanity." The Chinese government routinely prioritizes the stability of the DPRK government over the well-being of the North Korean people.
• Chinese and North Korean authorities continue to impose strict border controls. These controls are meant to deter North

Korean refugees from escaping the DPRK. The South Korean government reported that about 1,047 North Korean refugees escaped to South Korea in 2019, compared to the 2009 peak of 2,914 refugees. The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries.

• Chinese authorities' crackdown on and expulsions of South Korean missionaries have undermined refugee rescue work carried out by the missionaries. South Korean missionaries and organizations play a crucial role in assisting and facilitating the movement of North Korean refugees in China. Additionally, further restrictions placed by Chinese and DPRK authorities during the novel coronavirus outbreak indirectly hampered missionary efforts to facilitate the movement of refugees in China.

PUBLIC HEALTH

• The outbreak of a novel coronavirus in 2019 and the resulting infectious disease (COVID–19) in mainland China went unchecked for weeks as the Chinese government and Communist Party downplayed the potential severity of human-to-human transmission. Starting on January 23, 2020 (at least six weeks after the earliest cases of atypical pneumonia were identified), the central government moved to impose drastic measures to contain the virus, including the lockdown of millions of people; tight community-level controls based on "grid management" restrictions on movement; and contact tracing and testing of millions of people.

• The Chinese government has emphasized the right to life and right to health as key human rights priorities during the COVID–19 pandemic. These rights, however, exist in the broad context of international human rights norms, particularly with regard to access to information. The right to information is inextricably intertwined with the rights to life and to health. The government and Party have failed to communicate full, accurate, and timely information to the Chinese public, the World Health Organization, and the international community. While international rights norms, based on Article 19 of the International Covenant on Civil and Political Rights, permit some restrictions on speech and movement during public health emergencies, these restrictions must be legal, proportional, and necessary. Government and Party use of stability maintenance and information control measures have not complied with international human rights standards.

• Experts have observed that data transparency is crucial to tracing the source of the virus and developing effective treatment. To date, the Chinese government has refused to permit an independent international investigation of the outbreak.

• Information control measures have been widely observed in the government and Party's response to the pandemic, including online censorship and press restrictions. The international non-governmental organization (NGO) Chinese Human Rights Defenders (CHRD) documented nearly 900 cases of purported "rumor-mongers" whom authorities criminally or administratively detained, disciplined, "educated," or otherwise intimi-

dated for social media posts about the COVID–19 outbreak between January 1, 2020 and March 21, 2020. Among the individuals detained for commenting on the government and Party's response to the outbreak were legal experts **Xu Zhiyong** and **Xu Zhangrun,** citizen journalists **Chen Qiushi, Fang Bin,** and **Zhang Zhan,** and businessman **Ren Zhiqiang.** Medical and health workers also were disciplined or "educated" for sharing information.

• Public health advocacy remained politically sensitive. **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong**—the co-founder and two staff members of the anti-health-discrimination NGO Changsha Funeng in Hunan province—remained in detention for alleged "subversion of state power" in connection with Changsha Funeng's efforts to submit open government information requests and engage in other legal processes to promote the rights of persons with health conditions.

The Environment and Climate Change

• During the Commission's 2020 reporting year, top Chinese Communist Party and government officials continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China. Pollution remained a challenge due in part to authorities' top-down approach to environmental problems, uneven enforcement, transparency shortcomings, and the suppression and detention of environmental researchers and advocates.

• The Party continued to control environmental protection efforts, and in April 2020, Sun Jinlong was appointed Party Secretary and Vice Minister of Ecology and the Environment. Previously, Sun had been the Party Secretary of the paramilitary Xinjiang Production and Construction Corps. Despite widespread international criticism, reports emerged in November 2019 and March 2020 that Chinese authorities were reportedly planning to execute environmental researcher and former Xinjiang University President **Tashpolat Teyip.**

• Although Chinese and international concern focused on the zoonotic origin of the novel coronavirus, the Chinese government continued to permit wildlife trade for traditional Chinese medicine. In January 2020, the Chinese government announced a temporary ban on the sale of wildlife, and in February, the National People's Congress issued a decision banning the sale of wildlife for consumption; however, wildlife trade was still permitted for traditional Chinese medicine, and illegal trade in wildlife reportedly continued to be widespread.

• In 2019, although an estimated 71 percent of China's power plants were more expensive to run than building new renewables, coal-fired power plant capacity increased by around 40 gigawatts (GW) (a 4-percent increase). Analysis of officially reported Chinese government data indicated that carbon dioxide emissions in China increased by approximately 2 percent. Domestic and international environmental organizations raised concerns that China's planned economic stimulus measures may promote the use of coal and investment in heavily pol-

luting industries, resulting in significant additional environmental pollution.

BUSINESS AND HUMAN RIGHTS

• Chinese and international businesses are increasingly at risk of complicity in—and profiting from—abuses committed by the Chinese government and Communist Party. Of particular concern over the past year are reports that the government has increased the use of forced labor as a part of the campaign to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), where the Chinese government is committing crimes against humanity and possibly genocide. XUAR authorities systematically forced predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor, both in the XUAR and in other parts of China. Reports of possible forced labor in cotton production and spinning, as well as in the apparel industry in general, mean that the supply chains of many major brands may now be tainted with forced labor. Moreover, firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR.
• Companies are at great risk of complicity in crimes against humanity, forced labor, and other rights violations if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliated companies, or with other companies that have close ties to the XPCC. The XPCC is deeply involved in human rights violations and also in a variety of industries in the XUAR. Large firms with close ties to the XPCC include the state-owned enterprise **COFCO,** an agricultural conglomerate that sells sugar, tomatoes, and other products to a wide range of international brands; and **Esquel Group,** a garment manufacturer that supplies numerous well-known brands. Esquel Group reported that, in April 2020, they completed divestment from a joint venture with the Third Division of the XPCC.
• Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. Faced with the possibility of lost revenue or punishment, both domestic and international companies engaged in self-censorship. For example, between January 1 and February 15, 2020, **Tencent's WeChat** reportedly censored messages containing at least 516 keyword combinations criticizing the official response to the novel coronavirus (COVID–19) and suspended user accounts for posting politically sensitive posts about the virus. Also this past year, **Shutterstock** reportedly created a search query blacklist to censor sensitive keywords for its customers in China. **Apple** removed the emoji depicting the Taiwanese flag from its mobile device operating system for users in mainland China, Hong Kong, and Macau.
• Companies have both a moral responsibility and a financial interest in honestly assessing the risk that they may be contributing to human rights abuses in China. The UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and

should seek to avoid "contributing to adverse human rights impacts . . .." While the Chinese government requires companies to comply with domestic laws and regulations that may infringe on internationally recognized rights such as the right to privacy and freedom of expression, this does not absolve companies of their responsibility to respect human rights. Moreover, knowing or unknowing complicity in human rights abuses poses substantial risks for international businesses. In the case of complicity in forced or prison labor, for example, companies may run afoul of U.S. laws prohibiting the import of products made with such labor.

CIVIL SOCIETY

• The coronavirus disease 2019 (COVID–19) outbreak was a pivotal event for Chinese civil society. The civil society response revealed Chinese citizens' capacity for grassroots organizing and voicing dissent even while Chinese government policies continued to centralize control and suppress information challenging official narratives. During the coronavirus outbreak, large numbers of Chinese citizens worked collectively through civil society organizations and grassroots volunteer efforts to assist vulnerable and impacted groups, as well as to disseminate and archive information about the epidemic. Informal volunteer groups were especially responsive to regions, groups, and issues that were overlooked or de-prioritized in the official response. After the death of COVID–19 whistleblower Dr. **Li Wenliang,** Chinese citizens expressed anger on a massive public scale at the government's handling of the epidemic.
• Registered social organizations aligned with official priorities have become integral to providing public services and are being given more resources and latitude for development. The government has emphasized that it needs to lean more heavily on providing services through civil society in order to modernize governance. This means a broader scope of operation for these organizations, while more independent, advocacy-based groups are increasingly being driven underground. Grassroots rights advocates and groups with foreign connections have been targets for government repression and exclusion. Even in the face of increasing harassment and pressure from authorities, some of these groups were still able to mobilize large-scale advocacy campaigns. Young Chinese people living overseas have also made significant contributions to advocacy.
• Chinese government authorities restricted and censored the activities of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) organizations—as they have with other civil society organizations—and reports of discrimination against and harassment of LGBTQ individuals continued. There is no law that criminalizes same-sex relationships among adults, and acceptance of LGBTQ persons is increasing in China, including steps taken in the past year by some government officials in two municipalities to provide legal rights to same-sex couples. Nevertheless, new rules restricting "negative content" harming "social mores" were issued last year that could also bar LGBTQ content on television and the internet. Despite on-

going restrictions and censorship, advocacy organizations remain active in their public outreach, pushing for reforms to protect the rights of members of the LGBTQ community.

Institutions of Democratic Governance

- The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations such as the mass internment of Uyghurs and other ethnic minorities.
- The Party used evaluation mechanisms to reinforce its priorities in the academic and business realms. In the academic realm, the Ministry of Education launched a program in which it assigned certain courses a "first rate" designation, giving it the power to withhold or revoke such a designation for ideological misalignment. In the business realm, the Party handed down its rating of 33 million companies and directed local governments and agencies to use these evaluations as the basis for credit rating. The criteria and methodology used, however, were not disclosed.
- In contrast, the Commission did not observe development of evaluation mechanisms for monitoring government agencies and Party organizations. The Party retained exclusive control over the disciplinary process for Party members and public servants. Moreover, disciplinary measures for actual misconduct and political missteps are carried out by the same state apparatus, which recently detained a prominent businessman for his political speech and a high-ranking official for "not showing respect."
- The Party issued a rule requiring the Party secretary of a village organization to also be the village committee director. Existing law provides, however, that the village committee director must be chosen in open election. The new rule bypasses the normal legislative procedure and has the effect of augmenting Party control in grassroots-level elections.

Access to Justice

- To the extent that citizens rely on courts to protect their rights against state encroachment, political influence on the court system undermines their ability to access justice. The Chinese Communist Party goes beyond mere influence and expressly requires absolute loyalty and obedience from the courts.
- This past year, the Chinese Communist Party maintained control by sending a political inspection team on a two-month-long tour to the Supreme People's Court (SPC) and reiterated the theme of subservience expressed in the last political inspection in 2016.
- An SPC judge highlighted the judiciary's role as being part of the political-legal system, stressing that courts must be unequivocally political. Given its role, the judiciary must operate

under the leadership of the Political-Legal Committee (a Party organization having authority over both the public security and judicial systems) and take part in political initiatives like the "root cause management" scheme designed to seek out and resolve disputes before they become litigated matters. Acting as the Party's agent will undermine the judiciary's capacity to adjudicate cases impartially.

• Authorities suppressed speech describing the universal conception of the rule of law and persecuted lawyers by detaining them and revoking their law licenses for their democracy and constitutional-reform advocacy, or for their representation of defendants in politically sensitive cases.

XINJIANG

• During the Commission's 2020 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) maintained a system of extrajudicial mass internment camps in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.

• Internal Chinese government and Communist Party documents obtained by international media and rights groups during this reporting year revealed authorities' mandate to use coercive force and punishment on inmates; the connection between family members' behavior and authorities' treatment of inmates; and the extreme secrecy enforced by authorities regarding the implementation of the camp system. The documents also revealed the presence of a significant level of opposition from some local officials to mass internment camp detentions.

• The Commission observed additional evidence this past year that Chinese government persecution of ethnic minorities in the XUAR constitutes crimes against humanity. International observers, including the United States Holocaust Memorial Museum, argued in support of applying the "crimes against humanity" framework to the persecution of Uyghurs and other Turkic and Muslim ethnic minorities in the XUAR. Article 7(1) of the Rome Statute of the International Criminal Court provides a list of 11 acts, any one of which may constitute crimes against humanity "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."

Acts listed in Article 7(1) of the Rome Statute	Possible application to the treatment of Muslims in the XUAR
(c) Enslavement	Satellite imagery, personal accounts, and official documents indicate that XUAR authorities are systematically forcing predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor in the XUAR and other parts of China.

Acts listed in Article 7(1) of the Rome Statute	Possible application to the treatment of Muslims in the XUAR
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law	Security personnel have carried out the arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017; authorities have also increasingly sentenced ethnic minority individuals to lengthy prison terms for political reasons since 2017.
(f) Torture	Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including electric shocks and shackling people in uncomfortable positions.
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court	Security personnel have detained up to 1.8 million Uyghurs, Kazakhs, Kyrgyz, and Hui; enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents; and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection. In addition, authorities in the XUAR have reportedly placed the children of both mass internment camp detainees and individuals forced to work into orphanages, welfare centers, and boarding schools, often without the consent of their families, raising concerns of forcible assimilation.
(i) Enforced disappearance of persons	The conditions under which authorities detained many Uyghurs, Kazakhs, Kyrgyz, Hui and others in mass internment camps amount to enforced disappearance.

- Reports published during the past year detailed the expansive and systematic nature of authorities' separation of ethnic minority children from their families in the XUAR and their forcible placement in orphanages, welfare centers, and boarding schools. An official policy document issued by XUAR officials stated that by early 2017, nearly half a million elementary and middle school-age children in the XUAR were attending boarding schools. This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors and the United Nations Convention on the Rights of the Child. Many of the children placed in these facilities had at least one parent in detention. Reports indicated that authorities often placed children in such facilities without the consent of their families.
- As XUAR officials detained hundreds of thousands of Turkic and Muslim individuals in mass internment camps, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the region, beginning in 2017. Authorities' increased sentencing of ethnic minority individuals to prison terms may mark a shift away from their detention in mass internment camps and into other forms of

detention and social control, including forced labor. In 2017, courts in the XUAR sentenced 10 times more defendants than the previous year to prison terms of five years or longer and carried out 8 times the number of arrests and 5 times the number of prosecutions as in the previous year.

TIBET

- The Commission did not observe any interest or progress on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives. The negotiations have been stalled since the ninth round of negotiations was held in January 2010.
- The Chinese government and Communist Party continued to assert control over the processes of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama. The Dalai Lama and Tibetan Buddhist leaders outside China maintained that the decision to reincarnate, or not, belongs to the individual in question and members of the Tibetan Buddhist religious community.
- The Party and government continued to use legal and policy measures to manage and shape the religious practices of Tibetans. Tibetan Buddhism is one of five state-recognized religions and falls under the formal jurisdiction of the state-controlled Buddhist Association of China, which this year issued two revised measures governing the credentialing of Tibetan Buddhist religious personnel and the hiring of monastic leaders at Tibetan Buddhist religious institutions.
- The Tibet Autonomous Region government passed regulations on "ethnic unity" that mandate acceptance and promotion of Communist Party and government ethnic and religious policy across a wide variety of social sectors and at multiple levels of society. The regulations include vague language providing for criminal sanctions for those who have "irresolute stances and attitudes in the fight against separatism."

DEVELOPMENTS IN HONG KONG AND MACAU

- During the 2020 reporting year, a number of deeply troubling developments in Hong Kong undermined the "one country, two systems" governance framework, which led the U.S. Secretary of State to find that Hong Kong has not maintained a high degree of autonomy for the first time since the handover in July 1997.
- On June 30, 2020, the National People's Congress Standing Committee passed the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law), bypassing Hong Kong's Legislative Council. To the extent that this law criminalizes secession, subversion, terrorist activities, and collusion with foreign states, this piece of legislation violates Hong Kong's Basic Law, which specifies that Hong Kong shall pass laws concerning national security. Additionally, the National Security Law raises human rights and rule of law concerns because it violates principles such as the presumption of

innocence and because it contains vaguely defined criminal offenses that can be used to unduly restrict fundamental freedoms.

- Prompted by an extradition bill that could expose people in Hong Kong to arbitrary detention by Chinese authorities, Hong Kong residents held over 900 protests beginning in March 2019. While protesters who resorted to vandalism and violence remained in the minority, Hong Kong police employed crowd-control measures in ways that effectively denied the majority their right to participate in peaceful assemblies and processions. Police used excessive force and misused crowd-control projectiles and chemical irritants, but the government refused to form an independent investigative body and chose instead to let the police investigate themselves. Police on occasion refused to issue permits for assemblies or revoked such permits shortly after the scheduled start time, allowing them to make arrests under the charge of "unauthorized assembly."
- Many protesters detained by police were denied the right to legal counsel, and some were abused while they were in custody. Several protesters who spent time in prison revealed that prison officials repeatedly abused them and other protesters, with one inmate having attempted suicide to escape torture.
- The Hong Kong government exhibited a pattern of selective enforcement when it prosecuted protesters and democracy advocates with diligence but did not match the same level of commitment when addressing misconduct by police and people hostile to protesters. For example, during the July 21, 2019, incident in which a mob carried out an indiscriminate attack at a subway station in Yuen Long, police arrived at the scene 45 minutes later despite numerous emergency calls and made no arrests that day. In contrast, police arrested many prominent democracy advocates for unauthorized assembly although they had not engaged in any violent acts.

Political Prisoner Cases of Concern

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Cases of Concern in the Commission's 2020 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with Chinese government and Communist Party officials. For more information on these cases and other cases raised in the Annual Report, see the Commission's Political Prisoner Database.

Name PPD Record No.	Case Summary (as of July 2020)
Wangdu 2004–00243	**Date of Detention:** March 14, 2008 **Place of Detention:** Tibet Autonomous Region (TAR) Prison (Drapchi), Lhasa municipality, TAR **Charge(s):** Espionage **Status:** Sentenced to life imprisonment **Context:** A non-governmental organization (NGO) worker, HIV/AIDS activist, and former monk, Wangdu was detained the day protests and rioting erupted in Lhasa. He was sentenced along with three other Tibetans on accusations of distributing material inciting a "Tibetan people's uprising" and collecting "intelligence" to send to Tibetans in exile. **Additional Information:** Wangdu was previously detained in March 1989. Authorities initially ordered him to serve three years' reeducation through labor, which was extended to an eight-year prison sentence after he and other detainees signed a petition stating that the Chinese government's 1951 assertion of sovereignty over Tibet was invalid.

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Name PPD Record No.	Case Summary (as of July 2020)
Gui Minhai 2016–00090	**Date of Detention:** October 2015 **Place of Detention:** Unknown, believed to be in Ningbo municipality, Zhejiang province **Charge(s):** Illegally providing intelligence for overseas entities **Status:** Sentenced to 10 years **Context:** Gui Minhai, a Swedish citizen and co-owner of Hong Kong's Mighty Current Media, which sold books critical of Chinese leaders, disappeared from his Pattaya, Thailand, home on October 17, 2015. Three of his coworkers went missing in China the same month, and a fourth in Hong Kong in December. In January 2016, Chinese state media aired a confession by Gui in which he said that he turned himself in to Chinese authorities after fleeing China in 2004 while serving a suspended sentence. In February 2016, Gui gave another televised confession, to "illegal business activity" related to selling books to mainland Chinese customers. In October 2017, authorities released Gui from custody but did not allow him to leave China. In January 2018, police seized Gui as he traveled to Beijing municipality with Swedish diplomats for a medical exam for symptoms consistent with amyotrophic lateral sclerosis (ALS). He was sentenced to 10 years in prison in February 2020. The trial court claimed that Gui applied to reinstate his Chinese citizenship in 2018.
Cui Fenglan 2020–00122	**Date of Detention:** May 16, 2016 **Place of Detention:** Ha'erbin Municipal No. 2 PSB Detention Center, Heilongjiang province **Charge(s):** Organizing or using a cult organization to undermine implementation of the law **Status:** Sentenced to 15 years **Context:** Falun Gong practitioner Cui Fenglan was detained in May 2016 when she went to pick up packages that authorities alleged contained good luck charms bearing Falun Gong-related motif "Truth, Forbearance, Compassion." Authorities have repeatedly harassed or punished Cui in connection with her adherence to Falun Gong since the Chinese government banned the spiritual movement in 1999.

Name PPD Record No.	Case Summary (as of July 2020)
Ge Jueping 2016–00475	**Date of Detention:** November 4, 2016 **Place of Detention:** Suzhou Municipal No. 1 PSB Detention Center, Jiangsu province **Charge(s):** Inciting subversion of state power **Status:** Sentenced to four years and six months **Context:** Ge Jueping was detained in November 2016 in reported connection with a larger crackdown on other rights advocates in Suzhou that began in September 2016. Authorities initially placed Ge under "residential surveillance at a designated location" before his formal arrest six months later in May 2017. The Suzhou Intermediate People's Court tried Ge in May 2019, and sentenced him in June 2020. **Additional Information:** During Ge's extended detention, his health has suffered due to poor living conditions and lack of access to adequate medical care. Ge previously had cancer and currently suffers high blood pressure requiring daily medication, as well as a possible cardiac condition.
Huang Qi 2004–04053	**Date of Detention:** November 28, 2016 **Place of Detention:** Bazhong Prison, Bazhong municipality, Sichuan province **Charge(s):** Illegally providing state secrets to foreign entities, intentionally leaking state secrets **Status:** Sentenced to 12 years **Context:** Citizen journalist and founder of the rights website 64 Tianwang, which reported on petitioners and other human rights issues in China. Huang previously served prison sentences for posting articles online about the 1989 Tiananmen protests and Falun Gong, and for aiding the parents of children who died in the 2008 earthquake in Sichuan. **Additional Information:** Officials have refused requests for medical parole despite Huang's life-threatening kidney disease. Authorities have kept Huang's 86-year-old mother Pu Wenqing in confinement at home and at a hospital since December 2018.
Sa'adet Bawudun 2020–00056	**Date of Detention:** January 27, 2017 **Place of Detention:** Unknown, possibly Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region (XUAR) **Charge(s):** Unknown **Status:** Sentenced to 18 years **Context:** Sa'adet Bawudun and her husband, retired Ili government official Hemit Abdurahman, were detained amid the ongoing campaign of mass detentions in the XUAR. Their son sought asylum in Sweden and is an activist there, and they visited him in Turkey in 2014. Their detentions are believed to be related to that visit. **Additional Information:** Their daughter Gulshat Hemit was reportedly detained on April 28, 2018, in connection with their detentions. She is believed to be held in a mass internment camp.

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Name PPD Record No.	Case Summary (as of July 2020)
Shafkat Abas 2020–00118	**Date of Detention:** March 13, 2017 **Place of Detention:** Prison in Urumqi municipality, XUAR **Charge(s):** Unknown **Status:** Sentenced, reportedly to 10 years **Context:** An ethnic Tatar, Shafkat Abas owned and ran a traditional Uyghur medical clinic in Urumqi. Family members, including a brother who lives abroad, suggested his detention was connected with religious or historical books he kept at his clinic, or foreign websites accessed from his computer when his brother visited him in Urumqi. In November 2019, his parents and wife visited him in prison for 15 minutes; he appeared to be in poor health.
Li Yuhan 2017–00361	**Date of Detention:** October 9, 2017 **Place of Detention:** Shenyang Municipal No. 1 PSB Detention Center, Liaoning province **Charge(s):** Picking quarrels and provoking trouble, fraud **Status:** Formally arrested, awaiting trial **Context:** A lawyer, Li previously represented rights lawyer Wang Yu, whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015. **Additional Information:** Li suffers from various health conditions including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly instructed other inmates to urinate on her food, denied her hot water for showering, denied her medical treatment, and threatened that they would beat her to death. In March 2018, Li went on a hunger strike to protest mistreatment, which prompted detention center officials to force-feed her. Detention center officials have blocked her lawyer from meeting her since January 2020, citing the coronavirus disease 2019 (COVID–19) pandemic.
Reshide Dawut 2020–00159	**Date of Detention:** Unknown, believed to be in 2018 **Place of Detention:** Unknown, possibly a prison in the XUAR **Charge(s):** Separatism (unconfirmed) **Status:** Sentenced, reportedly to 15 years **Context:** Authorities in Urumqi municipality, XUAR, detained Reshide Dawut, a prominent Uyghur singer and member of an official performing arts group, the Xinjiang Muqam Ensemble. Local officials confirmed that Dawut was sentenced, reportedly to 15 years in prison. Prior to her sentencing, authorities may have held her in a mass internment camp.

Name PPD Record No.	Case Summary (as of July 2020)
Yu Wensheng 2014–00387	**Date of Detention:** January 19, 2018 **Place of Detention:** Xuzhou Municipal PSB Detention Center, Jiangsu province **Charge(s):** Inciting subversion of state power **Status:** Sentenced to four years **Context:** On January 18, 2018, rights lawyer Yu Wensheng published an open letter calling for democratic reforms to China's Constitution, including subordinating the Communist Party to constitutional and legal oversight. The next day, Beijing police detained him outside his home. Later that month, authorities sent him to Xuzhou, where he was placed under "residential surveillance at a designated location." In May 2019, his wife received a phone call informing her that Yu had been tried several days prior, though neither she nor Yu's lawyers were notified beforehand. The court sentenced Yu over a year later, in June 2020.
Yue Xin 2018–00665	**Date of Detention:** August 24, 2018 **Place of Detention:** Beijing municipality **Charge(s):** Unknown **Status:** Unknown **Context:** Beginning in July 2018, authorities took into custody over 60 individuals connected to factory workers' attempts to form a labor union at Shenzhen Jasic (Jiashi) Technology Co. Ltd. (Jasic) in Shenzhen municipality, Guangdong province. On August 19, Peking University graduate Yue Xin published an open letter calling on central authorities to permit the workers to unionize. On August 24, police detained Yue and about 50 individuals who had gathered in Shenzhen to show support for the detained Jasic workers. **Additional Information:** In January 2019, Yue and other student Jasic supporters including Gu Jiayue, Zheng Yongming, and Shen Mengyu appeared in a video giving what appeared to be forced confessions.
Anya Sengdra 2016–00353	**Date of Detention:** September 4, 2018 **Place of Detention:** Machen (Maqin) County PSB Detention Center, Golog (Guoluo) Tibetan Autonomous Prefecture, Qinghai province **Charge(s):** Picking quarrels and provoking trouble, gathering a crowd to disturb social order **Status:** Sentenced to seven years **Context:** Tibetan anticorruption advocate Anya Sengdra was accused of using several WeChat groups which he created or administered to lead local residents against the government. His wife wrote that authorities detained him in retaliation for his accusations of official embezzlement or misuse of poverty alleviation funds allocated to assist resettled nomads. **Additional Information:** Authorities also detained nine other Tibetans in connection with Anya Sengdra's case, sentencing eight of them in December 2019 to prison terms of unknown length. Anya Sengdra's brother Jamtri died in detention before sentencing.

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Name PPD Record No.	Case Summary (as of July 2020)
Wang Yi 2018–00615	**Date of Detention:** December 9, 2018 **Place of Detention:** Prison in Sichuan province **Charge(s):** Inciting subversion of state power, illegal business activity **Status:** Sentenced to nine years **Context:** Authorities detained Early Rain Covenant Church pastor and founder Wang Yi one day before officially banning the unregistered Protestant church located in Chengdu municipality, Sichuan. Wang's detention took place amid a broad crackdown on unregistered churches in China. Authorities refused to allow the lawyer hired by Wang's family to represent him at his December 2019 trial and sentencing. **Additional Information:** In addition to Wang, authorities detained at least 100 Early Rain members beginning in December 2018. Among those whom authorities released, many remained under surveillance, including Wang's wife Jiang Rong. Church members reported that while in detention they were force-fed unknown medication and coerced to confess or to falsely accuse Wang and other church leaders of wrongdoing.
Cheng Yuan 2019–00300	**Date of Detention:** July 22, 2019 **Place of Detention:** Hunan Provincial State Security Department Detention Center, Changsha municipality, Hunan province **Charge(s):** Subversion of state power **Status:** Formally arrested **Context:** State security officials from Hunan detained Cheng Yuan, co-founder and staffer at the public interest NGO Changsha Funeng, at his home in Shenzhen municipality, Guangdong province, and transferred him to detention in Hunan. At the same time, authorities detained two other Changsha Funeng staffers, Liu Dazhi (Liu Yongze) and Wu Gejianxiong. **Additional Information:** Changsha Funeng conducted advocacy for individuals with disabilities and for vulnerable groups, and used open government information requests to promote transparency. Prior to his detention, Cheng Yuan reportedly traveled to Hong Kong for work.
Cui Haoxin 2020–00071	**Date of Detention:** January 24, 2020 **Place of Detention:** Jinan municipality, Shandong province **Charge(s):** Picking quarrels and provoking trouble **Status:** Criminally detained **Context:** Cui Haoxin is a Hui Muslim poet and writer, also known by his pen name An Ran. He has publicly criticized Chinese government policies toward Muslims, including the mass detention of Uyghurs and members of other largely Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region and the destruction of mosques. Prior to this detention, authorities detained and questioned him about his online posts on several occasions.

Name PPD Record No.	Case Summary (as of July 2020)
Xu Zhiyong 2005–00199	**Date of Detention:** February 15, 2020 **Place of Detention:** Linshu County PSB Detention Center, Linyi municipality, Shandong province **Charge(s):** Inciting subversion of state power **Status:** Formally arrested **Context:** Xu Zhiyong is a prominent legal advocate and one of the initiators of the New Citizens' Movement (also known as China Citizens Movement). His detention is linked to other rights advocates detained in December 2019 following a gathering at which participants discussed Chinese politics and civil society. Xu evaded a police search for 50 days prior to his detention, during which time he publicly urged President and Party General Secretary Xi Jinping to leave office due to the government's handling of the COVID–19 pandemic. Prior to Xu's arrest, authorities held Xu under "residential surveillance at a designated location" possibly in Shandong province. **Additional Information:** On February 16, 2020, Beijing police detained Li Qiaochu, a women's and labor rights advocate and Xu's partner; on June 18, authorities released her on bail. Xu previously served 4 years in prison from 2013 to 2017 for his rights advocacy work.

General Recommendations to Congress and the Administration

The 116th Congress passed important and bipartisan legislation on human rights in China, responding in part to the Chinese government and Communist Party's increasingly brutal domestic repression and the challenges created by the global export of the Party's authoritarian political, development, and surveillance models. Moving forward, the U.S. Government should develop coordinated policies that press the Chinese government for greater transparency, reciprocity, and adherence to international rules and norms. This is necessary to advance American interests and the interests of Chinese citizens eager for peace, rights protections, the rule of law, and genuine political reform. The Commission makes the following recommendations, recognizing that a shared commitment to universal human rights and the rule of law is the foundation for the cooperative alliances, partnerships, and multilateral consultative mechanisms that have underpinned international stability and prosperity since the end of World War II.

- **Address Atrocities in the XUAR.** The Administration should quickly implement the Uyghur Human Rights Policy Act (Public Law No. 116–145) and work with Congress on necessary steps to address likely atrocity crimes in the Xinjiang Uyghur Autonomous Region (XUAR), including:
  - Issuing a formal determination of whether atrocity crimes, including crimes against humanity and genocide, are occurring in the XUAR.
  - Establishing new export regulations for the sale of emerging technologies including facial recognition systems, machine learning, and biometric and artificial intelligence technology, and continuing to place XUAR agencies and businesses employing these technologies for mass surveillance and social control on the Department of Commerce's "Entity List."
  - Continuing to employ Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and other available sanction authorities, to hold responsible Chinese officials and other entities complicit in mass internment, forced labor, forced renunciations of faith, and forced sterilizations, forced abortions, and other coercive or violent measures to control family size.
  - Engaging in multilateral forums by requesting an open debate or, at the very least, an Arria-formula briefing at the UN Security Council, on the XUAR.
  - Working with allies and partners at the UN to request the appointment of a special rapporteur on the XUAR and other special procedures to address the Chinese government's serious human rights abuses in the region.
- **Stop Goods Made With Forced Labor From Entering U.S. Markets.** Global supply chains are increasingly at risk of being compromised with goods made with forced labor in or from the XUAR. Congress should pass the Uyghur Forced Labor Prevention Act (H.R. 6210/S. 3471), creating a "rebuttable presumption" requiring companies to prove that goods imported from the XUAR

are not made with forced labor. In addition, the Administration should:

- ○ Issue additional Withhold Release Orders (WRO) through Customs and Border Protection pursuant to 19 CFR 12.42(e), targeting companies engaged in forced labor in the XUAR.
- ○ Ensure that individuals engaged in significant labor trafficking in the XUAR are identified and sanctioned under Section 111 (22 U.S.C. 7108) of the Trafficking Victims Protection Act of 2000, as amended (Public Law No. 106–386).
- ○ Enforce U.S. prohibition of the import of goods made with forced labor by prosecuting individuals or entities knowingly violating U.S. law.
- ○ Conduct an interagency assessment of the Xinjiang Production and Construction Corps (XPCC) to evaluate the extent of this paramilitary organization's complicity in mass internment and forced labor, and determine whether any goods or products produced by XPCC entities are exported to the U.S. market or procured by U.S. Federal agencies.

• **Support the People of Hong Kong.** The Administration should fully implement the Hong Kong Human Rights and Democracy Act (HKHRDA) (Public Law No. 116–76), including by issuing robust reporting on the status of Hong Kong's autonomy and detailed justification for any new sanctions levied on individuals for undermining fundamental freedoms and autonomy in Hong Kong. In addition:

- ○ The Department of Commerce should issue the report, required by the HKHRDA, detailing efforts by Chinese entities to undermine U.S. export regulations and sanctions law in Hong Kong.
- ○ The Administration should continue to prohibit all U.S. exports of police equipment and crowd-control technology to the Hong Kong police, including the prohibition required by Public Law No. 116–77.
- ○ The Administration should offer humanitarian parole to any pro-democracy leaders needing urgent protection and work with Congress on a permanent solution that will allow a pathway for protesters, activists, students, and others impacted by the loss of Hong Kong's autonomy to legally enter the U.S. from Hong Kong.

• **Protect Tibetan Identity and Culture.** The Administration should use the tools available in the Tibet Policy Act of 2002 (Public Law No. 107–228; 22 U.S.C. 6901) and the Reciprocal Access to Tibet Act (Public Law No. 115–330) to try to gain access to Tibetan areas and help sustain Tibetan culture and identity. Congress should also pass the Tibet Policy and Support Act (H.R. 4331/S. 2539) to further affirm the protection of Tibetan human rights in U.S. policy, strengthen the role of the U.S. Special Coordinator for Tibetan Issues, and address Chinese government interference in the selection of Tibetan religious leaders and a future 15th Dalai Lama. Members of Congress and Administration officials should interact regularly with the leaders of the Central Tibetan Administration and with parliamentarians globally to build international coalitions to protect Tibetan human rights. To further affirm the

priority of Tibetan human rights in U.S. policy, the Administration should appoint a high-level official, at or above the rank of Under Secretary of State, to the position of Special Coordinator for Tibetan Issues.

- **Communicate the Challenges Posed by the Chinese Government.** The Administration and Congress, in a bipartisan fashion, should communicate to the American people the nature, scope, and scale of the human rights challenges while clearly differentiating the peoples and cultures of China from the Chinese government and Communist Party. Poorly designed and communicated efforts regarding Chinese government policies can be exploited in Chinese government and Communist Party propaganda, and can lead to intolerance or harassment of Chinese and other Asian Americans. The United States should always be clear that it stands for human rights and the rule of law, and against racism.
- **Protect the Rights of American Citizens and Residents.** The Chinese government and Communist Party actively engage in disruptive and racially divisive activities including efforts to intimidate or censor individuals of Chinese, Tibetan, and Uyghur descent living in the United States. Administration officials and Members of Congress should clearly communicate that the civil rights of U.S. citizens and residents of Asian and Chinese descent, and Chinese nationals living or studying in the United States, will be protected, including freedom from coercion or intimidation, freedom of expression, and the freedom of religion. U.S. officials should also publish relevant information about the Chinese government, Communist Party, and entities and individuals engaged in malign foreign influence operations, including through passage by Congress of the Countering the Chinese Government and Communist Party's Political Influence Operations Act (S. 480/H.R. 1811).
- **Limit Ability To Exploit U.S. Openness.** The Chinese government and Communist Party exploit U.S. openness to exert influence over U.S. policy, acquire critical technologies, and transmit disinformation and propaganda to advance the Chinese government's messages and interests. The Administration and Congress should work together to address the challenges posed by Chinese government disinformation, economic coercion, and malign political influence operations in the United States by:
  - Requiring mandatory disclaimers on direct foreign government propaganda to prominently and clearly inform the consumer that this media was paid for by the Chinese government and/or Communist Party.
  - Amending the U.S. Higher Education Act to require U.S. colleges and universities to publicly report all foreign gifts, contracts, and in-kind contributions that exceed $10,000 per year from a single foreign government or institution and any entity affiliated primarily with a foreign government.
  - Conditioning certain federal assistance to U.S. universities and colleges on the requirement that their contracts or agreements establishing Confucius Institutes include clear provisions protecting academic freedom and the civil rights of the Chinese employees of Confucius Institutes as well as granting full managerial authority to the college or university.

- Supporting initiatives to increase funding and resources for Chinese language instruction to decrease the need for Confucius Institutes or other resources from foreign governments and entities.
- Requiring that U.S. think tanks and other non-governmental organizations (NGOs) publicly disclose all foreign grants and gifts as part of their tax filings to maintain non-profit status.
- Seeking a U.S. Government Accountability Office (GAO) study of the "Thousand Talents Program" to assess the extent to which this program is used to co-opt researchers or students at U.S. universities and think tanks to unlawfully appropriate research, intellectual property, and other knowledge for the benefit of the Chinese military, government, companies, or interests.
- Protecting any U.S. citizen fired for expressing opinions critical of Chinese government policies or supportive of human rights in China or Hong Kong by extending the right to pursue civil litigation for wrongful employment termination.
- Developing a multi-stakeholder action plan for all U.S. NGOs and academic institutions interacting with Chinese government or Communist Party-affiliated entities, to counter malign influence operations and to provide these institutions with the means to address censorship or restrictions on their activities.

- **Overhaul the Legal Framework on Foreign Interference.** The Administration and Congress should work together to update and expand the requirements of the Foreign Agents Registration Act (FARA) (Public Law No. 75–583) to address the unique challenges posed by the Chinese government's attempts to acquire technologies banned under U.S. export controls and limit academic freedom by acting through organizations like Chinese Students and Scholars Associations and Confucius Institutes. FARA reform should include registration and reporting requirements for those firms lobbying on behalf of foreign commercial entities and organizations working on educational or scientific pursuits with significant foreign government ties. And, in coordination with the Committee on Foreign Investment in the United States (CFIUS), registration as a foreign agent should be required for any entity accepting funding from a Chinese entity linked to the Chinese government or Communist Party for the purpose of acquiring U.S. companies or technology.
- **Develop a Whole-of-Government Human Rights Strategy.** In order to ensure that the U.S. Government can strategically address a more authoritarian China, the President should issue a policy directive to develop a comprehensive strategy embedding human rights, the rule of law, and democratic governance and development goals into the critical mission strategies of all U.S. government entities interacting with the Chinese government, both bilaterally and through international organizations, and expand interagency coordination efforts to counter disinformation, censorship, malign political influence operations, or economic coercion, particularly those targeting diaspora communities, U.S. colleges and universities, and U.S. partners and allies.

• **World Bank Accountability.** A $50 million World Bank loan to XUAR entities for vocational training programs and previous World Bank funding for agricultural development projects in the region raise questions about accountability and oversight of World Bank loans to China. The U.S. representatives to the International Bank for Reconstruction and Development (IBRD) should continue to oppose new lending, pursuant to China's "Tier 3" designation for significant trafficking of persons. Congress should ask the U.S. Governor for the IBRD to explore reforms and increased transparency in the bank's lending to the world's second largest economy. In addition, Congress should ask for an annual report from the Department of the Treasury on debt transparency and debt management assistance efforts in relation to credit provided by the Chinese government to other countries, including through the Belt and Road Initiative.

• **Hold Officials Responsible for Serious Human Rights Abuses.** The Administration should strategically use the list-based sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328), the International Religious Freedom Act of 1998 (Public Law No. 105–292), the Victims of Trafficking and Violence Protection Act of 2000 (Public Law No. 106–386), and the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113—Appendix G), among others, to ensure that Chinese officials complicit in human rights violations, including severe religious freedom restrictions and human trafficking, cannot benefit from access to the United States or its financial markets.

• **Condition Access to U.S. Capital Markets.** Congress should ask the relevant executive branch departments and agencies to identify and list Chinese companies and entities that have provided material support or technical capabilities in violation of U.S. law and that facilitate human rights abuses in China, including in the XUAR and Tibetan areas of China, and require the Securities and Exchange Commission to strengthen disclosure and auditing requirements for any listed Chinese companies in U.S. capital markets to ensure that U.S. retirement and investment dollars are not funding companies with links to the Chinese government's security apparatus or malevolent behavior.

• **Strengthen Response to Pandemics.** The Administration should work with allies and partners to strengthen the International Health Regulations (IHR) to make clearer obligations for member states and consequences for those that fail to provide timely and transparent information about infectious disease outbreaks; create a regular Periodic Review for compliance of member states with the IHR; and create an independent mechanism that insulates the decision to declare a Public Health Emergency of International Concern (PHEIC) from political pressure of member states. In addition, Congress should:

  ○ Ensure that the U.S. Global Health Security Agenda has the resources needed to increase global capacity for preventing, detecting, and responding to infectious diseases and create standards that protect and promote global health, transparency, and internationally recognized human rights.

- Require the Department of State's Global Engagement Center to issue reports on its efforts to counter disinformation related to the novel coronavirus pandemic.
- Issue appropriate sanctions and export licensing restrictions for any individuals or entities identified as having been complicit in forced labor programs involving Personal Protective Equipment (PPE) production.
- Urge the Administration to raise cases of those in China detained for exposing the origins of the virus and the Chinese government's response to its transmission, and to find ways to honor Dr. Li Wenliang and all the other doctors, journalists, citizen journalists, and researchers punished or detained for their efforts to promote transparency about the novel coronavirus outbreak in China.

• **Address Digital Authoritarianism.** The Chinese government is developing technology and utilizing artificial intelligence (AI) to expand mass surveillance and social control of its citizens and is exporting this technology globally, undermining democratic values and governance structures. The Administration should work with Congress and like-minded allies and partners, where appropriate, to:

- Develop a set of global principles for the use of facial recognition and other forms of biometric surveillance that protect privacy and human rights.
- Employ targeted sanctions against perpetrators of cyberattacks used to steal intellectual property and sensitive personal information, as well as against any entities benefiting from this type of intrusion.
- Launch a digital infrastructure initiative that uses the bipartisan BUILD Act (Public Law No. 115–254) to make information and communications technology a greater priority for overseas development assistance.
- Champion high-standard internet governance principles globally that support the freedom of expression and the protection of user privacy.

• **Counter Internet Censorship.** Congress and the Administration should counter internet censorship in China, including by actively opposing the Chinese government's efforts to establish a new international norm on "internet sovereignty"; expanding digital security training for civil society advocates; prioritizing an agenda that uses congressionally appropriated funds to help internet users to circumvent China's "Great Firewall"; and creating other "smart technologies" and equipment that provide the greatest possible access to the internet in China and globally. Congress should pass S. 4245, the Safeguarding Internet Freedom in Hong Kong Act of 2020, to bolster the availability of firewall circumvention tools for Hongkongers.

• **Strengthen International Organizations.** As the Chinese government increases its influence and promotes its autocratic model in international organizations, the Administration should coordinate with like-minded allies and partners on public statements, diplomatic démarches, technical assistance programs, and public diplomacy efforts to condemn arbitrary detention, torture, and

other serious human rights abuses in China, and creatively communicate these efforts to the Chinese people. Work together with allies and partners to strengthen human rights mechanisms within international institutions and to help special rapporteurs and other human rights experts gain unfettered access to member states in order to monitor human rights conditions. In addition, Congress should:

- ○ Request from the Secretary of State a strategy to counter Chinese government influence in international organizations, particularly those related to human rights, internet sovereignty, the development of norms on artificial intelligence, labor, international standards setting, and freedom of navigation.
- ○ Request a report from the Director of National Intelligence on the scope, tactics, and effects of Chinese government influence in international organizations.
- ○ Request from the Secretary of the Treasury a strategy to improve coordination with the Department of State and U.S. representatives at multilateral institutions, such as the World Bank and International Monetary Fund, to align efforts to combat China's malign influence globally.

• **Prioritize Religious Freedom Diplomacy.** The Administration should use all the tools available in the International Religious Freedom Act (22 U.S.C. 6401 et seq.), the Frank Wolf International Religious Freedom Act (Public Law No. 114–281), and Executive Order 13926 to improve U.S. religious freedom diplomacy and provide targeted responses to escalating religious freedom abuses affecting all of China's diverse religious communities. The Administration and Members of Congress should work with Vatican officials to address increased repression of Catholics in China, offer technical assistance to protect Vatican diplomatic communications from Chinese government cyberattacks and provide diplomatic assistance, as appropriate, to reevaluate the 2018 Sino-Vatican agreement on bishop appointments. In addition, Vatican officials should be urged to publish the original agreement and any negotiated revisions to transparently evaluate the Chinese government's compliance and whether the internationally recognized right to the freedom of religion is being protected.

• **Develop Creative Human Rights Programs.** In China, U.S. efforts to promote human rights and the rule of law are characterized unfairly as threats to the stability of China. The Administration should work with Congress to:

- ○ Develop creative public messaging and programs that prioritize the rights violations that affect the largest numbers of Chinese citizens—workers, families, religious believers, internet users, women, and rural residents in particular.
- ○ Continue to fund capacity-building initiatives for rights and rule of law advocates in settings outside China, given growing restrictions on the funding of civil society organizations in China and Hong Kong.
- ○ Create a public mechanism for coordinating human rights diplomacy and technical assistance programs with like-minded

allies and partners that includes the meaningful participation of experts and NGOs from all participating countries.

- **Advocate for Political Prisoners.** Members of Congress and Administration officials at the highest levels should raise specific prisoner cases in meetings with Chinese government officials. Experience demonstrates that consistently and prominently raising individual prisoner cases and the larger human rights issues they represent can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. The Administration should consider creating a Special Advisor for Religious and Political Prisoners to coordinate interagency resources on behalf of political and religious prisoners in China and globally. Members of Congress are encouraged to consult the Commission's Political Prisoner Database for reliable information on cases of political and religious detention in China, and to "adopt" individual prisoners and advocate on their behalf through the Tom Lantos Human Rights Commission's "Defending Freedoms Project."

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) (*https://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 2020 Annual Report provides information about Chinese political and religious prisoners[1] in the context of specific human rights and rule of law abuses. Many of the abuses result from the Chinese Communist Party 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 research, including the preparation of the Annual Report, and routinely uses the database as a resource to prepare summaries of information about, and support advocacy for, 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 *https://ppdcecc.gov*. (Information about the PPD also is available at *https://www.cecc.gov/resources/political-prisoner-database.*)

The PPD received 253,035 online requests for prisoner information during the 12-month period ending July 1, 2020—a change of negative 17.57 percent compared to the 306,974 requests reported in the Commission's 2019 Annual Report for the 12-month period ending July 31, 2019.[2] During the 12-month period ending July 1, 2020, the United States remained the country of origin for the largest share of requests for information, with 35.2 percent of such requests. China was in the second position, with 11.3 percent of such requests, followed by Ukraine (5.4 percent), Thailand (2.7 percent), the United Kingdom (2.4 percent), Romania (1.6 percent), Germany (1.6 percent), Hong Kong (1.5 percent), India (1.5 percent), and Canada (1.4 percent).

Internet protocol addresses that do not provide information about the name of the registrant or the type of domain remained the

source of the largest share of online requests for information during the Commission's 2020 reporting year, accounting for 51.2 percent of the 253,035 requests for information in the 12-month period ending July 1, 2020. The number of requests from other sources are as follows: Domains ending in .com were second, with 20.7 percent of requests for PPD information. Domains ending in .net were third, with 11.5 percent of online requests for information, followed by educational domains (.edu) with 2.1, then by domains for Germany (.de) with 1.4 percent, the U.S. Government (.gov) with 1.4, the European Union (.eu) with 1.1, Brazil (.br) with 0.8, Thailand (.th) with 0.8, and India (.in) with 0.6.

POLITICAL PRISONERS

As of July 1, 2020, the PPD contained information on 10,266 cases of political or religious imprisonment in China. Of those, 1,593 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 8,673 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 1,593 cases of current political and religious imprisonment in China. Commission staff work on an ongoing basis to add cases of political and religious imprisonment to the PPD.

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. Staff seek to provide objective analysis of information about individual prisoners, and about events and trends that drive political and religious imprisonment in China.

When the PPD was first launched, 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 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 of the PPD, empowering 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 up-

grade allows both the PPD full text search and the basic search to provide an option to return only records that either include or do not include an image of the prisoner. In addition, the 2015 enhancement allowed PPD record short summaries to 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] 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, and freedom of 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 human rights standards, 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. A defendant may authorize someone to provide him or her legal counsel and defense, as the PRC Criminal Procedure Law guarantees in Article 32, yet 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.

[2] *2019 Annual Report,* November 18, 2019, 33.

II. Human Rights

Freedom of Expression

Findings

• The Chinese government and Communist Party's pervasive information controls contributed to the severity of the outbreak in late 2019 of a novel coronavirus and the resulting COVID–19 pandemic. Official suppression of information about the outbreak, particularly authorities' censorship of the media, and actions to silence frontline hospital personnel who sought to inform community members, sparked outrage in China and led to unprecedented calls by Chinese citizens for freedom of speech, along with criticism of the censorship system in China.
• Several Chinese media outlets, particularly China Business News, Caixin, and Beijing News, published critical investigative reports, interviews, and editorials about the government's response to the COVID–19 outbreak. While many of these reports were subsequently censored by the government, several citizen-led projects to archive disappearing reports emerged. Public security authorities detained three individuals from one such project, Terminus 2049. State and Party media pushed a positive narrative about the government's efforts to contain the spread, featuring President and Party General Secretary Xi Jinping as "commander" of the "people's war" against the virus.
• Reporters Without Borders' (RSF) 2020 press freedom index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the second year in a row. RSF pointed to ongoing censorship, harassment and detention of journalists, and the pervasive spread of surveillance as key factors in its assessment. China imprisoned the most journalists in the world in 2019, according to the Committee to Protect Journalists (CPJ). Many of the detained Chinese journalists on CPJ's list are "citizen journalists," some of whom are non-professional or former journalists who use digital media platforms to document rights abuses. In April 2020, authorities sentenced former state and Party media journalist **Chen Jieren** to 15 years' imprisonment on multiple charges in connection with his critical commentary and reports online.
• The Chinese government expelled or failed to renew the work visas for nearly 19 foreign journalists this past year. The expulsions from China of U.S. journalists from the New York Times, the Washington Post, and the Wall Street Journal reportedly were in retaliation for the U.S. Government requirement that five state- and Party-run media outlets working in the United States register as foreign missions. As part of the same retaliatory action, Chinese authorities also forced many Chinese nationals working at the China offices of the New York Times, the Wall Street Journal, CNN, and Voice of America to resign.
• In its 2019 annual report on internet freedom throughout the world, Freedom House again found the Chinese government to be the world's worst abuser of internet freedom, the

fourth consecutive year China has held that position. This past year, the Cyberspace Administration of China released provisions that aim to promote "a positive online ecosystem, to ensure the lawful rights and interests of citizens, legal persons, and other organizations; and to preserve national security and the public interest." The provisions also place greater pressure and liability on internet and social media platforms to monitor online content, which may lead to "overzealous censorship," according to an expert. Additionally, these platforms are instructed to manipulate artificial intelligence (AI)-based algorithms to shape—and restrict—online users' access to information, such as content from user searches, trending topics, and pop-ups.

• Government and Party censorship resulted in further shrinking of the space for public commentary. Two well-known forums for Chinese scholars, journalists, and intellectuals—the think tank Unirule Institute and the opinion-sharing platform Tencent Dajia—closed in August 2019 and February 2020, respectively.

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 censorship of foreign media websites. Consistently link press freedom to U.S. interests, noting that 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 trade barriers for foreign companies attempting to access the Chinese market. Assess the extent to which China's treatment of foreign journalists contravenes its World Trade Organization commitments and 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 United States Agency for Global Media 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 cost to U.S.-China relations and to the Chinese public's confidence in government institutions that is incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peace-

ful political expression. Emphasize that such restrictions violate international standards for 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.

○ Urge Chinese officials to end the unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subjected to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as **Huang Qi, Liu Feiyue, Chen Jieren, Xu Zhiyong, Ding Jiaxi, Chen Qiushi, Fang Bin, Zhang Zhan, Quan Shixin, Zhang Jialong, Chen Mei, Cai Wei, Ekber Eset,** and other political prisoners mentioned in this Report and documented in the Commission's Political Prisoner Database.

FREEDOM OF EXPRESSION

Introduction

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye has described the coronavirus COVID–19 pandemic as a "crisis of free expression ... facilitated by information policies that weakened the infrastructures of warning and reporting."[1] The Chinese government and Communist Party's repressive information controls contributed to the severity of the outbreak in China of a novel coronavirus in late 2019. Official suppression of information about the outbreak, particularly authorities' actions to silence frontline hospital personnel who sought to inform community members, sparked outrage in China and led to widespread calls by Chinese citizens for freedom of speech and to fierce criticism of the censorship system in China.[2] Those calls for freedom of speech reverberated in one of the final public comments by the late Dr. Li Wenliang—one of the doctors from the outbreak epicenter in Wuhan municipality, Hubei province, whom authorities reprimanded for warning colleagues and family about the virus in December: "[T]here should be more than one voice in a healthy society."[3]

INTERNATIONAL HUMAN RIGHTS STANDARDS

International standards on freedom of expression and the press address concerns that governments may place excessive restrictions on speech. Article 19 of the International Covenant on Civil and Political Rights[4] and its reiteration in a 2011 report on freedom of opinion and expression allow for countries to 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.[5] In April 2020, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression examined the right to freedom of expression and freedom of information during pandemics, and emphasized that "principles of legality, necessity and proportionality apply across the board; they are not simply discarded in the context of efforts to address the public health threat of COVID–19."[6] The use of digital surveillance also is inextricably intertwined with freedom of expression and the press, and creates a chilling effect on journalists and social media users, given the threat of criminal detention, risk to employment, and likelihood of harassment when government authorities have broad discretion in determining purported illegal speech.[7]

Freedom of the Press

Reporters Without Borders' (RSF) 2020 press freedom index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the second year in a row.[8] RSF pointed to ongoing censorship, harassment and detention of journalists, and the pervasive spread of surveillance as key factors in its assessment.[9] Freedom of the press is guaranteed in China's Constitu-

tion,[10] yet the legal framework in which the news media operates leaves journalists vulnerable to criminal prosecution for news gathering and reporting.[11] In recent years, the Chinese government has passed restrictive laws, e.g., the PRC National Security Law[12] (2015) and PRC Cybersecurity Law[13] (2017) and various implementing regulations, that have weakened journalism in China, particularly online reporting.[14]

PARTY CONTROL OF THE MEDIA

Media serving "as government mouthpieces instead of as independent bodies operating in the public interest" are a major challenge to free expression, according to international experts.[15] The Chinese Communist Party has historically designated the Chinese news media as its "mouthpiece,"[16] providing the Party's version of the news and managing public opinion.[17] Official control includes prohibitions on independent reporting[18] and the use of foreign media reports,[19] and restricting coverage to "authoritative" content,[20] typically from the state media agency Xinhua.[21] Censorship directives from the Cyberspace Administration of China,[22] the Central Propaganda Department, and other government entities[23] this past year restricted coverage of China-U.S. relations[24] and the COVID–19 pandemic,[25] among other topics that authorities deemed politically sensitive or harmful.[26]

The Party's ongoing efforts to instill the primacy of Party leadership and ideology in the practice of Chinese journalism are illustrated by the following selected developments:

- **Chinese Communist Party Propaganda Department Work Regulations.**[27] In late August 2019, Xinhua publicized the issuance of the first-ever Propaganda Department Regulations, which were formulated as part of a five-year intraparty plan (2018–2022) to develop an array of regulations for various Party entities to better synchronize their work with amendments to the Party Constitution at the 19th Party Congress.[28] Official articles about the Regulations highlighted the Propaganda Department's role in guiding and managing news media to consolidate Party leadership,[29] noting such challenges as the changing media environment (e.g., the rise of social media), changes in social mores, and the negative influence of Western media norms.[30]
- **Testing Journalists' Knowledge of Xi Jinping Thought.** Knowledge of the "Marxist view of journalism" has long been the basic ideological foundation for the work of Chinese journalists.[31] This past year, the Party emphasized knowledge of Xi Jinping ideology[32] by requiring journalists to pass a test in October 2019 based on information from the state-owned "Study Xi, Strengthen the Nation" (*Xue Xi Qiang Guo*) mobile application (app) and online platform,[33] in order to obtain a new press card.[34] As the app contains Chinese Communist Party General Secretary and President Xi Jinping's speeches, videos, and articles,[35] some sources referred to the journalists' exam as a loyalty test to Xi.[36]

DOMESTIC CHINESE MEDIA COVERAGE OF THE COVID–19 OUTBREAK

Chinese journalists responded quickly to the release of two urgent bulletins dated December 30, 2019, from the Wuhan Municipal Health Commission to local Wuhan hospitals, one of which confirmed cases of patients with a "pneumonia of unknown origin" in Wuhan[37] and the other that ordered local hospitals to report additional cases presenting similar symptoms later the same day.[38] On December 31, 2019, China Business News (better known as Yicai) and Beijing News were among the first media outlets to publicly authenticate the source and veracity of the information in the two bulletins.[39] State media outlet Xinhua reported the same day on a December 31 public bulletin from the Wuhan Health Commission—relating news of 27 confirmed cases of a "viral-type" (*bingduxing*) pneumonia, linked to a local seafood market, noting that there were no cases of hospital staff falling ill from infection or human-to-human transmission.[40] A day later, Xinhua reported that eight unnamed "rumor-mongers" in Wuhan allegedly spread "untrue information" online about the outbreak, adding a public security warning to refrain from violating the law.[41]

Mainstream media coverage in the first three weeks of January 2020 fell along a spectrum from "tone deafness"[42] to reassuring the public that the viral outbreak was "controllable" and "preventable."[43] People's Daily—the Party's official news outlet to which Chinese officials look for "signals about leadership priorities"[44]—covered the coronavirus on its front page for the first time on January 21, 2020, the day after Party General Secretary and President Xi Jinping made his first public announcement about the virus.[45] The Wuhan Evening News, a popular commercial newspaper in Wuhan, reportedly did not print news of the COVID–19 outbreak on its front page between January 6 and January 19,[46] overlapping the two-week period (January 6–17) when the Hubei provincial and Wuhan municipal People's Congress meetings were held in Wuhan.[47]

When mainstream media subsequently began to cover the outbreak and mitigation efforts, articles were aimed at conveying "positive energy" (*zheng nengliang*),[48] an official term referring to publication of positive propaganda about the government and Party which has become a central principle of media policy under Xi Jinping's leadership.[49] With the arrival of 300 journalists in Wuhan on February 4, Party and state media were in place to both monopolize information provided to the public about COVID–19[50] and shape a positive narrative of government and Party leadership.[51] Later in February, Ying Yong—the newly appointed provincial party secretary of Hubei and head of Hubei's provincial coronavirus prevention and control task force[52]—convened a meeting at which he encouraged "news workers" to follow the spirit of Xi Jinping's guidance and instruction on virus control and prevention; to increase news reporting that "guides public opinion"; and to use various channels available to media outlets, including social media.[53] Ying Yong further stressed that the news should showcase the Party and Party members at work on virus control and prevention.[54] In one such story of "positive energy" in March, prominent epidemiologist Zhong Nanshan together with several hospital doc-

tors and nurses took the oath to become probationary Party members.[55] As containment efforts in Wuhan began to show traction, Xi Jinping's role as "commander" of the "people's war" against the coronavirus took greater prominence in news coverage.[56]

Some Chinese media outlets began to aggressively cover the COVID–19 outbreak on January 20,[57] following Zhong Nanshan's same-day appearance on China Central TV (CCTV) in which he confirmed human-to-human transmission of the disease.[58] Media outlets like Caixin, China Business News, and Beijing Youth Daily published investigative reports,[59] interviews with frontline doctors,[60] and editorials[61] that criticized the government's suppression of information and called for transparency and accountability.[62] The appearance of investigative reports is consistent with the trend, observed by scholars, that the government and Party have relaxed control of the media to report with fewer constraints in some past major disasters, later "managing public opinion" with censorship of critical perspectives and promoting positive reports of the government and Party.[63] Media scholar Maria Repnikova noted that such reporting "can help [the government] identify the sources of a problem, assess public sentiment and possibly, too, deliver an effective response—or at the very least, allow it to project an image of managed transparency."[64]

Some Chinese journalists weighed in on the lack of credible reporting and information about the COVID–19 outbreak. One veteran journalist commented that the Chinese people were "paying the price" for the lack of press freedom and information.[65] The Party-run media outlet Global Times' editor-in-chief Hu Xijin, who is known for aggressively promoting the Party and railing against the United States in his editorials,[66] nevertheless used his personal Weibo account to highlight systemic issues in the delay to inform the public about the outbreak, noting the failure of domestic media to act as an external watchdog and provide the public with critical information.[67] Hu went further by linking the media failure to the intrusion of government "functional departments that have nothing to do with [the Party's] propaganda department but that are extremely powerful at all levels and throughout the country [and which] have weakened the oversight capacity of news media."[68] Following an upward adjustment of the number of COVID–19 cases, Bai Yansong used his platform as anchor of CCTV's marquee news program "News1+1" (*Xinwen yi jia yi*) to tell viewers, "[i]n a situation where there is no drug treatment [for the novel coronavirus], open information is the best vaccine."[69]

As official censorship of critical domestic reporting tightened in early February,[70] ordinary citizens began to archive COVID–19-related journalism (including from official news outlets)[71] and other forms of writing, such as essays, memoirs, and social media posts, that censors had removed or otherwise blocked.[72] One of the COVID–19 archivists reportedly said, "We didn't think too much about the censorship. We just wanted to keep this memory of Chinese journalism."[73] Readers attempted to maintain access to a censored interview with the Wuhan Central Hospital emergency department chief from the March 10, 2020, issue of People (*Renwu*), by transposing it into several languages (e.g., Korean), scripts (e.g., oracle bone script), and code (e.g., Morse code), to

shield it from censorship.[74] In April, public security officials from Beijing municipality detained three individuals associated with Terminus 2049, a project to store journalism on the open-source coding platform GitHub.[75] The archiving project Blockflote briefly shut down in April due to the "chilling effect" of the detentions at Terminus 2049.[76]

CRIMINAL DETENTIONS OF CITIZEN JOURNALISTS

China had the highest number of detained journalists in the world in 2019, according to the Committee to Protect Journalists (CPJ).[77] Many of the detained Chinese journalists on CPJ's list are "citizen journalists,"[78] some of whom are non-professional or former journalists who use digital media platforms to document rights abuses.[79] Citizen journalists in China have reported on topics that the government and Party restrict or negatively portray in official news outlets, such as the treatment of ethnic minority groups, religious belief,[80] labor protests,[81] and rights defense activities.[82] **Wei Zhili, Ke Chengbing,** and **Yang Zhengjun**—citizen journalists who worked together on a labor rights website—have been in pre-trial detention since early 2019 on the charge of "picking quarrels and provoking trouble."[83] Several citizen journalists who founded websites to report on human rights issues continued to serve lengthy sentences, including **Lu Yuyu** (4 years, released in June 2020),[84] **Liu Feiyue** (5 years),[85] and **Huang Qi** (12 years).[86] In November 2019, sources reported that Lu was suffering from depression and that prison authorities denied his request for medical treatment and physical exercise.[87] Huang was in poor health even before he was detained in November 2016, and his kidney and heart conditions reportedly have worsened due to inadequate medical treatment.[88] On April 30, 2020, authorities sentenced **Chen Jieren,** a former state and Party media journalist, to 15 years in prison on multiple charges in connection with his reports and critical commentary on various social media accounts.[89]

The COVID–19 outbreak in China prompted citizen journalists and ordinary citizens to turn to video blogging ("vlogging")[90] as a means of documenting the reality of the pandemic in the absence of credible coverage by official media.[91] Images and short videos included chaotic hospital scenes, instances of public mourning and cries for help,[92] and incidents of persons in positions of authority violently implementing quarantine conditions.[93] In February 2020, authorities detained **Chen Qiushi,**[94] **Fang Bin,**[95] and **Li Zehua** (released in April),[96] all three of whom used video blogging to document conditions at hospitals and other locations in Wuhan municipality, Hubei province.[97] In May, **Zhang Zhan,** a citizen journalist and former lawyer from Shanghai municipality, was criminally detained on suspicion of "picking quarrels and provoking trouble," apparently for live-streaming her impressions while in Wuhan in early February.[98]

A CAMPAIGN TO "DISMANTLE FOREIGN MEDIA"?

The Chinese government and Communist Party intensified the aggressive treatment of foreign journalists and media outlets in China, attempting to limit international journalism in China and Hong Kong. In one analysis, an unnamed journalist contextualized

the recent expulsions of foreign journalists as part of Chinese authorities' "broader campaign to dismantle foreign media" in China.[99] The Foreign Correspondents' Club of China (FCCC) described in its 2019 annual survey of working conditions in China the Chinese government's "weaponization" of visas and press credentials, such as short-term visas for correspondents, to limit foreign journalists' on-the-ground reporting.[100] The use of expulsions from China of foreign journalists and a visa non-renewal case—tantamount to effective expulsion[101]—characterized this "weaponization" in the Commission's 2020 reporting year, and included the following:

- In **August 2019,** authorities revoked the press credentials of a Wall Street Journal (WSJ) reporter[102] one month after his investigative report about the financial dealings of a family relation of President and Party General Secretary Xi Jinping was published.[103]
- In **February 2020,** the Chinese government revoked press credentials for three WSJ reporters, the day after the U.S. Government announced that five Chinese state- and Party-run media outlets working in the United States would be required to register as foreign missions.[104] The Chinese government linked the expulsions to the WSJ's use of a 19th-century geopolitical saying in the headline of a WSJ opinion piece, which authorities deemed offensive.[105] (Members of the WSJ China bureau reportedly expressed frustration with the WSJ editorial page's judgment and called on WSJ senior officers to issue an apology.[106])
- In **March 2020,** Chinese authorities revoked the press credentials of all U.S. journalists working in China for the WSJ, New York Times, and Washington Post, and gave them 10 days in which to leave the country.[107] An unprecedented[108] condition of the March expulsion of U.S. journalists disallowed them from being stationed at their respective Hong Kong bureaus.[109] Officials framed the expulsions as retaliation[110] against the U.S. Government for limiting the total number of Chinese nationals permitted to work in the United States at the five official media outlets designated as foreign missions.[111]
- In **May 2020,** an Australian journalist and long-time China correspondent for the New York Times left China after officials apparently refused to renew his visa.[112] The journalist's visa expired in mid-February while he was in Wuhan municipality, Hubei province, to cover the COVID–19 epidemic at its epicenter.[113]

A Voice of America correspondent reflected that "journalists [were] caught in the crossfire" of tense bilateral relations between China and the United States this past year.[114] The Chinese government's "media purge"[115] of foreign journalists punished international news outlets that have actively reported on issues that authorities deem politically sensitive,[116] often with analyses that differ significantly from Chinese official media.[117] In November 2019, an international consortium of journalists and the New York Times separately used leaked official documents to report on the inhumane conditions at mass internment camps in the Xinjiang Uyghur

Autonomous Region (XUAR) where Chinese authorities arbitrarily detain Uyghur and other predominantly Muslim ethnic groups.[118] In contrast, Chinese state media has claimed that these facilities are used for vocational training and anti-terrorism efforts.[119] [For more information on international reporting on mass internment camps in the XUAR, see Section IV—Xinjiang.]

According to the FCCC and other sources, official tactics to obstruct and limit foreign media coverage in China included the government's use of "digital and human" surveillance and harassment of foreign journalists;[120] intimidation of Chinese nationals who worked as news assistants,[121] particularly in the case of the forced "resignation" of Chinese nationals from the China offices of the Wall Street Journal, Voice of America, CNN, and the New York Times, in connection to the expulsions noted above;[122] harassment of sources;[123] and restricted access to and interference in the coverage of developments in the XUAR and of policies that affect Uyghurs,[124] the Tibet Autonomous Region, and other ethnic minority or border areas of China.[125] Censorship, moreover, limited Chinese citizens' access to foreign media: In October 2019, FCCC and the censorship-monitoring group GreatFire.org[126] found that nearly 25 percent of accredited news sites were blocked in China.[127] [For more information on the pressures on foreign reporters, see Section VI—Developments in Hong Kong and Macau.]

Internet and Social Media

In its 2019 annual report on internet freedom throughout the world, Freedom House again found the Chinese government to be the world's worst abuser of internet freedom, the fourth consecutive year China has held that position.[128] The government's online censorship system is considered the most comprehensive in the world, and involves sophisticated filtering and surveillance technologies which prevent internet and social media users within China from accessing information that the government and Party deem to be harmful and which obstruct tools for circumventing the censorship system.[129] With approximately 900 million people using the internet in China as of March 2020[130] and 1.1 billion people worldwide who are users of the social media platform WeChat (*Weixin*),[131] government and Party violations of internet freedom are massive in scale. As China Digital Times founder Xiao Qiang commented, understanding China's censorship apparatus "reveals details of the workings of political power in everyday life."[132]

Imprisoned Uyghur Social Media Entrepreneurs and Website Editors

The Chinese government's long-term suppression of Uyghur social media and online speech[133] gained further prominence during the 2020 reporting year with media coverage of the 15-year prison sentence meted out to **Ekber Eset** (also written as Ekpar Asat and Aikebai'er Aisaiti) for allegedly "inciting ethnic hatred."[134] Authorities in Urumqi municipality, Xinjiang Uyghur Autonomous Region (XUAR), reportedly detained Ekber Eset not long after his participation in a three-week program in the United States in February 2016, which was sponsored by the U.S. Department of State.[135] Ekber Eset had founded Bagdax, a Uyghur-language social media application with approximately 100,000 users.[136] Authorities have also sentenced other Uyghur social media entrepreneurs and website editors, including **Ilham Tohti,** a professor at Minzu University in Beijing municipality and founder of the website Uyghur Online, to a life sentence in 2014 for "separatism";[137] seven of Tohti's students who allegedly contributed to Uyghur Online—**Mutellip Imin, Shohret Nijat, Atikem Rozi, Perhat Halmurat, Akbar Imin, Abduqeyum Ablimit,** and **Luo Yuwei**—to sentences between three and eight years;[138] and **Memetjan Abdulla** and **Gulmira Imin,** both of whom were connected to the website Salkin, to life sentences in 2010 on multiple charges.[139] Radio Free Asia reported in 2016 that authorities detained **Ababekri Muhtar,** the founder of the Uyghur language website Misranim, and several of the website's editors and writers, including **Tursunjan Memet, Omerjan Hesen,** and **Ablimit Ghoja'abdulla.**[140]

CONTENT CONTROL

Content control remained a focus in the growing body of internet, social media, and live-streaming regulations in China.[141] This past year, the Cyberspace Administration of China released guidelines that aim to promote "a positive online ecosystem, to ensure the lawful rights and interests of citizens, legal persons, and other organizations; and to preserve national security and the public interest."[142] The Provisions on the Governance of the Online Information Content Ecosystem (effective March 1, 2020) cover a broad scope of content, and entail monitoring and managing the "online ecosystem," and the involvement of producers and users of websites, instant messaging platforms, mobile applications, live-streaming platforms, and other digital platforms.[143] The provisions broadly outline the kinds of content the government and Party deem negative or illegal, and content that the government and Party encourage.[144] The content that is encouraged prioritizes "positive energy," which one official described as "advanc[ing] the social and policy goals of the [Party]."[145] The provisions also place greater pressure and liability on internet and social media platforms to monitor online content,[146] which may lead to "overzealous censorship," according to Jeremy Daum of China Law Translate.[147] Additionally, these platforms would be programmed to manipulate artificial intelligence (AI)-based algorithms to shape—and restrict—online users' access to information, such as content from user searches, trending topics, and pop-ups.[148] The South China

Morning Post observed that the use of AI-driven algorithms may "expand the reach and depth of the government's propaganda and ideology."[149] [For more information, see Role of Commercial Firms in Government Censorship in Section II—Business and Human Rights.]

Pervasive government and Party censorship resulted in further shrinking of the space for public commentary, a trend the Commission reported in its 2017 Annual Report after authorities closed the reform-minded journal Yanhuang Chunqiu and permanently suspended Consensus, a website known for open discussion and debate.[150] Two well-known forums for Chinese scholars, journalists, and intellectuals—the think tank **Unirule Institute** and the opinion-sharing platform **Tencent Dajia**—closed in August 2019[151] and February 2020,[152] respectively. Unirule, a non-governmental organization established in 1993, focused on economic and political reform; in recent years, it had faced official harassment,[153] including the forced shutdown of its Beijing municipality office in July 2018.[154] Its closure was linked to purported regulatory violations of operating without registration as a non-governmental non-enterprise unit and without a license for a website.[155] Unirule's executive director asserted that authorities had violated the organization's right to freedom of association in Article 35 of China's Constitution,[156] which holds that, "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration."[157] Tencent Dajia, a media outlet started in 2012,[158] published commentary and opinion from mainland Chinese, Taiwanese, and Hong Kong writers.[159] Reports linked the shutdown of Tencent Dajia's website and WeChat account to its publication of an article by a veteran journalist who analyzed the coverage of the COVID–19 outbreak by Chinese mainstream media and opined that it did not meet the standards of journalism.[160]

This past year, authorities also arbitrarily detained, and in some cases proceeded with trials and sentencing of, Chinese citizens for speech and expression protected by international human rights standards. Selected cases included the following:

- For online support to and/or reports about the Hong Kong anti-extradition bill and pro-democracy demonstrations: **Xu Kun,**[161] **Zhou Zaiqiang,**[162] **Wang Haoda,**[163] **Lai Rifu,**[164] **Ba Luning,**[165] **Yang Xubin,**[166] **Huang Xueqin,**[167] **Yang Licai,**[168] and **Quan Shixin.**[169]
- For discussion of Chinese politics and civil society developments: **Xu Zhiyong, Ding Jiaxi, Dai Zhenya, Li Yingjun,** and **Zhang Zhongshun,** who participated in a private gathering in December 2019;[170] rights lawyers **Hao Jinsong**[171] and **Chang Weiping;**[172] and a Shandong-province university student named **Zhang Wenbin** who criticized President and Party General Secretary Xi Jinping.[173] Authorities in Beijing municipality harassed and detained a noted labor and women's rights advocate and Xu Zhiyong's partner, **Li Qiaochu.**[174]
- For criticism of the government's COVID–19 response: democracy advocate **Guo Quan;**[175] retired Beijing University of Science and Technology professor **Chen Zhaozhi;**[176] **Zeng Chunzhi,** who reported price-gouging during the outbreak;[177]

and several citizen journalists mentioned above in this section, including **Chen Qiushi, Fang Bin, Li Zehua,** and **Zhang Zhan.**

- For use of Twitter to express critical opinions: anti-censorship advocate and former journalist **Zhang Jialong**[178] and Urumqi resident **Li Lin;**[179] and
- In connection with anniversaries authorities deem politically sensitive, such as the 31st anniversary of the Tiananmen Square democracy and free speech protests: poet **Wang Zang**[180] and rights defenders **Zhang Wuzhou, Chen Siming,** and **Chen Yunfei.**[181]

Notes to Section II—Freedom of Expression

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WORKER RIGHTS

Findings

• Chinese authorities continued to arbitrarily detain many prominent labor advocates and censor reporting and social media comments on unemployment, strikes, and other issues involving workers. During the Commission's 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun, Ke Chengbing,** and **Wei Zhili,** as well as **Li Dajun.** All of them had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019.

• Officially reported Chinese statistics—widely regarded as unreliable—continue to mask the true levels of unemployment, labor protests, and worker safety concerns, potentially distorting coverage by the international organizations and media that use them. In 2019, the Chinese government again did not publicly report the number of worker strikes and protests, making it challenging to obtain comprehensive information on worker actions. The Hong Kong-based non-governmental organization (NGO) China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,385 strikes and other labor actions in 2019. CLB estimates that they are able to document between 5 and 10 percent of total worker actions.

• The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not allowed to establish independent unions. Official praise for workers does not indicate government support for workers' rights. State-run media celebrated the efforts of Chinese construction workers who worked long hours to construct quarantine hospitals rapidly. Police, however, responded violently when hundreds of these workers protested after they were not paid adequate wages. Research by CLB found that the ACFTU did not adequately protect the rights of workers and played only a limited role in assisting workers during the novel coronavirus crisis.

• Chinese corporations are often able to enlist the local police in resolving labor and business disputes. In December 2019, Chinese and international media reported on Li Hongyuan, a 13-year veteran of Huawei, who obtained a court award for about 108,000 yuan (US$15,000) in compensation after authorities detained him for 251 days following a request by Huawei due to a dispute over his severance pay.

• Chinese authorities continued to arbitrarily detain many labor advocates outside of the formal legal system and refused to provide information on their whereabouts. In October 2019, the International Labour Organization's Committee on Freedom of Association published a list of 32 individuals who were still missing or in formal detention in connection with worker attempts to organize a trade union in 2018 at Jasic Technology in Shenzhen municipality, Guangdong province. As of May

2020, the Commission had not observed any reports that these individuals had been released.

- In 2019, pneumoconiosis, a group of lung diseases caused by the inhalation of dust during mining, construction, and other activities, continued to be the most prevalent type of officially reported occupational disease in China. According to the U.S. Centers for Disease Control and Prevention, "these conditions are entirely man-made, and can be avoided through appropriate dust control."
- During this reporting year, many medical workers, as well as construction and other employees, lacked access to protective equipment in their workplaces. In a February 2020 letter to The Lancet, a leading medical journal, two medical workers wrote about the "severe shortage" of medical equipment and conditions "more difficult and extreme than [they] could ever have imagined." Two days after publication, the medical workers requested that their piece be withdrawn, but even the Chinese government-supported media publication the Sixth Tone acknowledged the "sensitivity" of the matter, and noted that a statement criticizing the letter was deleted for "unclear reasons."
- The Chinese government continued to implement a government-sponsored system of forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). During this reporting year, international media documented the use of forced labor throughout the XUAR, including in association with mass internment camps and administrative detention. Factories that benefited from this forced labor were part of the supply chains of 83 major brands including Apple, Gap, and Nike.
- News reports indicated that suppliers for U.S. companies continued to be complicit in labor abuses in China. In a September 2019 report on Zhengzhou Foxconn, the largest factory for Apple iPhones in the world, New York-based NGO China Labour Watch (CLW) investigators found that the factory did not provide any of the legally required occupational health or safety trainings. In a November 2019 report on five toy factories, CLW documented unsafe conditions in factories that make toys for Disney, Mattel, Lego, and other brands.

Recommendations

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

- Press the Chinese government to immediately release labor advocates and journalists who are in prison or detention for the exercise of their lawful rights and to stop censoring economic and labor reporting. Specifically, consider raising the following cases:
  - Detained NGO staff and labor advocates, including **Fu Changguo** and **Zhang Zhiyu** (more widely known as Zhang Zhiru);
  - Citizen journalists and NGO workers who advocated on behalf of pneumoconiosis victims, including **Yang Zhengjun, Ke Chengbing,** and **Wei Zhili;**

- Detained factory worker advocates from Jasic Technology in Shenzhen municipality, Guangdong province, including **Mi Jiuping** and **Liu Penghua;**
- Detained university students and recent graduates, including **Yue Xin** and **Qiu Zhanxuan;** and
- Detained local-level ACFTU officials **Zou Liping** and **Li Ao,** who supported grassroots worker organizing efforts.

- Press the Chinese government to allow American and other foreign journalists to report in China, including on labor and economic issues. In March 2020, the Chinese government expelled nearly all reporters from the Washington Post, New York Times, and Wall Street Journal. Specifically, consider asking about the expulsion of Gerry Shih of the Washington Post. Mr. Shih's award-winning reporting included stories on the following issues highlighted in the Commission's 2019 Annual Report:
  - The disappearance of student labor advocates at Peking University,
  - Work safety issues related to the 2019 Xiangshui Chemical explosion, and
  - Pneumoconiosis victims' compensation.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy, wage rates should be determined by free bargaining between labor and management.
- Call on the Chinese government to permit academic freedom on university campuses in China, and stop the harassment, surveillance, and detention of students who support worker rights.
- Call on the Chinese government to end all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, as well as programs involving the forced labor of other ethnic minority individuals within and outside of the XUAR. Congress should pass the Uyghur Forced Labor Prevention Act (H.R. 6210/S. 3471), creating a "rebuttable presumption" requiring companies to prove that imported goods from the XUAR are not made, wholly or in part, with forced labor.
- Consider issuing a comprehensive import ban on all goods produced, wholly or in part, in the XUAR. This import ban should last until a determination can be made by U.S. Customs and Border Protection that XUAR authorities and producers have ended the systematic use of the forced labor of Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim ethnic minorities.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of ex-

pression, collective bargaining, employment discrimination, occupational health and safety, and wage arrears. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations 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 relevant government-to-government dialogues.

○ Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its monitoring of core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Absence of Independent Trade Unions

The Chinese government and Communist Party's laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions.[1] The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.[2] Outside the ACFTU, workers are unable to create or join independent trade unions.[3]

In February 2020, the Ministry of Human Resources and Social Security and the ACFTU jointly released the Opinions on Stabilizing Labor Relations and Supporting Enterprises' Resumption of Work and Production that provided nonbinding guidelines on labor relations during the pandemic and emphasized that employers and employees were encouraged to use negotiation to resolve any disputes.[4] According to research by China Labour Bulletin (CLB), however, local-level ACFTU officials reportedly believed that it was their responsibility to "follow the instructions" of local government officials.[5] CLB concluded that "officials basically dropped the ball when it came to what should be the core mission of a union, organizing workers and negotiating with employers to ensure employees are adequately protected."[6] The International Labour Organization had noted that "workers' organizations can play an important role in participating in decisionmaking and policy responses to the crisis on COVID–19."[7]

Continued Suppression of Labor Advocacy

During the Commission's 2020 reporting year, Chinese authorities continued to restrict the ability of civil society organizations to work on labor issues by means such as detaining labor advocates, and by other means, across China. After a series of nationwide and coordinated crackdowns beginning in 2015,[8] and a subsequent crackdown in 2018 and 2019,[9] Chinese labor non-governmental organizations (NGOs) have been less active, and authorities continued to detain some labor advocates.[10] Examples of labor advocates disappeared or held in detention this past year include the following:

- **Meng Han.** In October 2019, authorities in Guangzhou municipality, Guangdong province, released labor advocate Meng Han after over a month in detention when the procuratorate decided not to prosecute.[11] No official reason was given for his detention, although CLB reported that authorities may have detained Meng to prevent him from disrupting China's national day celebrations.[12] Meng had previously worked at a labor rights advocacy group, and authorities had sentenced Meng to nine months' imprisonment in 2014 and one year and nine months' imprisonment in 2016.[13]
- **Chen Weixiang.** In January 2020, Guangzhou authorities released labor advocate Chen Weixiang, also known as Xiangzi, and two of his associates after 15 days of administrative detention.[14] Chen and his associates were affiliated with a social

media group called Heart Sanitation that supported sanitation workers.[15]

• **Li Qiaochu.** In February 2020, authorities in Beijing municipality detained women's rights and labor advocate Li Qiaochu and placed her under "residential surveillance at a designated location" reportedly in connection with her criticism of the Chinese government's response to COVID–19.[16] Li had provided support to migrant workers in Beijing, handed out masks to sanitation workers, and had been involved in efforts to address sexual harassment.[17] [For more information on sexual harassment in the workplace, see Section II—Status of Women.]

• **Ke Chengbing, Yang Zhengjun,** and **Wei Zhili.** During the 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, Yang Zhengjun, Ke Chengbing, and Wei Zhili, as well as NGO worker Li Dajun.[18] All of them had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019, initially held in "residential surveillance at a designated location," and prevented from meeting with their lawyers.[19]

• **Thirty-two individuals associated with the Jasic Campaign.** During this reporting year, authorities continued to detain 32 individuals in association with workers attempting to establish a union at Jasic Technology factory in Shenzhen municipality, Guangdong, including **Fu Changguo** and **Yue Xin.**[20] In October 2019, the International Labour Organization Committee on Freedom of Association reported a list of these individuals whom Chinese authorities disappeared or detained between July and November 2018 and who were still believed to be disappeared or detained.[21]

• **Wu Guijun, Zhang Zhiru, He Yuancheng, Jian Hui,** and **Song Jiahui.** In January 2019, authorities detained these five labor advocates in a coordinated action.[22] In May 2020, Chinese authorities permitted these five labor advocates to return home after 15 months of detention.[23] According to CLB, the advocates had all "played key roles in China's workers' movement during the 2010s" but none of them had yet been permitted to resume their work after release.[24]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.[25] China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,385 strikes and other labor actions in 2019, compared to 1,706 strikes and other labor actions in 2018, and 1,258 strikes and other labor actions in 2017.[26] CLB estimates that they are able to document approximately 5 to 10 percent of total worker actions, and cautions against drawing firm conclusions from year-to-year comparisons.[27] The majority of the labor actions documented by CLB were small in scale: in 2019, 1,298 incidents (93.7 percent) involved 100 people or fewer, and only 3 (0.2 percent) involved over 1,000 people.[28] During this reporting year, wage arrears in China were a signifi-

cant source of worker unrest.[29] In 2019, 1,158 of the strikes and other labor actions that CLB was able to document (83.6 percent) involved wage arrears.[30] In one prominent example from this reporting year, Chinese media celebrated the efforts of Chinese construction workers who worked long hours constructing quarantine hospitals very quickly.[31] When hundreds of these workers protested after they were not paid adequate wages in quarantine, however, police responded violently.[32]

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR

[As documented by China Labour Bulletin][33]

Year	Manufacturing	Construction	Transportation	Services	Other	Total number documented
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	7.7% (107)	1,385
2018	15.5% (265)	44.8% (764)	15.9% (272)	16.8% (286)	7.0% (119)	1,706
2017	21.1% (265)	41.4% (521)	9.2% (116)	20.7% (261)	7.6% (95)	1,258

Note that the percentages indicate the percentage of total worker actions documented that year.

Chinese law does not protect workers' right to strike,[34] contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.[35]

Examples of strikes and worker actions this past year include the following:

- In March and April 2020, CLB reported that taxi drivers across China who had already protested against taxi company management practices, regulations, and competition with ride-sharing apps, protested for rent reductions from cab companies, as their incomes were significantly reduced due to the coronavirus pandemic.[36] Local governments' responses to the protests were inconsistent.[37] For example, in Liuzhou municipality, Guangxi province, following a mass protest by taxi drivers, local transportation authorities agreed to a 50 percent reduction in fees.[38] In other localities, however, such as in Dalian municipality, Liaoning province, the government did not intervene following protests and cab fees have remained the same.[39]
- In March 2020, China Labor Watch reported that a Zhengzhou Foxconn employee committed suicide by jumping from a dormitory.[40] Although details of this suicide have not been publicly reported, international attention has focused on suicides at Foxconn since 2010 when 18 workers attempted suicide and 14 died;[41] and in January 2018, a dispatch worker at Zhengzhou Foxconn committed suicide reportedly after he did not receive his bonus.[42]
- During 2019, CLB documented 8 protests over wage arrears by different minor league soccer teams, held on the field and near government buildings.[43]
- In October 2019, over 200 employees of solar panel manufacturer Hanergy in Beijing municipality protested over wage ar-

rears.[44] Many of the employees had not been paid since May 2019, and one senior employee reportedly threatened to jump off a building if he was not paid.[45] According to CLB, the employees demanding wages were ignored by the trade union, local government officials, and the media.[46]

251-Day Detention of Former Huawei Employee

In December 2019, Chinese and international media reported on Li Hongyuan, a 13-year veteran of Huawei, who obtained a court award for about 108,000 yuan (US$15,000) in compensation after authorities detained him for 251 days following a request by Huawei due to a dispute over his severance pay.[47] According to an article (later deleted) by Caixin, a commercial media outlet known for its investigative reports, Li was one of five former employees jailed at the request of Huawei in December 2018.[48] The Financial Times reported that "Mr Li's detention has also struck a nerve for many in China's expanding middle class, serving as a reminder of the tenuous state of the rule of law in the mainland for any individual when facing powerful interests."[49] Chinese censors deleted comments and online discussion about Li's case, and Chinese netizens used various numbers to express their support for Li without having their comments deleted.[50] These numbers included 996, the 9 a.m. to 9 p.m. schedule for six days a week common in some technology companies, and 251, representing the length of Li's detention.[51] The New York Times reported that many Chinese were upset at the extent of the censorship of both news reporting and related social media posts, stating "[T]hey say they feel helpless because they can't criticize the government. Now they feel they are also not able to criticize a giant corporation."[52] A labor rights lawyer estimated that authorities in Shenzhen municipality, Guangdong province, detain an estimated 10 Huawei employees a year over employment disputes.[53]

Forced Labor

This past year, the Chinese government continued to use forced labor, including in the Xinjiang Uyghur Autonomous Region (XUAR).[54] The Chinese government has created an extensive system of forced labor in the XUAR requiring current and former mass internment camp detainees to work in industries including manufacturing and textile production.[55] In addition, authorities sent individuals from ethnic minority groups to engage in forced labor directly, without first sending them to the camps.[56] In February 2020, the Australian Strategic Policy Institute (ASPI) published a report that estimated that 80,000 ethnic minority individuals were sent, including in some cases directly from mass internment camps, to "work in factories across China between 2017 and 2019."[57] ASPI found that the factories that benefited from this forced labor were part of the supply chains of 83 major brands including Apple, Gap, and Nike.[58] In addition to forced labor in the XUAR, authorities reportedly continued to subject individuals to forced labor during administrative detention throughout China.[59] [For more information on forced labor in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang; and for more information on

forced labor in the XUAR and in administrative detention, see Section II—Human Trafficking.]

Social Insurance

The majority of workers in China continued to lack social insurance coverage. According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, basic health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.[60] 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 behalf of workers.[61] According to the National Bureau of Statistics of China (NBS), in 2019, the number of people covered by work-related injury insurance increased by 16.00 million to a total of 254.74 million for a coverage rate of 30.8 percent.[62] Similarly, NBS reported that work-related injury insurance coverage increased for migrant workers by 5.3 million people to 86.16 million for a coverage rate of 29.6 percent.[63] Unemployment and maternity insurance numbers increased to 205.43 million and 214.32 million, for coverage rates of 26.5 percent and 27.7 percent, respectively, for all workers.[64] According to NBS, at the end of 2019, 2.28 million people were receiving unemployment insurance payments.[65] In January 2020, the Ministry of Human Resources and Social Security reportedly issued an announcement regarding a temporary reduction in social security payments due to COVID–19,[66] and in February, the State Council decided to temporarily waive or reduce social security contributions in certain regions for up to five months.[67]

Unemployment, Migrant Workers, and the Unknown Impacts of COVID–19

During the peak of the novel coronavirus crisis in February 2020, the National Bureau of Statistics of China reported that the employment situation was generally stable, with only a 1 percent increase in monthly unemployment to 6.2 percent,[68] roughly an increase of 5 million unemployed.[69] Independent estimates, however, indicated that the true number of unemployed might be 70 million, 80 million, or even over 200 million.[70] Part of the reason for the large differences in the numbers is due to differences in how migrant workers are counted; migrant workers often lack social benefits and continued to be negatively impacted by the coronavirus.[71]

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law.[72] The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.[73] Categories of workers who do not have an "employment relationship" with their employers include dispatch and contract workers, interns, and workers above the retirement age.[74]

DISPATCH LABOR AND CONTRACT LABOR

The Commission continued to observe reports of dispatch labor and contract worker abuses during this reporting year, in violation of domestic laws and regulations.[75] Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs, and some firms have replaced dispatch labor with contract labor, to further reduce the employee relationship and costs.[76] In one example of dispatch labor abuse, in September 2019, China Labor Watch reported that as of August 2019, approximately 50 percent of the workers at Zhengzhou Foxconn were dispatch labor, far higher than the legally permitted 10 percent.[77] The PRC Labor Contract Law requires that dispatch workers be paid the same as full-time workers doing similar work and may only perform work on a temporary, auxiliary, or substitute basis.[78] Labor groups raised concerns about a related new development of companies using shared labor.[79] Shared labor involves a company with low demand "loaning" employees to companies with higher demand, which raises concerns about issues including social insurance contributions.[80]

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged "internships." In August 2019, China Labor Watch published a report documenting how interns were illegally forced to work overtime and night shifts at Hanyang Foxconn, a supplier for Amazon.[81] In February 2020, China Labour Bulletin reported on interns forced to work mandatory overtime during the COVID–19 pandemic.[82]

WORKERS ABOVE THE RETIREMENT AGE

As the number of elderly workers increased, Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law. According to the PRC Labor Contract Law and the law's implementing regulations, once workers reach retirement age or receive pensions, their labor contracts are terminated by operation of law.[83] The inability of workers over the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in cases of work-related injury, unpaid overtime, or other labor issues.[84] For example, employers are legally permitted to fire workers over the retirement age without providing severance pay.[85] Some retired employees do return to work even with increased health risks.[86] According to research published in the New England Journal of Medicine, 11 of 23 identified health care workers who died from COVID–19 in China were retirees who had been rehired after retirement.[87] The Chinese government has considered raising the retirement age.[88] However, even if the retirement age is raised, workers above the new age would continue to lack certain legal protections.[89]

Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although inadequate safety equipment and training continued to be a significant problem.[90] China Labour Bulletin (CLB) described the Chinese government's approach to work safety as "reactive and coercive," noting that the government typically plays a minimal role in supervision until a major accident occurs.[91] According to the National Bureau of Statistics of China, a total of 29,519 people died in workplace accidents in 2019,[92] compared to 34,046 deaths the previous year.[93] In 2019, there were 316 officially reported coal mining deaths, a decrease from the 333 in 2018, although CLB identified a concerning trend; namely, an increasing number of major coal mining accidents.[94]

Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training, and government oversight was often limited. In a November 2019 report on five toy factories in China, New York-based NGO China Labor Watch (CLW) detailed concerning conditions in factories that make toys for Disney, Mattel, Lego, and other brands, including inadequate pre-job safety training and inadequate safety equipment.[95] In a September 2019 report on Zhengzhou Foxconn, described as the largest factory for Apple iPhones in the world,[96] CLW investigators found, among many other issues, that the factory did not provide any occupational health or safety trainings.[97] In November 2019, a State Council investigation group on the March 2019 chemical explosion at Tianjiayi Chemical in Jiangsu province that killed 78 people found the event to be a "major work safety accident that exposed the failures of local authorities and departments in assuming responsibilities and in punishing violations of the law."[98]

Occupational Health

The Chinese government reported a decrease in the number of cases of occupational disease, although significant concerns remained. In June 2020, the National Health Commission reported that there were 19,428 cases of occupational disease reported in 2019,[99] compared to 23,497 cases in 2018.[100] Of the occupational disease cases in 2019, 15,898 were work-related cases of the lung disease pneumoconiosis.[101] Pneumoconiosis is a group of lung diseases caused by the inhalation of dust that can occur during mining and construction and is the most prevalent type of officially reported occupational disease in China.[102] According to the U.S. Centers for Disease Control and Prevention, "these conditions are entirely man-made, and can be avoided through appropriate dust control."[103] In late 2019, the Chinese government announced a new plan to require that all employees in industries at high risk for pneumoconiosis expand work-related injury insurance, assess the risks of the disease, and set up a national database of high-risk industries and employers that might benefit employees in the future.[104] In 2018, according to official data, 873,000 Chinese workers had pneumoconiosis, up from about 560,000 in 2000, but Love Save Pneumoconiosis, a Beijing non-profit, has estimated that the number may be around 6 million. In March 2020, documentary

filmmaker Jiang Nenjie released his film on pneumoconiosis online for free, because he knew that he would not be able to get approval from authorities for official distribution without making significant changes to the film.[105] During the 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun, Ke Chengbing,** and **Wei Zhili,** as well as **Li Dajun,** all of whom had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019.[106] In December 2019, 2020 Osborn Elliott Journalism Prize-winning Washington Post reporter Gerry Shih published a story on pneumoconiosis, exposing inadequate safety equipment affecting former migrant workers from Hunan province who had labored in Shenzhen municipality, Guangdong province.[107] In March 2020, Chinese authorities expelled Mr. Shih, along with many other American reporters.[108] [For more information on the Chinese government's expulsion of foreign journalists, see Section II—Freedom of Expression.]

During the 2020 reporting year, many medical workers,[109] as well as construction and other employees, lacked access to personal protective equipment in their workplaces.[110] In a February 2020 article in The Lancet, a leading medical journal, two medical workers submitted a letter about the "severe shortage" of protective equipment and conditions "more difficult and extreme than [they] could ever have imagined."[111] Two days after publication, the medical workers requested that their piece be withdrawn,[112] but even the Chinese government-supported media publication Sixth Tone noted the "sensitivity" of the matter and indicated that a statement published in the Southern Metropolis Daily criticizing the letter was deleted for "unclear" reasons.[113]

Notes to Section II—Worker Rights

[1] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 19, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 15, 2020. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2019—China (Includes Tibet, Hong Kong and Macau)," March 11, 2020, sec. 7.

[2] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; China Labour Bulletin, "Holding China's Trade Unions to Account," February 17, 2020; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149; Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy,* 2020.

[3] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149; Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy,* 2020.

[4] Ministry of Human Resources and Social Security and the All-China Federation of Trade Unions, *Guanyu Zuo Hao Xinxing Guanzhuang Bingdu Ganran Feiyan Yiqing Fangkong Qijian Wending Laodong Guanxi Zhichi Qiye Fugong Fuchan De Yijian* [Opinion on Stabilizing Labor Relations and Supporting Enterprises' Resumption of Work and Production During the Prevention and Control of the Novel Coronavirus Epidemic Situation], February 7, 2020, sec. 2(1); Bonnie Puckett and Skye Hao, "China Provides Return-to-Work Guidance for Employers Dealing with End of Spring Festival Holidays and Ongoing Coronavirus Epidemic," Ogletree Deakins, February 24, 2020.

[5] China Labour Bulletin, "China's Trade Unions Caught in the Headlights of the Coronavirus Crisis," April 1, 2020.

[6] Ibid.

[7] International Labour Organization, "COVID–19 and the World of Work," March 18, 2020.

[8] See, e.g., Kevin Lin, "State Repression in the Jasic Aftermath: From Punishment to Preemption," *Made in China Journal* 4, no. 1 (January–March 2019): 16–19.

[9] Hong Kong Confederation of Trade Unions et al., "Statement of '18–19 Chinese Labor Rights Mass Crackdown' from Various Circles in Hong Kong," reprinted in China Labor Crackdown Concern Group, August 7, 2019; China Labor Crackdown Concern Group, "One Year, One Hundred Arrested, What You Need to Know about China's Labor Crackdown," July 27, 2019.

[10] See, e.g., China Labour Bulletin, "Labour Activist Chen Weixiang Released from Detention," January 3, 2020; "Lest We Forget: The Missing Chinese Activists of 2019," *Made in China Journal,* December 23, 2019;

[11] China Labour Bulletin, "Veteran Labour Activist Meng Han Released from Detention," October 8, 2019.

[12] Ibid.

[13] China Labour Bulletin, "Veteran Labour Activist Meng Han Released from Detention," October 8, 2019; Chinese Human Rights Defenders, "Meng Han," accessed April 17, 2020.

[14] China Labour Bulletin, "Labour Activist Chen Weixiang Released from Detention," January 3, 2020.

[15] Ibid.

[16] "Labor Activist 'At Risk of Torture' in Incommunicado Detention: Group," *Radio Free Asia,* May 1, 2020.

[17] Ibid.

[18] China Labour Crackdown Concern Group, "UN Working Groups Address the Chinese Government on Detention of iLabour Three," October 10, 2019.

[19] Ibid.

[20] International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019; "Lest We Forget: The Missing Chinese Activists of 2019," *Made in China Journal,* December 23, 2019.

[21] International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, Appendix; "Lest We Forget: The Missing Chinese Activists of 2019," *Made in China Journal,* December 23, 2019.

[22] China Labour Bulletin, "Five Labour Activists Released after 15 Months in Detention," May 9, 2020.

[23] Ibid.

[24] Ibid.

[25] China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," January 10, 2020. Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy,* 2020.

[26] China Labour Bulletin, "Strike Map," accessed June 25, 2020.

[27] China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," January 10, 2020.

[28] China Labour Bulletin, "Strike Map," accessed June 25, 2020; China Labour Bulletin, "The State of Labour Relations in China, 2019," January 13, 2020.

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CRIMINAL JUSTICE

Findings

• The Chinese government and Communist Party continued to use criminal law and police power to punish government critics and to "maintain stability" with the goal of perpetuating one-party rule. The Commission observed that the Chinese government targeted the following groups in particular: rights advocates and lawyers; doctors and other citizens who shared information about the coronavirus disease 2019 (COVID–19) outbreak; supporters in mainland China of protests in Hong Kong; religious believers and clergy; and ethnic minority groups. In so doing, the Chinese government violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards.

• The Chinese government continues to arbitrarily detain Chinese citizens, circumventing judicial oversight and the protection of detainees' rights under the PRC Criminal Procedure Law. Forms of arbitrary detention used to deprive individuals of their liberty included extralegal "black jails" and forced psychiatric commitment of individuals who are engaged in petitioning or other activities that authorities find politically troublesome. Provisions under the PRC Criminal Law—such as crimes of "endangering state security" and "picking quarrels and provoking trouble"—provide a legal basis for authorities to suppress rights advocacy and other activities protected under international human rights standards.

• Authorities used police power to detain individuals and suppress the spread of information about the COVID–19 outbreak that resulted in a global pandemic. Police throughout China punished individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province. Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances. Wuhan-based doctor Li Wenliang was summoned and forced to sign a confession for "severely disturbing social order" after sharing information with medical colleagues about the novel coronavirus. Li later died from complications related to COVID–19.

• The National People's Congress Standing Committee repealed "custody and education," a frequently abused form of administrative detention. Under "custody and education," public security officials were able to detain sex workers and their clients for six months to two years without judicial oversight. One longtime advocate for the abolition of "custody and education" called the development a "rare victory for a vulnerable group in China."

• Authorities continued to deprive detainees of their rights in contravention of international standards and in some cases against PRC laws. Authorities tortured and abused detainees, held them in prolonged pretrial detention, denied them access to a lawyer, and coerced them to confess to wrongdoing. One China legal expert said that coerced confessions are a problem

that "everyone in the [Chinese] criminal justice system is aware of."

- The Chinese Communist Party increasingly asserted control over law enforcement and deployed mass surveillance technologies in the name of public security to suppress political activity. Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data. This raises concerns over Chinese citizens' privacy and increases the potential for public security officials to use these technologies to crack down on rights advocates and other targeted persons.
- According to research by Amnesty International, the PRC carried out more executions than any other country this past year. The government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. However, China also continued to classify death penalty statistics as a state secret, which does not comport with international human rights norms.
- Chinese authorities continued to arbitrarily detain Canadian citizens **Michael Kovrig** and **Michael Spavor,** in what is now more than one year of detention without trial. The two were likely detained in order to exert diplomatic pressure on the Canadian government for the arrest of Huawei executive Meng Wanzhou.

Recommendations

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

- ○ Publicly advocate for political prisoners. Chinese officials have deprived individuals of liberty on unsubstantiated criminal charges and for apparent political reasons. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this section and other sections in this report. For additional cases, refer to the Commission's Political Prisoner Database.
- ○ Prioritize an end to arbitrary detention through diplomatic engagement. The Administration should urge Chinese officials to end all forms of arbitrary detention, and raise this issue in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in "black jails," psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects that assist individuals with submissions to the UN Working

Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and UN system of Special Procedures, and to accumulate evidence on Chinese officials complicit in the arbitrary detention of political and religious prisoners.

○ Take the necessary steps to ensure that U.S. businesses are not complicit in PRC abuses of police power. The Administration and members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to Chinese police, including artificial intelligence (AI)-enabled biometric identification technologies (e.g., facial, voice, or gait recognition). Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses and privacy violations that U.S. companies working in China may face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.

○ Engage with reform-minded governments and non-government actors. The Administration and members of Congress should continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

○ Voice support for human rights advocates in China. Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and democracy advocates, and human rights defenders, as well as other targets of Chinese government repression. The Administration and members of Congress should discuss with Chinese counterparts the importance of protection for such individuals in a wide range of bilateral and multilateral discussions with Chinese officials.

○ Stress to the Chinese government the need for greater transparency in its use of the death penalty. The Administration and Members of Congress should urge Chinese officials to disclose the number and circumstances of executions. The Administration and members of Congress should urge the Chinese government to ban explicitly, in national legislation, the harvesting of organs from executed prisoners.

CRIMINAL JUSTICE

Introduction

During the Commission's 2020 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to "maintain stability" (weiwen)[1] with the goal of perpetuating one-party rule. In so doing, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards.[2]

Arbitrary Detention

Authorities continued to use various legal and extrajudicial forms of arbitrary detention[3] that deprive individuals of their liberty, contravening international human rights standards.[4] According to the UN Working Group on Arbitrary Detention, arbitrary detention is prohibited in "all types of detention regimes."[5] This includes "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."[6]

FORMS OF ARBITRARY DETENTION

- **"Retention in Custody" (Liuzhi).** The PRC Supervision Law (Supervision Law),[7] authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct[8] using methods including "retention in custody" (liuzhi),[9] an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and denies them the right to be tried while present.[10] In April 2020, the Beijing Commission for Discipline Inspection announced it had placed former business executive Ren Zhiqiang under investigation for "violating discipline and the law."[11] Ren went missing in March after the publication of a February article he is believed to have authored in which he criticized the Party leadership's handling of the coronavirus disease 2019 (COVID–19) outbreak.[12]
- **Administrative Detention.** Authorities continued to use administrative forms of detention, which allowed officials to detain individuals without judicial oversight or protection for their rights under the PRC Criminal Procedure Law. Police have ordered individuals to serve up to 20 days of administrative detention without any judicial process.[13] In addition, authorities continued to operate compulsory drug detoxification centers[14] where they can hold detainees for up to two years.[15]
- **"Custody and Education."** On December 28, 2019, the National People's Congress Standing Committee repealed the form of administrative detention known as "custody and education" (*shourong jiaoyu*).[16] Under "custody and education," public security officials were authorized to detain sex workers and their clients for six months to two years without judicial oversight.[17] Chinese legal experts had questioned the legality of such "extrajudicial prisons without any due process" that primarily targeted women and were prone to abuse.[18] One

longtime advocate for the abolition of "custody and education" called the development a "rare victory for a vulnerable group in China."[19]

• **Black Jails.** Authorities continued to hold individuals in "black jails," extralegal detention sites that operate outside of China's judicial and administrative detention systems.[20] For example, authorities or individuals presumably acting on their behalf held rights advocates and petitioners in "black jails."[21]

• **Psychiatric Facilities.** Local authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as bei jingshenbing—to punish or arbitrarily detain individuals who expressed political dissent or grievances against the government.[22] These actions violate protections in the PRC Mental Health Law[23] and related regulations.[24] For example, on January 23, 2020, around six unidentified individuals in Fuzhou municipality, Fujian province, took petitioner **He Guanjiao** into custody.[25] After losing communication with He Guanjiao in January, her sister later discovered that authorities had taken her to a psychiatric institution in Fuzhou despite the fact that she did not have a history of mental illness.[26] This is not the first time authorities placed her in a psychiatric institution.[27] In August 2019, authorities kept He Guanjiao in a psychiatric institution without informing her family until October.[28] When she went on a hunger strike in protest, authorities reportedly force fed her and forcibly administered her medication.[29] He Guanjiao began petitioning when her complaints were rejected by her employer and labor offices after she lost her job due to an industrial injury that resulted from unsafe working conditions.[30]

• **Abuse of Quarantine Measures.** Authorities reportedly "detained in the name of quarantine" citizen journalist **Chen Qiushi** who reported on the novel coronavirus outbreak in Wuhan municipality, Hubei province.[31] In a separate case, after having gone missing for almost two months,[32] journalist **Li Zehua,** who recently left state-run China Central Television to report independently, released a statement saying authorities had placed him in quarantine in Wuhan and subsequently transferred him to another quarantine location in his hometown.[33] Like Chen, Li had also reported on the coronavirus outbreak.[34] In another case reported by the Falun Gong-affiliated website Clear Wisdom, on January 27, 2020, authorities reportedly brought Falun Gong practitioner **Gong Fengqiang** to a coronavirus quarantine hospital to hide evidence of custodial abuse that left him unconscious.[35]

• **Mass Internment in the Xinjiang Uyghur Autonomous Region (XUAR).** Authorities in the XUAR maintained a system of extrajudicial mass internment camps in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[36] According to reports published this past year, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the XUAR, beginning in 2017.[37] [For more

information on arbitrary detention in China's mass internment camps, see Section IV—Xinjiang.]

CRIMINAL LAW AND ARBITRARY DETENTION

This past year, authorities continued[38] to detain individuals under broad provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards.[39] Criminal provisions that authorities used for political purposes include the following:

- **Crimes of Endangering State Security.** The Chinese government continued to prosecute individuals for peacefully exercising their rights under the category of "endangering state security" crimes, as provided in CL Articles 102 to 105 and 107 to 112, including the offenses "subversion of state power,"[40] "separatism," and "espionage."[41] Some of these charges carry multi-year prison sentences or the death penalty.[42] Cases of individuals detained under provisions of endangering state security can be found in this chapter.[43]
- **Picking Quarrels and Provoking Trouble.** Authorities used "picking quarrels and provoking trouble" under Article 293 of the CL to punish individuals including petitioners and rights advocates.[44] Chinese legal experts describe the criminal charge as a "pocket crime," in that it "is so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality."[45]
- **Other Criminal Law Provisions.** Authorities continued to charge members of religious communities and spiritual movements with "organizing and using a cult organization to undermine implementation of the law" under CL Article 300.[46] In addition, authorities accused individuals of other criminal offenses, including "gathering a crowd to disturb social order"[47] and "illegal business activity"[48] in relation to activities protected under international human rights standards.[49]

TABLE 1—SELECT CASES OF INDIVIDUALS DETAINED UNDER CRIMES OF ENDANGERING STATE SECURITY FROM THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA'S POLITICAL PRISONER DATABASE (PPD)[50]

Name PPD record no.	Nature of detention	Detention status [51]	About
Wang Yi 2018–00615	Religion, public criticism of Chinese Communist Party [52]	Detained on December 9, 2018. Sentenced to nine years in prison on December 30, 2019, for both "inciting subversion of state power" and "illegal business activity." [53]	Pastor of Early Rain Covenant Church, an unregistered Protestant church in Chengdu municipality, Sichuan province.
Guo Quan 2008–00668	Criticism of government's coronavirus response	Criminally detained on January 31, 2020, on suspicion of "picking quarrels and provoking trouble"; formally arrested on February 26 on suspicion of "inciting subversion of state power." Pretrial detention.	Democracy advocate who criticized the government's response to the coronavirus outbreak that originated in Wuhan municipality, Hubei province.

TABLE 2—SELECT CASES OF INDIVIDUALS DETAINED UNDER PICKING QUARRELS AND PROVOKING TROUBLE FROM THE COMMISSION'S POLITICAL PRISONER DATABASE (PPD) [54]

Name PPD record no.	Nature of detention	Detention status [55]	About
Li Sixia 2019–00355	Environmental advocacy	Detained on September 17, 2018. Sentenced on July 20, 2019, to two years and six months in prison.	Li Sixia, with Zhang Haicheng and Wei Zhibo, posted reports online in 2017 and 2018 about environmental pollution in Shiquan county, Ankang municipality, Shaanxi province, caused by two nearby stone quarries.
Hao Jinsong 2020–00007	Government criticism	Detained on December 17, 2019. Indicted in May 2020 for ''picking quarrels and provoking trouble'' and two additional charges.[56] Pretrial detention.	Legal rights advocate critical of the Chinese government. Hao attended a December 2019 gathering of lawyers and activists in Xiamen municipality, Fujian province.
Huang Xueqin 2019–00454	Freedom of expression: writing about 2019 anti-extradition bill protests in Hong Kong	Released on bail (''guarantee pending trial'' (qubao houshen)) on or around January 17, 2020, after approximately three months in detention, part of which was in ''residential surveillance at a designated location.''	Journalist and women's rights advocate who promoted the #MeToo movement in China and covered cases of sexual harassment. Wrote about her experiences at a protest in Hong Kong.
Cui Haoxin 2020–00071	Ethnic minority rights; government criticism	Detained on January 24, 2020. Pretrial detention.	Hui Muslim poet and writer (also known by his pen name An Ran) who has criticized Chinese government policies toward Muslims, including destruction of mosques and the campaign of arbitrary mass detention of Uyghurs and others.

Arbitrary Detention and Diplomatic Pressure

Authorities have held Canadian citizens **Michael Spavor**[57] and **Michael Kovrig**[58] in pretrial detention for more than one year.[59] The Canadians were detained in December 2018,[60] and in June 2020, authorities indicted the two on charges relating to "state secrets."[61] The Canadians' detentions in December came shortly after Canadian authorities arrested Huawei executive Meng Wanzhou based on an extradition request made by the U.S. Department of Justice.[62] Observers have argued that the detentions of Spavor and Kovrig as well as the death sentence of Canadian **Robert Schellenberg**[63] were likely Chinese authorities' attempt to exert pressure on the Canadian government in response to Meng's arrest.[64]

Ongoing Challenges in the Implementation of the Criminal Procedure Law

The Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)[65] and international human rights standards.[66]

PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond the limits allowed under international human rights standards[67] and the CPL.[68]

Authorities first detained activist **Ge Jueping**[69] in November 2016 on suspicion of "inciting subversion of state power," and placed him under "residential surveillance at a designated location."[70] In May 2017, authorities formally arrested Ge on the same charges.[71] According to the advocacy organization Chinese Human Rights Defenders, after a local procuratorate indicted Ge in April 2018, authorities argued that the trial could not occur because Ge refused a government provided defense lawyer.[72] In May 2019, the Suzhou Municipal Intermediate People's Court in Jiangsu province tried Ge Jueping but did not issue a judgment.[73] On June 8, the court notified Ge's lawyer that Ge's trial was suspended on March 16, 2020, due to COVID–19.[74] On June 24, 2020, the court sentenced Ge to four years and six months in prison for "inciting subversion of state power," marking over three years and seven months in detention without a sentence.[75] Before his arrest in 2017, Ge was reportedly active on social media speaking out against forced home demolitions and for civil rights.[76]

In January 2020, the Chief Prosecutor of the Supreme People's Procuratorate Zhang Jun said rates of arrests and pretrial detention should be lowered.[77] Zhang recommended "the expanded implementation of detention alternatives" such as defendants being released pending trial in place of pretrial detention.[78] In May 2020, Zhu Zhengfu—a member of the Chinese People's Political Consultative Conference and Vice President of the All China Lawyers Association—said that prolonged detention may result in miscarriages of justice such as innocent detainees confessing to crimes they did not commit.[79]

DENIED ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and prevented others from hiring their preferred attorneys. Chinese law grants suspects and defendants the right to hire[80] and meet with defense counsel,[81] but it restricts meetings in cases of "endangering state security" and terrorism,[82] as well as for those held in "residential surveillance at a designated location" (RSDL),[83] contravening international standards.[84] Selected examples of denied access to counsel are listed below:

- In August 2019, Chinese authorities formally charged former Chinese official and Australian citizen and writer **Yang Hengjun**[85] on charges of "endangering state security."[86] Authorities reportedly denied Yang access to the lawyer of his choosing, and starting in December denied visits from consular officials and legal counsel.[87] Authorities first detained Yang in January 2019 when he arrived in China from New York.[88] Yang has written articles critical of the Chinese government.[89]
- In December 2019, **Chen Jiahong**[90] met with his lawyer for the first time in seven months since authorities took him into custody in April, reportedly for his speech calling for increased accountability of Party officials.[91] Authorities had formally

charged Chen earlier in December for "inciting subversion of state power."[92] Chen is a human rights lawyer who signed an open letter in early 2018 calling for an end to government targeting of lawyers.[93] After Chen's colleague **Qin Yongpei** advocated for the release of Chen and other lawyers, authorities detained Qin in October 2019 and indicted him for "inciting subversion of state power" in May 2020.[94] Qin is a disbarred rights defense lawyer, who, like Chen, had criticized the corruption of Chinese officials, and had commented on the pro-democracy protests in Hong Kong.[95] Authorities deprived both Chen and Qin of family and counsel visits.[96]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in "residential surveillance at a designated location" (RSDL),[97] a form of incommunicado detention that can last up to six months,[98] restricts access to counsel,[99] and places detainees at risk of abuse by authorities.[100]

In December 2019, as part of a crackdown on individuals connected to a gathering in Xiamen municipality, Fujian province, earlier that month during which participants discussed Chinese politics and civil society developments,[101] authorities from Shandong and Fujian provinces took into custody lawyer **Ding Jiaxi,**[102] scholar **Zhang Zhongshun,**[103] and rights advocate **Dai Zhenya.**[104] Authorities separately placed the three in RSDL in Shandong province on suspicion of "inciting subversion of state power."[105]

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees,[106] violating international standards.[107] Examples include the following:

- In November 2019, Wang Yuqin, wife of rights advocate **Yang Qiuyu,** reported that authorities in a Beijing municipality detention center placed Yang's legs in shackles for six months.[108] Yang and Wang have long been supporters of petitioners from disadvantaged groups.[109] Yang was criminally detained on March 1, 2019, for "picking quarrels and provoking trouble."[110]
- In November 2019, Shenzhen police released a video confession tape of Hong Kong resident and then-U.K. consulate employee **Simon Cheng Man Kit.**[111] The video was posted two days after Cheng released a statement saying Shenzhen police tortured him during his detention in August 2019.[112] Cheng said he was placed in solitary confinement, deprived of sleep, handcuffed, and placed in stress positions for hours.[113] Interrogators threatened to charge him with a more severe crime and demanded Cheng provide information on the U.K.'s role in the 2019 Hong Kong pro-democracy protests, which Cheng denied, as well as on his relationship with mainlanders involved in the protests.[114] Authorities allegedly forced him to confess to soliciting prostitutes.[115] An Amnesty International researcher said Cheng's accusations of torture in detention are "in line with the endemic torture and other ill-treatment" in mainland

China.[116] [For more information about pro-democracy protests in Hong Kong, see Section VI—Developments in Hong Kong and Macau.]

- In addition, authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards[117] and may amount to torture.[118]

Coerced Confessions

Authorities continued to coerce detainees to confess to wrongdoing in violation of the CPL,[119] and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody.[120] Chinese legal experts have expressed concern about the continued abusive practices in the Chinese criminal justice system that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.[121] One legal expert said coerced confessions are a problem that "everyone in the [Chinese] criminal justice system is aware of."[122] [For more information about the coerced confession in administrative detention of former U.K. consulate worker Simon Cheng Man Kit, see sub-section above on Torture and Abuse in Custody.]

During the coronavirus disease 2019 (COVID–19) outbreak, individuals who shared information about the disease confessed to wrongdoing in what were likely cases of coerced confessions:

- The non-governmental organization Safeguard Defenders reported that authorities throughout China coerced individuals who were placed in "tiger chairs" to make video confessions related to the coronavirus outbreak.[123] The confessions ranged from "spreading rumors" to "maliciously driving up [rice] prices."[124]
- In February 2020, a college student posted a video "admitting her mistakes" after posting a picture on social media in late January complaining about her experience in the hospital while receiving treatment for COVID–19.[125] In the video she said she "hoped that her fans will not start rumors," and that "we need to trust in the country and the government's ability to find a cure."[126] The video confession was recorded while she was receiving treatment in a hospital bed.[127]
- Public security authorities in Wuhan municipality, Hubei province, forced at least eight medical personnel to sign confessions of wrongdoing in connection to sharing information about the novel coronavirus outbreak in late December 2019.[128] [For more information on coerced written confessions for sharing information about the coronavirus outbreak, see Policing in this section.]

Confirmed Cases of COVID–19 in Prisons

In February 2020, authorities announced that five prisons in Shandong, Zhejiang, and Hubei provinces each had more than 500 total confirmed cases of COVID–19 in the prisons.[129] The BBC reported that four prison officials were fired, and others were disciplined after the virus spread in the prisons.[130] One Human Rights Watch researcher expressed concern over medical care pro-

vided to already vulnerable Chinese prison populations during the pandemic: "Prisoners are routinely denied access to adequate medical care even during normal times."[131] UN High Commissioner for Human Rights Michelle Bachelet stressed that in order to mitigate the spread of the virus in prisons, "governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views."[132]

Policing

This past year, authorities continued to develop surveillance technology based in part on large-scale, sometimes involuntary collection of personal data.[133] While the development of technology could aid criminal investigations, observers have raised concerns about public security officials' capacity to crack down on rights advocates, religious and ethnic minority groups, and critics of the Chinese government and Communist Party.[134] This is especially true in a justice system in which, according to Amnesty International, "Law enforcement and the judicial system remained largely under the control of the [Chinese Communist Party]."[135] Examples of technology used to track and collect data on individuals include smart glasses,[136] artificial intelligence,[137] facial recognition,[138] and drones.[139] Reports indicated that both U.S. and Chinese firms aided Chinese police in developing their surveillance technology.[140] [For more information on the involvement of U.S. companies in the Chinese government's development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

Police Power and the Coronavirus Disease 2019 (COVID–19)

During the Commission's reporting year, authorities harassed, threatened, fined and detained individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province.[141] As of March 26, 2020, Chinese Human Rights Defenders estimated that almost 900 individuals have been punished nationwide for "spreading rumors" related to COVID–19.[142] Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances.[143]

On December 30, 2019, a Wuhan doctor shared a report via social media that a coronavirus similar to SARS had been detected in patients.[144] Dr. **Li Wenliang** and seven others who shared the report on social media also were reprimanded by the police.[145] In the case of Dr. Li, police from Wuhan municipality summoned him, and forced him to sign a document admitting to "severely disturbing social order."[146] Li was later diagnosed with COVID–19 and died on February 7, 2020.[147] In March, the National Supervisory Commission said police had mishandled Li's case, and exonerated Li Wenliang.[148] Caixin Global, a commercial media outlet known for its investigative reports, reported that additional Wuhan doctors were either summoned or called by local police after they shared information about the virus on social media.[149]

China legal scholar Jerome A. Cohen noted that the summoning of Dr. Li for his online posting is an example of how police use the "vaguely defined offenses" of the PRC Public Security Administration Punishment Law (PSAPL) to punish individuals.[150] The administrative powers and punishments the PSAPL provides the police are "not subject to the protections of the Criminal Procedure Law," and do not involve the Chinese procuratorate or the courts.[151] Under the PSAPL, police can punish individuals for offenses that are not necessarily criminal with "low visibility police oppression," ranging from a warning to 15 days in detention.[152] Cohen said that the PSAPL "accounts for many more punishments each year than the criminal process."[153]

Death Penalty

The Chinese government continued[154] to claim that it reserves the death penalty for a small number of crimes and only the most serious offenders.[155] However, court and public security bureau officials voiced support for the continued use of the death penalty, and announced it as a potential penalty for crimes related to the coronavirus outbreak.[156] Amnesty International estimated that the Chinese government "executed and sentenced to death thousands of people, remaining the world's lead executioner."[157] The Chinese government classified statistics on its use of the death penalty as a "state secret,"[158] and the Commission did not observe any official report on overall death penalty numbers.

In August 2019, the Supreme People's Court released guidelines outlining some rights of prisoners on death row, particularly relating to judicial review of death sentences.[159] The guidelines address the defendant's rights to a defense lawyer, and require authorities to postpone the death sentence when a defense lawyer provides evidence that could influence the Supreme People's Court's review of

the case.[160] The guidelines also allow prisoners sentenced to death to request a meeting with friends or relatives before his or her execution.[161]

Transparency in Organ Transplant System

A paper published in BMC Medical Ethics in November 2019 raised concerns about the Chinese government's transparency of data regarding its organ transplant system. According to the authors, "China's standards for public provision of its transplant data differ significantly from elsewhere. None of the official organ transplant registries are publicly accessible."[162] The article claimed that the Chinese government may have falsified annual statistics on organ donation numbers in China.[163] Observers suggested that this may be an indicator that involuntary organ removals continue to take place in China, despite official assertions to the contrary.[164] In 2014, state-controlled media had reported the end of harvesting organs from executed prisoners with a move to a fully voluntary organ donation system starting in January 2015.[165]

Notes to Section II—Criminal Justice

[1] Sophia Yan, "Xi Jinping Demands Political Loyalty from Chinese Police with Tiananmen Anniversary and Trade Tension," *Telegraph,* May 10, 2019.

[2] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 2, 4, 52, 56, 123, 135–39, and 156–59; *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1); Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976; International Convention on the Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed June 12, 2019. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. Michael Caster, "China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change," *Guardian,* January 3, 2019.

[3] UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–28 April 2017), A/HRC/WGAD/2017/4, August 11, 2017. The UN Working Group on Arbitrary Detention classifies detention as "arbitrary" when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination.

[4] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December16, 1966, entry into force March 23, 1976, art. 9(1). China has signed and stated its intent to ratify the ICCPR. See United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 1, 2020. China signed the ICCPR on October 5, 1998. Countries recommended that China ratify the ICCPR, but China rejected this, saying "China is making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place." UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, February 15, 2019, items 28.5, 28.6, 28.10; Permanent Mission of the People's Republic of China to the UN, "Aide Memoire," reprinted in United Nations, April 13, 2006; State Council, European Council, Prime Minister's Office of Sweden, and European Commission, "Joint Statement of the 12th China-EU Summit," reprinted in Ministry of Foreign Affairs, November 30, 2009. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to "further protect civil and political rights," although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated June 5, 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, June 6, 2013, A/68/90.

[5] Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

[6] Ibid.

[7] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.

[8] Ibid., art. 3.

[9] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, *2018 Annual Report,* October 10, 2018, 103.

[10] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(d); Safeguard Defenders, "Submission to Select UN Special Procedures on China's National Supervision Commission and Its Detention Tool Liuzhi," August 21, 2019, para. 41; Gordon Watts, "Mystery Deepens over Ex-Interpol Chief Meng," *Asia Times,* January 21, 2020.

[11] Beijing Commission for Discipline Inspection, "Beijing Shi Huayuan Jituan yuan dangwei fushuji, dongshizhang Ren Zhiqiang jieshou jilu shencha he jiancha diaocha" [Beijing municipality Huayuan Corporation's former vice party secretary and vice president Ren Zhiqiang undergoes discipline inspection and investigation], April 7, 2020; Helen Davidson, "Critic Who Called Xi a 'Clown' over COVID–19 Crisis Investigated for 'Serious Violations,'" *Guardian,* April 7, 2020.

[12] "(Pengyou quan) Ren Zhiqiang bei Beijing Shi Jiwei liuzhi tanhua" [(WeChat Moments) Discussion of Beijing Commission for Discipline Inspection's placement of Ren Zhiqiang in "retention in custody"], *China Digital Times,* March 13, 2020; Ren Zhiqiang, translated by Josh Rudolph, "Translation: Essay by Missing Property Tycoon Ren Zhiqiang," *China Digital Times,* March 13, 2020; Ren Zhiqiang, "Renmin de shengming bei bingdu he tizhi de zhong bing gongtong shanghai" [The lives of the people are harmed by the serious illness of the virus and the system], reprinted in *China Digital Times,* March 12, 2020.

[13] *Zhonghua Renmin Gonghe Guo Zhi'an Guanli Chufa Fa* [Public Security Administration Punishment Law of the People's Republic of China], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, arts. 10, 16; "Zao ju 15 ri Zhongguo laogong weiquanzhe

Chen Weixiang huoshi," [Chinese labor rights advocate Chen Weixiang, who faced 15 days of detention, released], *Central News Agency,* January 2, 2020. For examples of individuals administratively detained as a result of sharing information regarding the coronavirus, see Chinese Human Rights Defenders, "List of Penalized Chinese Netizens for Online Speech about COVID–19," March 26, 2020; "Seven Detained in Tibet For 'Spreading Rumors' on the Coronavirus Threat," *Radio Free Asia,* February 10, 2020.

[14] Giulia Zoccatelli, "Punish and Cure: Forced Detox Camps, Reeducation through Labour, and the Contradictions of China's War on Drugs," *Made in China Journal* 4, no. 3 (July–September 2019): 95–100; "Dao Gang shengyuan youxing bei guanya Guangdong gongmin bei qiangzhi song jiedusuo" [Guangdong citizen who traveled to Hong Kong to support protests is forcibly placed in a drug detoxification center], *Radio Free Asia,* December 19, 2019; "Sichuan Sheng Nuzi Qiangzhi Geli Jiedusuo zhaokai 2019 niandu jiedu renyuan nianzhong zongjie ji biaozhang dahui" [Sichuan Province Women's Compulsory Drug Detoxification Center holds 2019 recovering addicts year-end award ceremony], Sichuan Province Women's Compulsory Drug Detoxification Center, reprinted in *The Paper,* December 11, 2019; See also State Council, *Jiedu Tiaoli,* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 4; Ministry of Public Security, *Gong'an Jiguan Qiangzhi Geli Jiedusuo Guanli Banfa* [Measures on the Management of Public Security Agency Compulsory Isolation and Drug Detoxification Centers], issued and effective September 19, 2011, arts. 1–2.

[15] *Zhonghua Renmin Gongheguo Jindu Fa* [PRC Narcotics Law], issued December 27, 2007, effective June 1, 2008, art. 47; State Council, *Jiedu Tiaoli* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 27.

[16] National People's Congress Standing Committee, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Feizhi Youguan Shourong Jiaoyu Falu Guiding he Zhidu de Jueding* [Decision on Abolishing the Legal Provisions and Systems Regarding Custody and Education], passed December 28, 2019, effective December 29, 2019; "China Abolishes 'Custody and Education' System," *Xinhua,* December 28, 2019; "China Ends Forced Labour for Sex Workers," *BBC,* December 28, 2019.

[17] State Council, *Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa* [Measures on Custody and Education for Sex Workers and Their Clients], issued September 4, 1993, amended January 8, 2011, arts. 2, 3, 9; Asia Catalyst, "'Custody and Education': Arbitrary Detention for Female Sex Workers in China," December 2013; Meng Yaxu, "Weihe sici jiang 'maotou' duizhun shourong jiaoyu?" [Why critique custody and reeducation four times?], *Beijing Youth Daily,* December 26, 2018.

[18] Shen Tingting, "A Rare Rights Victory in China," *The Diplomat,* March 17, 2020; Human Rights Watch, "China: Abolish Arbitrary Detention for Sex Workers," March 7, 2019; "Rights Group Calls on China's Parliament to End Sex Worker 'Re-education,'" *Radio Free Asia,* March 6, 2019.

[19] Shen Tingting, "A Rare Rights Victory in China," *The Diplomat,* March 17, 2020.

[20] 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* 21, no. 1 (Winter 2014), 3–4; Amnesty International, "China: Submission to the United Nations Committee against Torture 56th Session, November 9–December 9, 2015," October 2015, 16; Chinese Human Rights Defenders, "'We Can Beat You to Death with Impunity': Secret Detention and Abuse of Women in China's 'Black Jails,'" October 2014, 6.

[21] See, e.g., Civil Rights & Livelihood Watch, "Chongqing Cai Bangying bei ouda guan hei jianyu" [Chongqing's Cai Bangying beaten and detained in black prison], August 8, 2019; Civil Rights & Livelihood Watch, "Yin shangfang Zhang Yuebing bei duda guan hei jianyu" [Zhang Yuebing beaten and detained in black prison due to petitioning], December 25, 2019; Civil Rights & Livelihood Watch, "Duo ming zai Jing fangmin zao bangjia guan hei jianyu" [A number of petitioners in Beijing kidnapped and placed in black prison], August 28, 2019; Rights Defense Network, "Jiangsu Nanjing gongmin Wu Jufang de shiyi hei jianyu emeng" [Citizen of Nanjing, Jiangsu, Wu Jufang's China National Day black jail nightmare], October 8, 2019.

[22] See, e.g., Civil Rights & Livelihood Watch, "2019 nian Zhongguo jingshen jiankang yu renquan (bei jingshen bing) nian zhong baogao" [2019 year-end report on mental health and human rights in China (forcible psychiatric commitment)], March 6, 2020; Rights Defense Network, "Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan" [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020; Rights Defense Network, "Bei guan jingshenbing yiyuan de tuiwu laobing, weiquan renshi Deng Fuquan zuotian huoshi" [Military veteran and rights advocate Deng Fuquan is released after being locked in a psychiatric institution], October 29, 2020; "Ceng xiang Xi Jinping huaxiang pomo, Dong Yaoqiong chu yuan panruo liangren" [Dong Yaoqiong, who threw ink at a portrait of Xi Jinping, leaves the hospital a different person], *Radio Free Asia,* January 3, 2020.

[23] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1).

[24] Supreme People's Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa (Shixing)* [Measures on the Examination of Implementation of Compulsory Medical Treatment by People's Procuratorates (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.

[25] Rights Defense Network, "Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan" [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020. For more information on He Guanjiao, see the Commission's Political Prisoner Database record 2020-00158.

[26] Rights Defense Network, "Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan" [After being kidnapped and miss-

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[27] Rights Defense Network, "Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan" [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020.

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[39] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "Concluding Observations on the Fifth Periodic Report of China," CAT/C/CHN/CO/5, February 3, 2016, para. 36; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 9, 18, 19, 20; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 9, 18, 19, 21, 22, 27.

[40] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, arts. 102–5, 107–12; Chinese Human Rights Defenders, "'Inciting Subversion of State Power': A Legal Tool for Prosecuting Free Speech in China," January 8, 2008, 3, 5; Joshua Rosenzweig, "What's the Difference between Subversion and Inciting Subversion?," *Siweiluozi's Blog* (blog), January 19, 2012.

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[42] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 113.

[43] For examples of cases of individuals detained under provisions of endangering state security covered in this chapter, see the Commission's Political Prisoner Database record 2020-00182 on human rights lawyer Chen Jiahong; 2019-00508 on disbarred human rights lawyer Qin Yongpei; 2013-00307 on disbarred lawyer Ding Jiaxi; 2020-00012 on scholar Zhang Zhongshun; 2020-00011 on rights advocate Dai Zhenya; 2016-00475 on rights advocate Ge Jueping; 2005-00199 on legal scholar and civil society advocate Xu Zhiyong; 2019-00083 on Australian citizen and writer Yang Hengjun; 2020-00176 on Canadian citizen Michael Kovrig; and 2020-00178 on Canadian citizen Michael Spavor.

[44] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293; Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019. For cases of petitioners charged with "picking quarrels and provoking trouble," see, e.g., the Commission's Political Prisoner Database records 2016-00161 on Han Bangmei, 2015-00005 on Li Yufeng, and 2016-00105 on Li Zhaoxiu.

[45] Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019; Frances Eve, Chinese Human Rights Defenders, "Twitter Becomes Chinese Government's Double Weapon: Punishing Dissent and Propagating Disinformation," May 11, 2020.

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[48] Yue Wenxiao, "Qian meiti ren Chen Jieren bei yi jingji zui zhongpan ceng duoci jubao gaoguan" [Former journalist Chen Jieren is severely sentenced for economic crimes; he had repeatedly called out high officials], *Sound of Hope,* April 30, 2020; Chinese Human Rights Defenders, "China: Release Journalist Chen Jieren Imprisoned for 15 Years for Criticising CCP," April 30, 2020. For more information on Chen Jieren, see the Commission's Political Prisoner Database record 2018-00318.

[49] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18, 19, 20; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18, 19, 21.

[50] For more information on these cases and other cases raised in the Annual Report, see the Commission's Political Prisoner Database (PPD). The Commission's PPD provides public access to information about political prisoners in China and can be accessed at *http://ppdcecc.gov/*.

[51] Detention status as of June 30, 2020.

[52] Wang Yi, "My Declaration of Faithful Disobedience," *China Partnership,* December 12, 2018.

[53] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 225. "Illegal business activity" is a separate charge from crimes of "endangering state security."

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[65] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 2, 14.

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[67] See, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976. arts. 9(3)–(4), 14(3)(c).

[68] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 156–159. For information on human rights lawyer Li Yuhan, whom authorities have held for more than two years in pretrial detention, see Section III—Access to Justice.

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[76] Chinese Human Rights Defenders, "Ge Jueping," accessed April 17, 2020.

[77] "Beijing News: It Is Imperative to Lower Pretrial Detention Rates and Expand the Implementation of Non-Incarceration Measures," *Beijing News,* translated by U.S.-Asia Law Institute, January 18, 2020. See also Wang Jun, "Zhang Jun: jiangdi shenqian jiya lu kuoda fei jiya shouduan shiyong shi zai bixing" [Zhang Jun: It is imperative to lower pretrial detention rates and expand the implementation of non-incarceration measures], *Beijing News,* January 18, 2020.

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[91] Rights Defense Network, "Guangxi renquan lushi Chen Jiahong shandong dianfu guojia zhengquan an zuixin tongbao" [Latest information on Guangxi human rights lawyer Chen Jiahong's inciting subversion of state power case], reprinted in Independent Chinese PEN Center, January 15, 2020; "Chen Jiahong 'shan dian an' mianlin qisu" [Chen Jiahong facing indictment in "inciting subversion case"], *Radio Free Asia,* October 18, 2020.

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[93] "Rights Lawyer Who Criticized President Xi's Indefinite Rule Detained For Subversion," *Radio Free Asia,* May 10, 2019.

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FREEDOM OF RELIGION

Findings

• The Chinese government under President and Communist Party General Secretary Xi Jinping has further intensified the "sinicization" of religion—a campaign that aims to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture. Authorities have expanded the "sinicization" campaign to target not only religions perceived as "foreign," such as Islam and Christianity, but also Chinese Buddhism, Taoism, and folk religious beliefs.

• Chinese authorities at the national level in February 2020 implemented new Measures on the Administration of Religious Groups, supplementing the revised Regulations on Religious Affairs of 2018. The Measures subject registered religious groups to even tighter government control and surveillance than before, requiring their leaders and lay believers to accept, support and promote the Party's leadership among their leaders and lay believers, publicize Party policies, and implement the Party's campaign to "sinicize" religions—i.e., to force them to conform to the Party's version of Chinese culture. The Measures essentially render all unregistered groups illegal, whereas there had previously been some tolerance for many of them. Critics wrote that these combined Regulations (2018) and Measures (2020) led to increased control or persecution of religious groups.

• Chinese believers and outside experts compared the current situation to the Cultural Revolution (1966 to 1976), widely seen as the most repressive era for religions in PRC history, with one expert describing the present situation as "a toxic blend of Mao's ruthlessness and sophisticated 21st-century surveillance techniques—in effect, an updated religious Cultural Revolution."

• Chinese authorities reportedly used the coronavirus disease 2019 (COVID–19) pandemic as a pretext to shut down religious sites and restrict religious activities, including online activities, in the name of enforcing COVID–19 precautions, even after other normal activities in society had resumed.

• Local officials continued to directly target local Buddhist and Taoist sites throughout China. In past decades, government and Party officials had rarely targeted Chinese Buddhist and Taoist communities with direct suppression—viewing both as relatively compliant with Party and government leadership and compatible with the official promotion of traditional Chinese culture. Since 2018, however, local officials in the provinces of Liaoning, Shanxi, Hubei, and Hebei ordered the destruction of Buddhist statues.

• The Sino-Vatican agreement on the appointment of bishops signed in September 2018 led to the jointly approved appointment of four bishops as of July 1, 2020, and some friendly high-level interactions between the two sides. Critics said, however, that authorities had used the agreement to increase pressure on unregistered Catholic clergy to agree to a separa-

tion (i.e., "independence") of the Church in China from the Holy See and to join the Chinese Catholic Patriotic Association (CCPA), a government body that oversees this separation. Authorities subjected unregistered ("underground") Catholic clergy who resisted—because they view joining the CCPA as a violation of their faith—to pressure tactics, detention, surveillance, and removal from their churches and duties. Authorities also continued to demolish Catholic church buildings, remove crosses, cancel religious activities and pilgrimages, and pursue the "sinicization" campaign.

• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with at least 774 practitioners sentenced for criminal "cult" offenses in 2019. Falun Gong news outlet Clear Wisdom reported that abuse by authorities resulted in the deaths of 96 practitioners in 2019 and an additional 17 in the first quarter of 2020.

• Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply "anti-terrorism" measures currently used in the Xinjiang Uyghur Autonomous Region and in the Ningxia Hui Autonomous Region—a region with a high concentration of Hui Muslim believers. Authorities required Islamic religious leaders to study Party ideology and demonstrate their political reliability or risk losing their legal status. A five-year plan to "sinicize" Islam in China continued in 2020, leading officials in many locations to demolish mosques; remove minarets, domes, and other Islamic features from buildings; place surveillance cameras inside mosques; close Islamic schools; and restrict Islamic preaching and clothing, Arabic script, halal food, and use of the Islamic financial system.

• Authorities also subjected registered Protestant churches to the intensified restrictions described above, and continued to shut down unregistered or "house churches," and continued to detain some leaders for refusing to join the Three-Self Patriotic Movement. Authorities charged one house church pastor, **Zhao Huaiguo,** with "inciting subversion of state power," and sentenced pastor **Wang Yi** of Early Rain Covenant Church, whom they previously charged with the same crime, to nine years in prison.

• Members of "illegal" spiritual groups such as Falun Gong and the Church of Almighty God, especially those labeled by authorities as cults (*xiejiao*), continued to be persecuted under Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law."

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.

○ Stress to the Chinese government that the right to freedom of religion includes the right of Buddhists and Taoists to carry out activities in temples and to select monastic teachers independent of state control; 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 beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimages, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state control 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 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 with their association with those people. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and the International Religious Freedom Act of 1998 (Public Law No. 105–292). 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 the November 2018 session of the UN Human Rights Council's 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 to China for UN High Commissioners; taking steps to ensure that 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.

○ Work with Vatican officials to address increased repression of Catholics in China, offer technical assistance to protect Vatican diplomatic communications from Chinese cyberattacks, and offer diplomatic assistance, as appropriate, to reevaluate the 2018 Sino-Vatican agreement on the appointment of bishops, and advocate for the publication of the original agreement and any negotiated revisions in order to transparently evaluate the Chinese government's compliance.

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 a "cult" 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.

FREEDOM OF RELIGION

During the 2020 reporting year, the Commission observed the Chinese government's ongoing violation of religious freedom through policies and actions aimed at increased control of believers in both registered and unregistered communities.[1] Rights groups and a governmental organization noted that conditions for religious freedom worsened and that the Party had become, as one source wrote, "increasingly hostile" toward religion.[2] These groups also reported that in 2019 the Chinese government increased its use of advanced technology to repress religious communities, including surveillance cameras, biometrics, and artificial intelligence.[3]

International and Chinese Law on Religious Freedom

Both Chinese and international law guarantee religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of religious freedom, as Chinese authorities exercised broad discretion over religious practice, internal affairs, and interpretations of faith.[4] 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 by certain specific justifications.[5] These principles are codified in various international instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).[6] Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[7] 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.[8] Nevertheless, China's Constitution and other legal provisions[9] align with the ICCPR in prohibiting discrimination based on religion[10] and loosely parallel the ICCPR's prohibition on coercion[11] by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.[12] 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."[13]

Policies and Regulations Pertaining to Religious Freedom

On February 1, 2020, the National Religious Affairs Administration implemented the new Measures on the Administration of Religious Groups, a set of 41 articles that emphasizes the role of the government and Party in controlling the government-affiliated religious associations that manage the five officially registered religions recognized by the government: Buddhism, Taoism, Islam, and Catholic and Protestant Christianity.[14] The newly released Measures supplement the already restrictive revised Regulations on Religious Affairs (RRA), in force since 2018.[15]

The 2020 Measures contain articles that emphasize that the management of religious groups, including legal registration, leadership appointments, major events, and discipline under law, is subordinate to the government and Party.[16] They also specify that

religious organizations must follow the Party's leadership and instruct leaders and lay believers to do so, accept the government's oversight, and publicize Party directives and policies.[17] Experts criticized the Measures as further violations of religious freedom, including the rights to freedom of worship and to choose one's religious leaders without interference.[18] One expert wrote that, if enforced, the new Measures, in requiring that all religious activities be approved by or registered with government officials, ring a "death bell" for the activities of unregistered (or "underground") religious groups.[19] Placing the present situation in historical context, Richard Madsen, a sociologist and expert on religion and society in China, wrote that the Party's policy framework on religion, started four decades ago, "contains ambiguities that rendered it unable to address the complexity of China's religious situation. And this complexity has been increasing, which makes the framework even more out of touch with reality today."[20]

The new Measures also require that religious groups "persist in the direction of sinicization (*zhongguohua*) of religion" under the Party's leadership.[21] The Party promotes the idea that "sinicization" means "integrating religious doctrines into Chinese culture,"[22] and guiding religions to adapt to "Chinese Cultural Traditions," as it says Buddhism has done in the past.[23] Two prominent scholars argued, however, that the Party actually employed the term for political rather than cultural aims.[24] Yang Fenggang, a scholar of Chinese religions at Purdue University, argued that the Party's use of the English term "sinicization" is inappropriate because in Party usage, "*zhongguohua* is not about cultural assimilation, but political conformity and obedience."[25] Madsen wrote that "[s]ince Sinicization generally requires adaptation to an idealized version of Han Chinese culture, outsiders to this culture, such as Christians, Tibetan Buddhists, and Muslims, especially Uighurs, are subject to even harsher repression than they were under the former Marxist ideology."[26] He further explains that in the "sinicization" campaign, the "main imperative is to homogenize Chinese Culture to make all parts conform to a party-led nationalism and to use the full force of the state to control any dissenting voices."[27]

Some observers have compared the Chinese government's policies toward religion since the implementation of the RRA in 2018 to the era widely regarded as the most repressive toward religious believers in modern Chinese history, the Cultural Revolution (1966 to 1976).[28] International religious freedom expert Thomas Farr described current government practices as "a toxic blend of Mao's ruthlessness and sophisticated 21st-century surveillance techniques—in effect, an updated religious Cultural Revolution."[29] A Chinese Catholic priest commented, "[i]n practice, your religion no longer matters, [whether] you are Buddhist, or Taoist, or Muslim or Christian: the only religion allowed is faith in the Chinese Communist Party."[30]

Buddhism (Non-Tibetan), Taoism, and Chinese Folk Religion

This past year, the government's relationship with Chinese Buddhists (not including Tibetan Buddhists) and Taoists continued to reflect a tension between promotion of these traditions, based on

perceived benefits to Party goals, and coercive control.[31] Authorities promote Buddhism, Taoism, and Chinese folk religion as elements of "fine traditional Chinese culture" that counter the perceived detrimental influences of foreign religions, especially Christianity and Islam.[32] In a 2014 speech, President Xi Jinping pointed to Buddhism (which came to China from India) as a model of "sinicization," an example of a religion successfully integrating into Chinese culture.[33] Despite these outward statements of support for Buddhism and Taoism and the acknowledgment that they are either indigenized (Buddhism) or indigenous to China (Taoism), however, authorities nevertheless require them to undergo "sinicization" and support the leadership of the Party.[34]

The religious freedom magazine Bitter Winter documented the demolition and closure of Buddhist, Taoist, and folk religious temples, forced participation by believers in displays of loyalty to the Party and nation, and the covering of outdoor statues that attracted tourists and pilgrims.[35] Observers said that these actions were part of the government's effort to counter the influence of religion in favor of nationalism under Party leadership.[36] The violations reported by Bitter Winter in this reporting year include the following:

- Government officials in Wu'an city, Handan municipality, Hebei province, destroyed the Buddhist Miaolian Temple.[37]
- In Shuangyashan municipality, Heilongjiang province, over 100 individuals from various government departments secretly demolished a Taoist temple at 4 a.m.[38]
- Officials in Lushan city, Jiujiang municipality, Jiangxi province, required Buddhist monks and nuns to swear allegiance to the Party and the country at a National Day celebration.[39]
- Officials in Ruzhou city, Pingdingshan municipality, Henan province, forced over 50 Taoist priests to march in a local National Day parade while waving Chinese flags and singing revolutionary songs, threatening them with fines and possibly having their temples made illegal.[40]
- A Taoist priest in Qinghai province reported that he had been forced to attend political indoctrination classes, under threat of losing state approval for his temple.[41]

[For information on religious freedom for Tibetan Buddhists, see Section V—Tibet.]

Christianity—Catholic

Unofficial estimates of China's Catholic population vary between 10 and 12 million and include individuals from both registered and unregistered communities.[42] The State Council estimated in 2018 that six million Catholics were part of registered congregations.[43] In 1957, the Chinese government and Communist Party created the Chinese Catholic Patriotic Association (CCPA), which stated that the Church in China must be completely cut off, or "independent," from the Vatican.[44] Since then, although a number of significant developments have transpired,[45] Catholics in China have largely remained divided between registered or "official" congregations led by state-sanctioned bishops, and unregistered or "underground" (*dixia*) congregations whose bishops are not recog-

nized by the government.[46] Underground Catholic believers have historically avoided the ministry of official bishops because of the belief that legitimate ecclesiastical authority can be conferred only by the Pope's mandate,[47] and also because of their objection to official bishops' affiliation with the CCPA.[48] Authorities frequently pressured underground clergy to join an "independent" church, which violates their consciences and Catholic teaching because, as Bernardo Cervellera, head of Rome-based news outlet AsiaNews explains, "the Party intends this 'independence' also as a detachment from the Holy See and the universal Church."[49] Historian Anthony Clark wrote in November 2019 that government control of the Catholic Church in China "has reached its highest level since the death of Mao in 1976."[50]

Status of the Sino-Vatican Agreement

The Holy See announced in September 2018 that a Provisional Agreement on the appointment of bishops had been signed with the Chinese government, although the details were not published.[51] As of July 1, 2020, four bishops had been installed under the agreement.[52]

Supporters of the agreement point out that Chinese leaders recognize the Pope as head of the Church in China for the first time and accept his authority to approve or reject candidates for ordination as bishops.[53] Critics pointed out, as several news sources have reported, that since the agreement was signed Chinese authorities have detained clergy, pressured them to join an "independent church," closed unregistered churches, and removed children and young people from church services.[54] Professor Beatrice Leung concluded that the agreement so far has helped President Xi Jinping's policy of "sinicization" more than it has helped Catholics.[55] Cardinal Joseph Zen, a vocal opponent of the agreement, characterized its effects in a letter to fellow Cardinals as the "complete [destruction] of the Church in China at the hand of those who have the sacred duty of protecting it."[56]

Examples of authorities violating the rights of Catholics in the past year include the following:

- On November 1, 2019, authorities demolished Wugaozhuang Catholic Church in Handan municipality, Hebei province, after hundreds of Catholics gathered in opposition.[57]
- In April and May 2020, authorities issued orders to extend the cancellation of Catholic religious events, including annual May pilgrimages to Marian sites on holy days, even though officials had lifted restrictions related to the coronavirus outbreak nationwide in March and nearby tourist sites had already reopened.[58]
- In November 2019, the Party pressured underground bishop **Vincent Guo Xijin,** auxiliary bishop of Mindong diocese, Fujian province, to join the CCPA and agree in writing to join an "independent church," separate from the Holy See, and subjected him to public security bureau supervision.[59] Party leaders reportedly wanted to use him to weaken the resistance of other underground priests in the diocese,[60] but he refused to

sign the agreement.[61] As of April 2020, he was reportedly under government surveillance.[62]

- In April 2020, authorities in Fujian province detained Father **Huang Jintong,** after he refused to sign a similar agreement of separation from the Holy See.[63]

The Commission is monitoring the cases of the following Catholic clergy who, among others, are believed to be in detention or confinement:

- **Thaddeus Ma Daqin.** This past year, Thaddeus Ma Daqin of the Diocese of Shanghai remained under extralegal confinement at Sheshan Seminary in Shanghai municipality in connection to his public resignation from the CCPA during his ordination ceremony in July 2012.[64] While confined at Sheshan, Ma has written blog posts with ecclesiastical content,[65] such as one in early February 2020 that encouraged prayer in the fight against the COVID–19 pandemic.[66] In an essay attributed to Ma's blog from June 2016, however, Ma expressed contrition over his 2012 resignation from the CCPA,[67] and he reportedly rejoined the CCPA in September 2016.[68] Some commentators speculated that the essay was written under official pressure.[69]
- **Cui Tai, Zhang Guangjun,** and **Zhang Jianlin.** Authorities in Xuanhua district, Zhangjiakou municipality, Hebei province, continued to detain underground bishop Cui Tai of the Xuanhua diocese. [70] Cui has been repeatedly detained since 2007, including in March 2019, although authorities temporarily released him in January 2020 for the Chinese New Year.[71] Authorities detained him again in June 2020 at an unknown location.[72] The Commission did not observe updates on underground priests Peter Zhang Guangjun and Zhang Jianlin, also of the Xuanhua diocese, whom authorities also detained in April 2019 and March 2019, respectively.[73]
- **James Su Zhimin** and **Cosmas Shi Enxiang.** The Commission did not observe any updates on underground bishops James Su Zhimin or Cosmas Shi Enxiang, who were disappeared in 1997 and 2001, respectively.[74] Authorities in 2015 refused to confirm an unofficial report that Bishop Shi had died.[75]

Christianity—Protestant

Chinese authorities in this reporting year intensified their persecution of Protestant Christians in many locations throughout China.[76] International religious freedom non-governmental organization ChinaAid Association (ChinaAid) concluded that the persecution of Christians had worsened in 2019.[77] Christian Solidarity Worldwide wrote that "freedom of religion or belief in China is in rapid decline," and that violations against Protestant Christians have intensified since the 2018 Regulations on Religious Affairs took effect.[78]

Documented violations of the religious freedom of Protestant Christians this past year include the following:

- Demolishing, raiding, and forcing the closure of churches, including hundreds of house churches;[79] prohibiting large gatherings and holiday celebrations, and injuring believers who re-

sist;[80] forcing believers to promise not to attend church;[81] and converting a forcibly closed church building into one used for secular purposes.[82]

- Ordering the installation of surveillance cameras inside and outside church buildings.[83]
- Arresting, detaining, or sentencing church leaders and lay believers.[84]
- Pressuring state-sanctioned Three-Self Patriotic Movement (TSPM) churches to sing Party songs and display the national flag during community worship.[85]
- Forbidding Christians of the Miao ethnicity from reading the Bible and preaching in their native language.[86]
- Enacting a system of rating and performance review for churches.[87]

In addition, officials committed the following violations in connection with the coronavirus outbreak:

- In February 2020, a government-established "coronavirus control group" in Nenjiang city, Heihe municipality, Heilongjiang province, ordered the shutdown of all unregistered religious venues and offered monetary rewards for residents to report on them.[88]
- In February 2020, the two official Christian Councils in Shandong province issued a prohibition on online religious gatherings,[89] and Radio Free Asia (RFA) reported that authorities in Guangdong and Shandong provinces had detained Christian believers for sharing information on the coronavirus and offering prayers online.[90]
- Authorities in Zhejiang province reportedly required religious venues to share positive stories about the government's anti-pandemic efforts, hold a flag-raising ceremony, and use President and Party General Secretary Xi Jinping's political slogans during prayers as preconditions for reopening after the pandemic.[91]

Authorities continued to target house church leaders with repressive measures, including in the following cases:

- On December 30, 2019, the Chengdu Municipality Intermediate People's Court in Sichuan province sentenced Early Rain Covenant Church (Early Rain) pastor **Wang Yi** to nine years in prison on charges of "inciting subversion of state power" and "illegal business activity" after a closed trial.[92]
- As of April 2020, authorities reportedly continued to restrict the movement and association of Wang Yi's wife, **Jiang Rong,** denying her visits from lawyers, relatives, and friends, following six months under "residential surveillance at a designated location" (RSDL) from December 2018 to June 2019, during which she was tortured.[93]
- On November 25, 2019, the Qingyang District People's Court in Chengdu sentenced Early Rain deacon **Qin Defu** (also known as **Tan Defu**) to four years in prison on the charge of engaging in "illegal business activity."[94]
- On April 2, 2020, authorities in Zhangjiajie county, Zhangjiajie municipality, Hunan province, criminally detained **Zhao Huaiguo,** pastor of a house church called Bethel

Church, on suspicion of "inciting subversion of state power" after he refused to register with the TSPM.[95]

Islam

The Chinese government and Communist Party have expanded the crackdown on Uyghur and other Muslims in the Xinjiang Uyghur Autonomous Region (XUAR) to Hui Muslims, who comprise the third largest ethnic minority in China.[96] According to a February 2020 report in Foreign Policy, authorities have detained large numbers of Hui in mass internment camps in the XUAR.[97] In late 2018 a top Party leader from the Ningxia Hui Autonomous Region (NHAR), home to millions of Hui, visited the XUAR, where he praised the region's "anti-terrorist" and "social stability" program, and announced his intention to work closely with XUAR leaders to achieve these goals.[98] A report in September 2019 said that officials in the NHAR have imposed restrictions on Hui Muslims similar to those being carried out on Uyghurs in the XUAR, including requiring imams to pass exams on Communist ideology to retain their licenses.[99]

According to RFA, a staff member at a mosque in Henan province said that a source in the government revealed that Henan, home to over one million Hui, was a testing ground for the "sinicization" of Islam. He further said that all Islamic symbols on buildings would be removed and that all ethnicities in China had to comply with the Party's orders that buildings must be made to conform to Chinese culture and Chinese building standards, just as during the Cultural Revolution.[100] The report also said that in Lushan county, Pingdingshan municipality, Henan province, the government removed domes and other mosque features while large numbers of Hui villagers were absent due to the outbreak of COVID–19, and according to the mosque staff member, three of the county's four mosques had already been demolished.[101] [For more information on Uyghur Muslims, see Section IV—Xinjiang. For more information on Muslims from other ethnic minority backgrounds, see Section II—Ethnic Minority Rights.]

Government officials in many locations continued to restrict expression of religious faith and the linguistic and cultural practices of Hui Muslims, including the following examples:

- In many locations, including Beijing municipality, Yunnan, Henan, Gansu, Shaanxi, and Qinghai provinces, and the NHAR, officials have closed mosques, demolished or removed minarets, domes, and other Islamic features from mosques and placed surveillance cameras inside them, closed Islamic schools, and restricted Islamic preaching, clothing, Arabic script, halal food, and use of the Islamic financial system.[102]
- RFA reported in November 2019 that officials in Hualong Hui Autonomous County, Haidong municipality, Qinghai province, in addition to removing Arabic-style features from mosques, punished 10 imams for noncompliance with orders to study Party ideology.[103]

In addition to these examples, authorities in Jinan municipality, Shandong province, violated the right to freedom of speech of a Hui poet from Shandong, **Cui Haoxin** (pen name **An Ran**), when they

detained him in January 2020, after he posted criticisms on social media of the mass internment camps and the treatment of Uyghurs and other Muslims in the XUAR.[104] Cui was previously questioned and detained by state security police in 2018 for his writings about the XUAR and about government intrusions into the lives of religious believers, and sent to a "reeducation course."[105] [For more information on Cui Haoxin, see Section II—Ethnic Minority Rights—Detention of Hui Poet Cui Haoxin.]

Such violations of religious freedom have caused some Hui to feel a sense of unease.[106] One Hui man from the NHAR said the pressure on the religious behavior and daily lives of Hui people was "unbearable," and another feared that the Hui would be the next group to suffer the same mistreatment as the Uyghurs in the XUAR.[107] A Hui man in Gansu province commented that while they were not suffering outright violence, the government is "slowly boiling us like frogs."[108]

Falun Gong

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment.[109] Due to government suppression, it is difficult to determine the number of Falun Gong practitioners in China.[110] The U.S. Department of State reported that the Party employs an "extralegal, party-run security apparatus to eliminate Falun Gong" and other groups.[111] Chinese authorities continue to prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult (*xiejiao*) to undermine implementation of the law."[112] The Falun Gong-affiliated website Clear Wisdom reported that Chinese officials were responsible for the deaths of 96 Falun Gong practitioners in 2019,[113] and that 774 practitioners were sentenced in 2019, with the largest numbers in the northern provinces of Shandong, Heilongjiang, Liaoning, and Jilin.[114] The site also documented violations of religious freedom against practitioners including detention and arrest,[115] beatings,[116] sleep deprivation,[117] and other forms of torture.[118] Clear Wisdom reported that between January and April 2020, 6 practitioners died as a result of being tortured while in custody, and 11 more died after being released or as the result of mistreatment by security officials.[119]

Other Religious Communities

The Chinese government in the past has permitted the activities of some religious communities outside of the five religions that are the main objects of official regulation, such as Eastern Orthodox Christians[120] and Latter-day Saints (Mormons).[121] It has designated approximately 22 other groups, including Falun Gong and the Church of Almighty God, as cults (*xiejiao*),[122] and prosecutes adherents under Article 300 of the Criminal Law.[123] The Commission observed the violations of religious freedom against members of religious communities that do not fall within the five officially regulated religions, including:

- **Church of Almighty God.** Police in Fujian and Shandong provinces reportedly detained at least 30 members of the Church of Almighty God.[124]
- **Kaifeng Jews.** A small community of Chinese Jews has lived in Kaifeng municipality, Henan province, for centuries.[125] Authorities this past year subjected their synagogue to surveillance, prohibited Jewish festivals, removed signs in Hebrew, and barred visits from foreigners.[126]
- **Jehovah's Witnesses.** In June 2019, authorities in Korla (Ku'erle) city, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, indicted 18 Jehovah's Witnesses under Article 300 of the PRC Criminal Law.[127]

Notes to Section II—Freedom of Religion

[1] ChinaAid Association, "2019 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2020, 37–38; Christian Solidarity Worldwide, "Repressed, Removed, Re-Educated: The Stranglehold on Religious Life in China," February 2020, 10.

[2] U.S. Commission on International Religious Freedom, "*Annual Report 2020,*" April 2020, 14–15; Christian Solidarity Worldwide, "Repressed, Removed, Re-Educated: The Stranglehold on Religious Life in China," February 2020, 5; ChinaAid Association, "2019 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2020, 37; Sarah Cook, "Worsening Religious Persecution in China Requires Stronger U.S. Response," *Berkley Forum* (blog), Berkley Center for Religion, Peace, & World Affairs, Georgetown University, March 16, 2020.

[3] Dominic J. Nardi, "Religious Freedom in China's High-Tech Surveillance State," U.S. Commission on International Religious Freedom Country Update: China, September 2019, 1; U.S. Commission on International Religious Freedom, *Annual Report 2020,* April 2020, 16; Christian Solidarity Worldwide, "Repressed, Removed, Re-Educated: The Stranglehold on Religious Life in China," February 2020, 23; ChinaAid Association, "2019 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2020, 15, 17.

[4] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18; U.S. Commission on International Religious Freedom, *Annual Report 2020,* April 2020, 16; Office of International Religious Freedom, U.S. Department of State, "2019 Report on International Religious Freedom: China (Includes Tibet, Xinjiang, Hong Kong, and Macau)," June 10, 2020, 1, 78; National Religious Affairs Administration, *Zongjiao Tuanti Guanli Banfa* [Measures on the Management of Religious Groups], passed November 1, 2019, effective February 1, 2020, arts. 5, 6, 17; "China Unveils Regulations on Management of Religious Groups," *Xinhua,* December 30, 2019; Matthew Taylor King, "The Gospel According to Xi," *Wall Street Journal,* June 4, 2020; ChinaAid Association, "2019 Annual Report: Chinese Government Persecution of Churches and Christians in Mainland China," February 28, 2020, 27.

[5] Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 19, 24, 203–4.

[6] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, 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, proclaimed by UN General Assembly resolution 36/55 of November 25, 1981. China has signed and stated its intent to ratify the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose. State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5. The Chinese government stated its intent to ratify the ICCPR in its 2016–2020 National Human Rights Action Plan. United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted May 23, 1969, entry into force January 27, 1980, arts. 18, 26.

[7] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36.

[8] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; Liu Peng, "A Crisis of Faith," *China Security* 4, no. 4 (Autumn 2008): 30.

[9] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2; *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1994, amended December 29, 2018, art. 12.

[10] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 26.

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

[12] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2.

[13] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, 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, July 30, 1993, para. 8. 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."

[14] National Religious Affairs Administration, *Zongjiao Tuanti Guanli Banfa* [Measures on the Management of Religious Groups], passed November 1, 2019, effective February 1, 2020; "China Unveils Regulations on Management of Religious Groups," *Xinhua,* December 30, 2019; Central People's Government, "Zhongguo zongjiao gaikuang" [Overview of religion in China], accessed June 1, 2020. The official religious associations are: the Buddhist Association of China; the Chi-

nese Taoist Association; the Islamic Association of China; two Protestant organizations: the Three-Self Patriotic Movement (TSPM) and the Christian Council; and two Catholic associations: the Chinese Catholic Patriotic Association (CCPA) and the Bishops' Conference of the Catholic Church in China, neither of which is recognized by the Holy See.

[15] Massimo Introvigne, "China's New Measures for Religious Groups 2019: From Bad to Worse," *Bitter Winter,* December 31, 2019. See State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018; State Council Information Office, "'Zhongguo Baozhang Zongjiao Xinyang Ziyou de Zhengce he Shixian' baipishu" [White paper on "China's Policies and Practices on Protecting Freedom of Religious Belief"], April 3, 2018; Central People's Government, "Zhongguo zongjiao gaikuang" [Overview of religion in China], accessed June 1, 2020.

[16] National Religious Affairs Administration, *Zongjiao Tuanti Guanli Banfa* [Measures on the Management of Religious Groups], passed November 1, 2019, effective February 1, 2020, arts. 6, 25, 26.

[17] Ibid., 6, 17, 26.

[18] Dominic J. Nardi, "The 2019 Regulation for Religious Groups in China," U.S. Commission on International Religious Freedom (USCIRF) Factsheet: China, February 2020; Steven W. Mosher, "How China's Xi Jinping Destroyed Religion and Made Himself God," *New York Post,* February 1, 2020; Massimo Introvigne, "China's New Measures for Religious Groups 2019: From Bad to Worse," *Bitter Winter,* December 31, 2019. See also International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 29, 2019. China has signed but not ratified the ICCPR. Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18.

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Ethnic Minority Rights

Findings

- During the Commission's 2020 reporting year, the Chinese Communist Party and government carried out efforts to solidify their control over the cultural identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law. In a September 2019 speech, Party General Secretary and President Xi Jinping appeared to endorse a "second generation" of ethnic policies, promoted by some Chinese officials and scholars, that would dismantle regional and local autonomy frameworks and replace them with policies aimed at diluting ethnic minority cultures.
- During this reporting year, officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture. According to a September 2019 New York Times report, in 2018, the State Council issued a confidential directive mandating local officials' implementation of policies reducing the role of Islam in government and community institutions. Hui community members and other observers expressed the belief that the "Xinjiang model" of detention and religious repression appeared to be further expanding into Hui-populated areas.
- In January 2020, security officials in Jinan municipality, Shandong province, criminally detained Hui poet **Cui Haoxin** on suspicion of "picking quarrels and provoking trouble." Cui, who uses the pen name An Ran, had, in recent years, been critical of official policies toward ethnic minorities. Cui's detention, after his longtime criticism of official ethnic policies, may mark a further narrowing of the space for dissent and expression among Hui communities in China.
- In December 2019, authorities in Tongliao municipality, Inner Mongolia Autonomous Region, reportedly demolished a Buddhist temple on the grounds that it had been "illegally constructed." Hundreds of Mongol herders knelt in front of the temple to protest its demolition, but police sprayed them with pepper spray and dispersed the crowd. Germany-based Mongol rights advocate Xi Haiming said that officials demolished the temple in order to eliminate the influence of religion and that they may have been concerned about the Tibetan Buddhist temple's connection to the Dalai Lama. Many Mongols practice a form of Tibetan Buddhism.

Recommendations

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

- ○ In cooperation with other UN member states, call upon China to allow UN special rapporteurs who work on minority issues such as racial discrimination, freedom of religion or belief, and the protection of human rights while countering terrorism to conduct visits to China to assess the status of ethnic minority rights. In addition, work with other UN member states to issue joint statements condemning violations of ethnic

minority rights in China, and work to ensure that critics of China's ethnic minority policies are allowed to freely and safely voice their opinions in UN forums.

○ Urge Chinese authorities to establish independent national human rights institutions in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).

○ Urge Chinese authorities to thoroughly investigate all allegations of racial, ethnic, and ethno-religious profiling, ensure that those responsible for such profiling are held accountable, and provide compensation and other appropriate remedies for victims, as recommended by the UN Committee on the Elimination of Racial Discrimination.

○ Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as China's Constitution, which prohibits discrimination based on religion.

Ethnic Minority Rights

Growing Global Influence and Ethnic Minority Rights

International observers have expressed concern about China's growing global attempts to redefine human rights,[1] including the rights of its ethnic minority citizens.[2] Observers criticized China's April 2020 appointment to a seat on the UN Human Rights Council's Consultative Group that allows it, together with four other countries in the Group, to oversee the vetting and interview process for the appointment of 17 United Nations human rights experts.[3] These include the special rapporteurs who work on minority issues such as racial discrimination, freedom of religion or belief, and the protection of human rights while countering terrorism, all of which are directly relevant to the rights of ethnic minorities in China.[4] In addition, in its World Report 2020, Human Rights Watch noted that, during a review of China's human rights record in 2018 and 2019, Chinese officials and diplomats worked to suppress criticism of human rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR), including by pressuring delegations not to attend related panel discussions.[5]

Party and State Policy Toward Ethnic Minorities

"Ethnic Unity" and "Second Generation" Reforms

During this reporting year, the Chinese Communist Party and government carried out efforts to solidify their control over the cultural identity of the country's ethnic minority groups, in contravention of the PRC Regional Ethnic Autonomy Law.[6] In a September 2019 speech, Party General Secretary and President Xi Jinping called for increased state and Party efforts to promote "ethnic unity" and "inter-ethnic mingling" nationwide.[7] Xi's speech endorsed concepts consistent with "second generation" ethnic policy reforms, long advocated by leading officials and scholars, which prioritize identification with the country over identification with one's ethnic group.[8] These reforms would also dismantle the system of regional ethnic autonomy created by the "first generation" of ethnic policies[9] and end the inclusion of ethnic identity information on identification documents.[10] Proponents of "second generation" reforms have argued that including such information on identification documents unnecessarily reinforces ethnic differences instead of emphasizing a national identity.[11]

Reports published this past year indicated that officials had already begun implementing some "second generation" reforms, including the elimination or reduction of bonus points for ethnic minorities on college entrance exams in some provinces, and the creation of "unity villages" in the XUAR, featuring Han Chinese and ethnic minority neighbors.[12] As noted by Belgian scholar Vanessa Frangville, the implementation of mass internment camps in the XUAR, together with state controls on ethnic minority languages, may also show that officials have begun adopting "second generation" reforms.[13] According to Australian scholar James Leibold, the Party's push toward greater control over ethnic minorities' lives

may be counterproductive, leading to resentment instead of the unity it seeks to engender.[14]

Crackdown on Hui Religion and Culture

Officials in areas with large Hui populations continued to implement policies and restrictions limiting Hui Muslims' ability to practice their religion and culture.[15] Authorities carried out these policies and restrictions, at least in part, in order to promote the "sinicization" of Hui communities.[16] One component of officials' efforts to "sinicize" Islam is the "four enters" (*si jin*) campaign, referring to four items they said should enter every mosque: 1) the PRC flag; 2) information regarding China's Constitution, rule of law, and Regulations on Religious Affairs; 3) "core socialist values"; and 4) Chinese "traditional culture."[17] According to a September 2019 New York Times report, in 2018, the State Council issued a confidential directive mandating local officials' implementation of policies reducing the role of Islam in government and community institutions.[18] Hui community members and other observers expressed the belief that the "Xinjiang model" of detention and religious repression appeared to be further expanding into Hui-populated areas.[19] Authorities reportedly ordered the complete or partial destruction of mosques[20] and the closure of mosques serving Hui communities,[21] placed strict quotas on the number of students in religious classes,[22] and shut down religious schools serving Hui students.[23] In addition, authorities formally imprisoned Hui religious figures.[24] In the XUAR, authorities detained many Hui who had traveled abroad, holding some in mass internment camps.[25] [For more information on freedom of religion for Muslims in China, see Section II—Freedom of Religion.]

Detention of Hui Poet Cui Haoxin

In January 2020, security officials in Jinan municipality, Shandong province, criminally detained Hui poet **Cui Haoxin** on suspicion of "picking quarrels and provoking trouble."[26] Cui, who uses the pen name An Ran, had in recent years been critical of official policies toward ethnic minorities.[27] The free-expression organization PEN America described Cui's January 2020 detention as "clear retaliation for his outspoken defense of Chinese Muslims."[28] In online posts and writings and interviews with journalists, Cui had criticized restrictions on Hui religious practices throughout China and the mass internment of Uyghurs, Hui, and other groups in the XUAR.[29] In 2018, authorities detained Cui twice for his social media posts and arbitrarily searched his home.[30] Shortly before his January 2020 detention, Cui had published Twitter posts about the case of **Vera Yueming Zhou,** a Hui resident of the United States whom authorities detained in October 2017 in a mass internment camp in the XUAR.[31] [For more information on the detention of Vera Yueming Zhou, see Section IV—Xinjiang.]

Demolition of a Buddhist Temple in the Inner Mongolia Autonomous Region (IMAR)

On December 9, 2019, authorities in Tongliao municipality, IMAR, reportedly demolished a Buddhist temple on the grounds that it had been "illegally constructed."[32] Hundreds of Mongol herders knelt in front of the temple to protest its demolition, but police sprayed them with pepper spray and dispersed the crowd.[33] A local herder told Radio Free Asia that authorities had suppressed news of the temple's destruction, including by restricting the movements and communications of local residents.[34] Germany-based Mongol rights advocate Xi Haiming said that officials demolished the temple in order to eliminate the influence of religion, and that they may have been concerned about the Tibetan Buddhist temple's connection to the Dalai Lama (many Mongols practice a form of Tibetan Buddhism).[35] [For information on official restrictions on the practice of Tibetan Buddhism in Tibetan areas of China, see Section V—Tibet.]

Detention of Mongol Writers

- **Lhamjab Borjigin.** In or around August 2019, a court in Xilinhot city, Xilingol (Xilinguole) League, IMAR, sentenced Mongol historian Lhamjab Borjigin to one year in prison, suspended for two years.[36] In April 2019, the court tried the 75-year-old on charges reported by the Southern Mongolian Human Rights Information Center as "ethnic separatism," "sabotaging national unity," and "illegal publication and illegal distribution."[37] A Xilinhot official previously linked the first two charges to a book Borjigin self-published in 2006 about Mongols' experiences during the Cultural Revolution.[38]
- **Zhao Baahuu.** In September 2019, public security officials in Ke'erqin Right Center Banner, Hinggan (Xing'an) League, IMAR, administratively detained Mongol poet Zhao Baahuu, who had published poetry online that was critical of the Chinese government's policies toward ethnic minorities.[39] According to an administrative detention notice, Zhao had violated Article 26 of the PRC Public Security Administration Punishment Law for poems he had published.[40] Upon his release, authorities reportedly confined Zhao to his home under "soft detention."[41]

Notes to Section II—Ethnic Minority Rights

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[2] Kenneth Roth, Human Rights Watch, "China's Global Threat to Human Rights," in *World Report 2020: Events of 2019,* 2020, 1–19. See also Human Rights Watch, "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms," September 5, 2017, 1–3, 17–19, 24.

[3] Kyle Matthews and Margaret McCuaig-Johnston, "China Must Not Shape the Future of Human Rights at the UN," *The Conversation,* April 22, 2020; Maya Carlin, "The UN Is Rewarding China's Litany of Human Rights Abuse—Analysis," *Jerusalem Post,* April 18, 2020; "82 Organizations Petition against China's Appointment to the Consultative Group of UN Human Rights Council," *Tibet Bureau Geneva,* reprinted in Central Tibetan Administration, April 17, 2020; UN Watch, "China Joins U.N. Human Rights Panel, Will Help Pick Experts on Free Speech, Health, Arbitrary Detention," April 3, 2020.

[4] UN Office of the High Commissioner for Human Rights, "Thematic Mandates," accessed May 18, 2020.

[5] Kenneth Roth, Human Rights Watch, "China's Global Threat to Human Rights," in *World Report 2020: Events of 2019,* 2020, 12–13.

[6] See, e.g., Gerry Shih, "'Boiling Us Like Frogs': China's Clampdown on Muslims Creeps into the Heartland, Finds New Targets," *Washington Post,* September 20, 2019; "New Law Requiring 'Ethnic Unity' in Tibet Raises Concerns," *Radio Free Asia,* January 15, 2020; Human Rights Watch, "China: Xinjiang Children Separated from Families," September 15, 2019. The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of ethnic minority "nationalities," in addition to a system of regional autonomy in designated areas. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa,* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 10, 11, 21, 36, 37, 47, 49, 53.

[7] James Leibold, "Planting the Seed: Ethnic Policy in Xi Jinping's New Era of Cultural Nationalism," *China Brief,* Jamestown Foundation, December 31, 2019, 9–14; Xi Jinping, "Xi Jinping: zai Quanguo Minzu Tuanjie Jinbu Biaozhang Dahui shang de jianghua" [Xi Jinping: speech at the National Conference on the Recognition of the Advancement of Ethnic Unity], *Xinhua,* September 27, 2019. For more information on Chinese officials' promotion of "inter-ethnic mingling" or "ethnic mingling," see, e.g., Ben Blanchard, "China's Xinjiang Wants More Mingling of Ethnic Groups," *Reuters,* January 31, 2016; James Leibold, "China's Minority Report: When Racial Harmony Means Homogenization," *Foreign Affairs,* reprinted in *LaTrobe University,* March 23, 2016; James Leibold, "Xinjiang Work Forum Marks New Policy of 'Ethnic Mingling'," *China Brief,* Jamestown Foundation, June 19, 2014, 3–6.

[8] James Leibold, "Planting the Seed: Ethnic Policy in Xi Jinping's New Era of Cultural Nationalism," *China Brief,* Jamestown Foundation, December 31, 2019, 9–14; Mimi Lau, "From Xinjiang to Ningxia, China's Ethnic Groups Face End to Affirmative Action in Education, Taxes, Policing," *South China Morning Post,* December 5, 2019; Xi Jinping, "Xi Jinping: zai Quanguo Minzu Tuanjie Jinbu Biaozhang Dahui shang de jianghua" [Xi Jinping: speech at the National Conference on the Recognition of the Advancement of Ethnic Unity], *Xinhua,* September 27, 2019. James Leibold, *Ethnic Policy in China: Is Reform Inevitable?,* Policy Studies, No. 68 (Honolulu: East-West Center, 2013), xii–xiii, 19–22; David Brophy, "The Minorities: Civilised Yet?," in *China Story Yearbook 2013: Civilising China,* ed. Geremie R. Barmé and Jeremy Goldkorn (Canberra: Australian Centre on China in the World, Australian National University, 2013), 304–309; Wenshan Jia, "The Current Status of Ethnic Policy in China," *Asia Dialogue,* University of Nottingham Asia Research Institute, March 17, 2016.

[9] James Leibold, *Ethnic Policy in China: Is Reform Inevitable?,* Policy Studies, No. 68 (Honolulu: East-West Center, 2013), 6, 16; David Brophy, "The Minorities: Civilised Yet?," in *China Story Yearbook 2013: Civilising China,* ed. Geremie R. Barmé and Jeremy Goldkorn, (Canberra: Australian Centre on China in the World, Australian National University, 2013), 306; Wenshan Jia, "The Current Status of Ethnic Policy in China," *Asia Dialogue,* University of Nottingham Asia Research Institute, March 17, 2016. Under the "first generation" of ethnic policies, officials implemented a revised version of the Soviet system of ethnic autonomy, allowing ethnic minorities, under the PRC Constitution, "the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs" and the right to practice "regional autonomy" in "areas where people of minority nationalities live in compact communities."

[10] James Leibold, "Toward a Second Generation of Ethnic Policies?," *China Brief,* Jamestown Foundation, July 6, 2012, 7–10. For more information on "second generation" ethnic policy reforms, see Mark Elliott, "The Case of the Missing Indigene: Debate over a 'Second-Generation' Ethnic Policy," *China Journal,* no. 73 (2015): 186–213; Christian Shepherd, "Fear and Oppression in Xinjiang: China's War on Uighur Culture," *Financial Times,* September 12, 2019; CECC, *2012 Annual Report,* October 10, 2012, 87–88.

[11] See, e.g., Masahiro Hoshino, "Preferential Policies for China's Ethnic Minorities at a Crossroads," *Journal of Contemporary East Asia Studies,* no. 1 (2019): 8–9.

[12] Mimi Lau, "From Xinjiang to Ningxia, China's Ethnic Groups Face End to Affirmative Action in Education, Taxes, Policing," *South China Morning Post,* December 5, 2019; Christian Shepherd, "Fear and Oppression in Xinjiang: China's War on Uighur Culture," *Financial Times,* September 12, 2019.

[13] Christian Shepherd, "Fear and Oppression in Xinjiang: China's War on Uighur Culture," *Financial Times,* September 12, 2019.

[14] James Leibold, "Planting the Seed: Ethnic Policy in Xi Jinping's New Era of Cultural Nationalism," *China Brief,* Jamestown Foundation, December 31, 2019, 13–14.

[15] "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019. For a discussion of the implementation of policies and restrictions on Hui communities' faith and culture in the prior reporting year, see CECC, *2019 Annual Report,* November 18, 2019, 109–10, 118–19.

[16] Gerry Shih, "'Boiling Us Like Frogs': China's Clampdown on Muslims Creeps into the Heartland, Finds New Targets," *Washington Post,* September 20, 2019; Steven Lee Myers, "A Crackdown on Islam Is Spreading across China," *New York Times,* September 22, 2019; "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019.

[17] "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019; Rong Qihan, "Zhongguo Yisilan Jiao Xiehui 'si jin' qingzhensi huodong zaijing qidong" [China Islamic Association's "four enter" mosque activity launched in Beijing], *Xinhua,* May 18, 2018.

[18] Steven Lee Myers, "A Crackdown on Islam Is Spreading across China," *New York Times,* September 22, 2019. See also "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019.

[19] Steven Lee Myers, "A Crackdown on Islam Is Spreading across China," *New York Times,* September 22, 2019; Gerry Shih, "'Boiling Us Like Frogs': China's Clampdown on Muslims Creeps into the Heartland, Finds New Targets," *Washington Post,* September 20, 2019; "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019.

[20] Gerry Shih, "'Boiling Us Like Frogs': China's Clampdown on Muslims Creeps into the Heartland, Finds New Targets," *Washington Post,* September 20, 2019; Steven Lee Myers, "A Crackdown on Islam Is Spreading across China," *New York Times,* September 22, 2019; "China's Repression of Islam Is Spreading beyond Xinjiang," *Economist,* September 26, 2019.

[21] Steven Lee Myers, "A Crackdown on Islam Is Spreading across China," *New York Times,* September 22, 2019.

[22] Gerry Shih, "'Boiling Us Like Frogs': China's Clampdown on Muslims Creeps into the Heartland, Finds New Targets," *Washington Post,* September 20, 2019.

[23] Emily Feng, "'Afraid We Will Become the Next Xinjiang': China's Hui Muslims Face Crackdown," *NPR,* September 26, 2019.

[24] Ibid.

[25] Ibid.

[26] "China Detains Hui Muslim Poet Who Spoke Out against Xinjiang Camps," *Radio Free Asia,* January 27, 2020. For more information on Cui Haoxin, see the Commission's Political Prisoner Database record 2020-00071.

[27] See, e.g., Sam McNeil, "Hui Poet Fears for His People as China 'Sinicizes' Religion," *Associated Press,* December 28, 2018; "China Sends Prominent Muslim Poet for Ideological 'Re-education,'" *Radio Free Asia,* April 9, 2018.

[28] PEN America, "China's Detention of Muslim Poet Is Attempt to Silence Opposition," February 5, 2020.

[29] "China Detains Hui Muslim Poet Who Spoke Out against Xinjiang Camps," *Radio Free Asia,* January 27, 2020; PEN America, "China's Detention of Muslim Poet Is Attempt to Silence Opposition," February 5, 2020; Sam McNeil, "Hui Poet Fears for His People as China 'Sinicizes' Religion," *Associated Press,* December 28, 2018; "China Sends Prominent Muslim Poet for Ideological 'Re-education,'" *Radio Free Asia,* April 9, 2018.

[30] PEN America, "China's Detention of Muslim Poet Is Attempt to Silence Opposition," February 5, 2020; "China Sends Prominent Muslim Poet for Ideological 'Re-education,'" *Radio Free Asia,* April 9, 2018; Sam McNeil, "Hui Poet Fears for His People as China 'Sinicizes' Religion," *Associated Press,* December 28, 2018.

[31] Cui Haoxin (@ismaelan), "I used to know more but say less. But this thread is a little long, please be patient:," Twitter post, January 12, 2020, 1:15 a.m.; "China Detains Hui Muslim Poet Who Spoke Out against Xinjiang Camps," *Radio Free Asia,* January 27, 2020; PEN America, "China's Detention of Muslim Poet Is Attempt to Silence Opposition," February 5, 2020; Mira Petrillo and Jake Goldstein-Street, "Former UW Student Detained in China Says University Neglected Pleas for Help," *The Daily,* January 30, 2020.

[32] "Neimeng Fojiao simiao zao guanfang qiangchai Menggu zu mumin zuzhi zao qusan" [Buddhist temple in Inner Mongolia demolished by officials, Mongol herdsmen stopped and dispersed], *Radio Free Asia,* December 13, 2019; "Nei Menggu Zangchuan Fojiao simiao bei qiangchai, mumin zuzhi zao pen lajiao shui" [Tibetan Buddhist temple in Inner Mongolia forcibly demolished, herders stopped and sprayed with pepper spray], *Radio Free Asia,* December 12, 2019.

[33] "Neimeng Fojiao simiao zao guanfang qiangchai Menggu zu mumin zuzhi zao qusan" [Buddhist temple in Inner Mongolia demolished by officials, Mongol herdsmen stopped and dispersed], *Radio Free Asia,* December 13, 2019; "Nei Menggu Zangchuan Fojiao simiao bei qiangchai, mumin zuzhi zao pen lajiao shui" [Tibetan Buddhist temple in Inner Mongolia forcibly demolished, herders stopped and sprayed with pepper spray], *Radio Free Asia,* December 12, 2019.

[34] "Neimeng Fojiao simiao zao guanfang qiangchai Menggu zu mumin zuzhi zao qusan" [Buddhist temple in Inner Mongolia demolished by officials, Mongol herdsmen stopped and dispersed], *Radio Free Asia,* December 13, 2019.

[35] "Neimeng Fojiao simiao zao guanfang qiangchai Menggu zu mumin zuzhi zao qusan" [Buddhist temple in Inner Mongolia demolished by officials, Mongol herdsmen stopped and dispersed], *Radio Free Asia,* December 13, 2019. For information on Mongols' adherence to a form of Tibetan Buddhism, see Caroline Humphrey and Hürelbaatar Ujeed, *A Monastery in Time: The Making of Mongolian Buddhism* (Chicago: University of Chicago Press, 2013), 1.

[36] "Ethnic Mongolian Author Sentenced, Placed under 'Community Correction' Order," *Radio Free Asia,* September 16, 2019; "Nei Menggu zuojia Lamuzhabu bei yi 'fenlie' zuiming panxing"

[Inner Mongolian author Lhamjab Borjigin sentenced on the charge of "separatism"], *Radio Free Asia,* September 16, 2019. For more information on Lhamjab Borjigin, see the Commission's Political Prisoner Database record 2019-00105.

[37] Southern Mongolian Human Rights Information Center, "Writer Tried behind Closed Doors as 'National Separatist,' Pending Sentence," April 11, 2019.

[38] Southern Mongolian Human Rights Information Center, "Southern Mongolian Writer Faces Charges of 'National Separatism' and 'Sabotaging National Unity,'" July 23, 2018; "Neimeng qi xun zuojia jiu zuo fanyi Hanzi zao qingsuan dangju ni yi fenlie zui qisu" [Inner Mongolian writer in his seventies faces criticism for older Chinese translation work, authorities plan to indict him for separatism], *Radio Free Asia,* July 23, 2018; "China Holds Ethnic Mongolian Historian Who Wrote 'Genocide' Book," *Radio Free Asia,* July 23, 2018.

[39] Southern Mongolian Human Rights Information Center, "Poet Detained and Placed Under House Arrest," October 14, 2019; "Zhongguo Nei Menggu zuojia Zhao Bahu yinyan huozui zao juliu, ruanjin" [China Inner Mongolian writer Zhao Baahuu detained and held in soft detention because of speech], *Radio Free Asia,* October 14, 2019. For more information on Zhao Baahuu, see the Commission's Political Prisoner Database record 2020-00037.

[40] Southern Mongolian Human Rights Information Center, "Poet Detained and Placed under House Arrest," October 14, 2019; "Zhongguo Nei Menggu zuojia Zhao Bahu yinyan huozui zao juliu, ruanjin" [China Inner Mongolian writer Zhao Baahuu detained and held in soft detention because of speech], *Radio Free Asia,* October 14, 2019. Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 26.

[41] Southern Mongolian Human Rights Information Center, "Poet Detained and Placed under House Arrest," October 14, 2019; "Zhongguo Nei Menggu zuojia Zhao Bahu yinyan huozui zao juliu, ruanjin" [China Inner Mongolian writer Zhao Baahuu detained and held in soft detention because of speech], *Radio Free Asia,* October 14, 2019.

Population Control

Findings

- To address demographic concerns and spur population growth, the Chinese Communist Party and government relaxed the one-child policy in 2016 to allow all married couples to have two children. The "universal two-child policy," however, remained a birth limit policy, and Chinese authorities continued to threaten or impose punishments, including heavy fines, job termination, and abortion, on families for illegal pregnancies and births.
- Chinese authorities implemented the "universal two-child policy" for a fourth consecutive year in 2019, and the latest government statistics showed that the policy's effect was limited. National Bureau of Statistics of China (NBS) data showed that the total number of births in 2019—reportedly the lowest since 1961—dropped by 580,000 in comparison to the 2018 figure. In 2019, China's fertility rate remained around 1.6 births per woman, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The birth rate was 10.48 per 1,000 persons, reportedly the lowest since the founding of the People's Republic of China in 1949. The working-age population in 2019 declined for an eighth consecutive year, by 890,000, while the elderly population increased by 4.39 million. China's overall sex ratio in 2019 was 104.45 males to 100 females, and there were approximately 30.49 million more males than females in China. Some independent demographers dispute the official NBS statistics and claim that China's total number of births and total population are significantly lower than that listed in the official reports.
- During the 2020 reporting year, central government authorities continued to reject calls to end birth restrictions, despite population experts voicing demographic, economic, and human rights concerns over China's population control policies. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. If not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could weaken China's economy and political stability.
- The Chinese government's restrictive birth limit policies have exacerbated China's sex ratio imbalance, which reportedly has fueled the demand for foreign women and resulted in human trafficking for purposes of forced marriage and commercial sexual exploitation.
- Four decades of China's population control policies combined with a traditional preference for sons may have encouraged a black market for illegal adoptions. This past year, the Commission observed a new trend in which pregnant foreign women sold their newborn children in China for illegal adoption.

Recommendations

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

- 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; and emphasize that these demographic trends could harm China's economy if not addressed in a timely manner by ending as soon as possible all birth restrictions imposed on families.
- Use authorities provided in the Foreign Relations Authorization Act Fiscal Year 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States and impose sanctions against Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive population control policies, including those who have forced women to undergo sterilizations and abortions.
- Call on China's central and local governments to vigorously enforce provisions of Chinese law that establish legal liability for officials and other individuals who violate citizens' personal rights, abuse their power, or engage in malpractice for personal gain while implementing population control policies.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population control policies with 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 and multilateral dialogues.

Population Control

International Standards and China's Coercive Population Policies

During the Commission's 2020 reporting year, despite continuing calls from experts to end birth limits entirely and encourage more births on both demographic and human rights grounds, the Commission did not observe any policy changes by the Chinese central government. Chinese authorities, under the "universal two-child policy," continued to implement coercive population control policies that violate international standards. Started in 2016, the "universal two-child policy"[1] continues to impose birth limits, as did the previous "one-child policy," as the PRC Population and Family Planning Law and provincial-level regulations restrict married couples to having two children.[2] Regulations, which vary by province, allow some couples to exceed the birth limit if they, for example, are ethnic minorities, have remarried, or have children with disabilities.[3]

Coercive controls imposed on Chinese women and their families, along with 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.[4] China was a state participant in the negotiation and adoption of both.[5] 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,[6] which China has ratified.[7] [For information on human rights violations aimed at controlling the populations of Uyghur and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

Population experts, economists, and human rights advocates warned that China's declining birth rates, which have dropped for the past three years to new lows in 2019, would continue to bring about negative economic and social consequences, including decreases in the number of women of child-bearing age and in the size of the working-age population, a rapidly aging population, and a continued sex ratio imbalance, unless the trend is reversed.[8] The Commission in this reporting year did not observe any response from the Chinese central government to these concerns. In a public comment made in January 2019, China's National Health Commission (NHC) appealed to President and Communist Party General Secretary Xi Jinping's remarks upholding China's Constitution as the nation's highest legal authority, writing that since "family planning" is written into the Constitution, it would be inappropriate to quickly remove it, but that the relevant department would study the issue.[9] In the same commentary to the National People's Congress, the NHC reiterated that Chinese officials will continue to impose heavy fines, termed "social compensation fees" (*shehui fuyang fei*), on couples who violate the two-child policy.[10] The Hong Kong-based South China Morning Post noted the absence of any mention of family planning policy during China's 70th anniversary National Day parade in October 2019, an event at which the policy

had been highlighted as a success in past years, and speculated that the omission could signal a policy change in the future.[11]

Coercive Implementation and Punishment for Noncompliance

During the 2020 reporting year, the Commission continued to observe the continuation of coercive population control policies. The 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, and establishes legal liability for officials who do so.[12] Some provincial-level and other population planning regulations, however, continued to explicitly instruct officials to carry out abortions—often referred to as "remedial measures" (*bujiu cuoshi*)—for unsanctioned pregnancies.[13] Some local government authorities in previous years emphasized the need to prevent and control illegal pregnancies and births, and during this reporting year local officials carried out the invasive "three inspections" (intrauterine device (IUD) insertion and pregnancy and health inspections) and "four procedures" (IUD insertion, first trimester abortion, mid- to late-term abortion, and sterilization).[14] In one example, authorities in Xin'an village, Shulan city, Jilin municipality, Jilin province, instructed local officials to carry out the Party's population and family planning measures handed down from higher levels of government, including the "four procedures."[15] A government report from Yangjiang township, Qionghai city, Hainan province, said that local authorities carried out in total 1,583 "three inspections" in 2019, reaching 100 percent of their work target.[16]

Chinese authorities also continued to use fines to enforce citizens' compliance with birth limit policies. In accordance with national-level legal provisions,[17] officials punished noncompliance through "social compensation fees" for exceeding legal birth limits.[18] In addition to a fine, officials imposed or threatened punishment for violating birth limit policies, including being fired from one's job.[19]

CASES OF COERCION

In August 2019, authorities in Yunfu municipality, Guangdong province, imposed a fine of 153,000 yuan (approximately US$22,000) on a couple—Xie Zhengning and Xue Ruiquan—for giving birth to a third child in violation of China's two-child policy.[20] This "social compensation fee" came months after officials dismissed both parents from their respective jobs at Yunfu No. 1 Primary School and the Yunfu Public Security Bureau.[21] Xie became pregnant in June 2018, and local authorities pressured her a total of 14 times to terminate her pregnancy or face losing her job.[22] Xie refused and gave birth to her third child in January 2019.[23] She argued that authorities' administrative actions were illegal and violated provincial and national laws and regulations.[24] After the couple made their case public via social media,[25] the Guangdong Province Health Commission told a reporter that although the rule that excess births would result in job dismissal had been amended, "serious" violations would still result in losing one's job.[26]

In June 2019, local authorities in Hui'an county, Quanzhou municipality, Fujian province, levied a social compensation fee on

Chen Ruihong and his wife in the amount of 63,880 yuan (approximately US$9,200).[27] Due to medical expenses for treating their child's acute lymphoblastic leukemia, the couple was unable to fulfill the obligation demanded by the Hui'an County Health and Family Planning Office.[28] Authorities had fined the couple for the July 2015 birth of their third child.[29] Although authorities told a reporter that the couple may be eligible for a fee reduction, on July 1, 2019, an official told Chen that their fine amount could not be lowered and that the office would seek legal recourse if the couple failed to pay on schedule.[30] The couple expressed concern that the fee would make it impossible to fund their child's medical expenses.[31] As of June 2020, the Commission had not observed any update on the case.

The Universal Two-Child Policy

To address demographic challenges facing China, the Party and government implemented the "universal two-child policy" in 2016 to boost population growth,[32] but government and non-government statistics showed that the policy's effect was limited. In 2016, the former National Health and Family Planning Commission had predicted that the "universal two-child policy" would result in population growth,[33] with an estimated total of 17.5 to 21 million children born per year during the 13th Five-Year Plan period (2016–2020).[34] According to a January 2020 National Bureau of Statistics of China (NBS) report, however, the number of total births in 2019 was 14.65 million—reportedly the lowest since 1961[35]—showing a decline of around 580,000 births, or nearly 4 percent, in comparison to the officially reported 2018 figure of 15.23 million.[36]

Although observers agree with the NBS finding that birth rates have declined for the past three years, population experts have raised questions about the reliability of the Chinese government's population statistics[37] and the policies based upon them. For example, Yi Fuxian, a U.S.-based demographer,[38] disagreed with the official NBS report, estimating that the total number of births in 2019 was around 10 million instead of the reported 14.65 million.[39] He also wrote that China's reported population size of 1.4 billion represented a serious overestimate, and that the actual total population was around 1.279 billion at the end of 2019.[40] According to Yi's findings, local authorities and schools within the past decade had incentives to overreport population numbers, including the claiming of greater subsidies based on higher numbers of schoolchildren.[41] Officials allegedly used the inflated numbers to justify the country's population control policies.[42] Yi concluded that "China's economic, social, political, educational and diplomatic policies are all based on false demographic data."[43]

Experts, as well as an NPC delegate, have expressed concern over the rapid decline in birth rates since the implementation of the two-child policy.[44] After a short-term "pile-on" effect added 1.31 million births in 2016,[45] China's birth rate has continued to decline despite government efforts to encourage couples to have two children.[46] Some have attributed the decline in births to the decreasing number of women of childbearing age,[47] the reluctance on the part of many married couples to have children due to such concerns as the high cost of rearing a child,[48] the lack of adequate childcare

and education options,[49] and the potential disruption to career development.[50]

The government has made some attempts to incentivize births. Authorities have tried to increase birth rates by establishing a pilot marriage consumption subsidy fund in select cities, offering subsidies to new couples, and by canceling the late marriage leave policy, which was originally intended to encourage later marriages and fewer births under the one-child policy.[51] To add incentives for couples to have a second child, authorities in Jilin province enacted a new policy in late 2019 to encourage employers, kindergartens, and residential communities to set up nurseries for children under the age of three.[52] In May 2020, the Times (UK) reported that an influential policy advisory body, the China Democratic League, was proposing tax cuts for new parents and subsidies to help cover childcare costs.[53]

As the "universal two-child policy" failed to boost population growth for a third consecutive year, human rights advocates, population experts, and a National People's Congress (NPC) delegate, citing demographic, economic, and rights concerns, called on the Chinese government to end birth restrictions imposed on Chinese families.[54] For example, at the annual meetings of the NPC and the Chinese People's Political Consultative Conference (Two Sessions) in May 2020, NPC delegate Huang Xihua proposed the cancellation of fines for births in excess of the two-child limit, the addition of subsidies for childcare, and greater job protection for female employees who are pregnant.[55] She argued that the government would be sending the wrong message by continuing to punish excess births when society is faced with falling birth rates.[56]

Experts and journalists in 2019 noted that China's decades-long birth limit policies and resultant demographic challenges, which include a rapidly aging population and a shrinking workforce, could threaten China's economic and political stability.[57] Falling birth rates in the past three years show that the existing "universal two-child policy" may not adequately mitigate China's demographic challenges.[58] They also warned that even if all birth restrictions are removed, that may not stop the trend of a falling birth rate and population decline, especially if such changes are not supplemented by policies that encourage births.[59] Some urged the Chinese government to provide financial incentives, such as tax breaks, subsidies, and other forms of assistance to encourage couples to have more children.[60]

In addition to demographic concerns, a prominent economist also emphasized that Chinese government authorities should respect the rights of citizens to give birth and raise children.[61] In February 2020, Ren Zeping, vice president and chief economist at Evergrande (Hengda) and former deputy researcher at the Development Research Center of the State Council, co-authored an opinion saying that "raising children is everyone's fundamental right, and this right should be returned to families; completely relaxing [birth limits] would respect all people fairly, without discrimination."[62]

Demographic and Humanitarian Consequences of Population Control Policies

Four decades of population control policies have exacerbated China's demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance.[63] 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[64] to an estimated 1.6 births per woman for 2020, below the replacement rate of 2.1 births per woman necessary to maintain a stable population.[65] In addition, the National Bureau of Statistics of China (NBS) reported that China's birth rate in 2019 was 10.48 per 1,000 persons in the population, the lowest since the founding of the People's Republic of China in 1949.[66]

China's low fertility and birth rates have contributed to a rapidly aging population and a shrinking workforce. According to NBS, from 2018 to 2019, China's working-age population (persons between the ages of 16 and 59) declined by 890,000 to 896.40 million, continuing a downward trend for an eighth consecutive year.[67] During the same period, the elderly population (persons aged 60 or older) increased by 4.39 million from 249.49 million in 2019 to 253.88 million, or 18.1 percent of the total population.[68] According to the State Council National Population Development Plan (2016–2030), 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.[69] A study led by economist Ren Zeping predicted that by 2050, people over age 64 will account for approximately 30 percent of China's total population, up from 7 percent in 2001, increasing at a rate never seen before.[70] At present rates, the working-age population is predicted to decrease by 240 million to 750 million by 2050, a 24-percent decrease from the number in 2018.[71] These demographic trends may burden China's healthcare, social services, and pension systems,[72] and could bring adverse effects to China's economy.[73]

The government's restrictive birth limit policies have also exacerbated China's sex ratio imbalance, which reportedly fueled the demand for foreign women and resulted in human trafficking. Although Chinese authorities continued to implement a ban on "nonmedically necessary sex determination and sex-selective abortion,"[74] some people reportedly continued the practices in keeping with a traditional cultural preference for sons.[75] According to a January 2020 NBS report, China's overall sex ratio by the end of 2019 was 104.45 males to 100 females, and there were approximately 30.49 million more males than females in China (715.27 million males to 684.78 million females).[76] For years experts have expressed concerns that the sex ratio imbalance in China could lead to an increase in crime,[77] trafficking of women,[78] and social instability.[79] This past year, international media reports continued to suggest a link between China's sex ratio imbalance and the trafficking of foreign women—from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, North Korea, Pakistan, and Vietnam—into China for purposes of forced marriage or com-

mercial sexual exploitation.[80] [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Decades of birth limits combined with a traditional preference for sons may also have encouraged a black market for illegal adoptions. Beginning in 2019, the Commission observed a trend in which foreign women sold their newborn children in China for illegal adoption.[81] According to Vietnamese news media reports, Vietnamese authorities investigated and jailed three individuals suspected of moving pregnant women across the border into China to sell newborn children.[82] [For inconsistencies in the definition of "child trafficking" between Chinese law and international standards, see Section II—Human Trafficking.]

Notes to Section II—Population Control

[1] National Health and Family Planning Commission, "2016 nian 12 yue 12 ri Guojia Weisheng Jishengwei lixing xinwen fabuhui wenzi shilu" [December 12, 2016, National Health and Family Planning Commission regular press conference text record], December 12, 2016; *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, art. 18.

[2] *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, art. 18. Article 18 of the PRC Population and Family Planning Law provides that, "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 Sheng Renkou Yu Jihua Shengyu Tiaoli* [Fujian Province Population and Family Planning Regulations], issued April 29, 1988, amended November 24, 2017, arts. 8, 12; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, *Guangxi Zhuang Zu Zizhiqu Renkou He Jihua Shengyu Tiaoli* [Guangxi Zhuang Autonomous Region Population and Family Planning Regulations], issued March 23, 2012, effective June 1, 2012, amended January 15, 2016, art. 13.

[3] For provincial population planning provisions that allow these exceptions for having an additional child, see, e.g., Fujian Province People's Congress Standing Committee, *Fujian Sheng Renkou Yu Jihua Shengyu Tiaoli* [Fujian Province Population and Family Planning Regulations], issued April 29, 1988, amended November 24, 2017, art. 9(1)–(5); Heilongjiang Province People's Congress Standing Committee, *Heilongjiang Sheng Renkou Yu Jihua Shengyu Tiaoli* [Heilongjiang Province Population and Family Planning Regulations], issued October 18, 2002, effective January 1, 2003, amended April 21, 2016, art. 13; Guangxi Zhuang Autonomous Region People's Congress Standing Committee, *Guangxi Zhuang Zu Zizhiqu Renkou He Jihua Shengyu Tiaoli* [Guangxi Zhuang Autonomous Region Population and Family Planning Regulations], issued March 23, 2012, effective June 1, 2012, amended January 15, 2016, art. 14(1)–(5); Jiangxi Province People's Congress Standing Committee, *Jiangxi Sheng Renkou Yu Jihua Shengyu Tiaoli* [Jiangxi Province Population and Family Planning Regulations], issued June 16, 1990, amended January 20, 2016, art. 9(2)–(3).

[4] Yuan Ye, "The Chinese Couple Who Dared to Have a Third Child," *Sixth Tone,* January 16, 2020; Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by UN General Assembly resolution 50/203 on December 22, 1995, Annex I, paras. 9, 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;" (Annex I, 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 (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development on September 13, 1994, 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."

[5] United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, September 15, 1995, 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, October 18, 1994, 271. China was one of the participating States at the ICPD, which reached a general agreement on the Cairo Programme of Action.

[6] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, 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, February 3, 2016, para. 51. In its 2016 review of China's compliance with the CAT, the UN Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and . . . 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."

[7] United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), accessed May 14, 2019. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988.

[8] "Chusheng renkou 'san lian jiang' daibiao jianyi quxiao shengyu san hai yishang chufa" [Newborn population [sees] "three [years'] consecutive decline," delegate proposes to abolish punishment for having three or more children], *Caixin,* May 21, 2020; "China's Birthrate Sank to Lowest Level on Record Last Year," *Bloomberg,* January 16, 2020; Ren Zeping, Xiong Chai, and Zhou Zhe, "Ren Zeping: Jianyi liji quanmian fangkai bing guli shengyu" [Ren Zeping: [We] recommend the immediate and complete opening up and encouraging of childbearing], *Zeping Hongguan* [Zeping Macro], *Xueqiu.com,* reprinted in *Jinrong Jie* [China Finance Online], April 6, 2020; Sidney Leng, "China's Birth Rate Falls to Near 60-year Low, with 2019 Producing Fewest Babies Since 1961," *South China Morning Post,* January 17, 2020; Heather Barr, "China's Bride Trafficking Problem," *The Diplomat,* October 30, 2019. See also "Zhongguo shengyu lu quanqiu daoshu quanmian kaifang reng yaoyao wuqi (xia)" [China's fertility rate lowest in the

world, is the end of family planning policy still distant? (Part 2)], *Radio Free Asia,* January 25, 2019.

[9] National Health Commission, "Dui Shisan Jie Renda Yici Huiyi di 1949 hao jianyi de dafu" [Reply to Thirteenth NPC First Session's suggestion no. 1949], January 8, 2019.

[10] National Health Commission, "Dui Shisan Jie Renda Yici Huiyi di 1948 hao jianyi de dafu" [Reply to Thirteenth NPC First Session's suggestion no. 1948], January 8, 2019.

[11] Zhou Xin and Cissy Zhou, "China's 'Awkward Silence' as Lack of Family Planning Slogans from 70th Anniversary Parade Could Signal Policy Shift," *South China Morning Post,* October 2, 2019.

[12] *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, arts. 4, 39(1–3). Article 4 of the PRC Population and Family Planning Law states that officials "shall perform their family planning work duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens." Article 39 states that an official is subject to criminal or administrative punishment if he "infring[es] on a citizen's personal rights, property rights, or other legitimate rights and interests" or "abus[es] his power, neglect[s] his duty or engag[es] in malpractices for personal gain" in the implementation of family planning policies.

[13] See, e.g., *Qinghai Sheng Renkou Yu Jihua Shengyu Tiaoli* [Qinghai Province Population and Family Planning Regulations], effective January 1, 2003, amended July 31, 2019, art. 28; *Guizhou Sheng Renkou Yu Jihua Shengyu Tiaoli* [Guizhou Province Population and Family Planning Regulations], April 1, 2018; Guangxi University of Finance and Economics Trade Union, "Guangxi Caijing Xueyuan Renkou He Jihua Shengyu Guanli Gui" [Guangxi University of Finance and Economics Regulations on Population and Family Planning Management], April 13, 2010, accessed June 9, 2020, art. 9; South China Coal Trade, "Jihua shengyu xuanchuan cailiao (er)" [Family planning materials for dissemination (2)], June 10, 2015, accessed June 9, 2020, art. 8. For information on "remedial measures," see "Jinzhi xuanzexing liuchan yu qiangzhi duotai" [Prohibit sex-selective abortion and forced abortion], *China Economic Net,* November 11, 2010; He Yafu, "89 ge haizi jiaoxing taochu jisheng mozhao" [89 children lucky to escape the evil clutches of family planning], *cnpop.org,* July 7, 2013.

[14] See, e.g., "Yangjiang Zhen 2019 Niandu Renkou He Jihua Shengyu Gongzuo Luoshi Qingkuang Huibao" [Yangjiang Township 2019 Annual Population and Family Planning Work Implementation Situation Report], Qionghai Municipal People's Government, January 8, 2020; Xin'an Township People's Government, "Shulan Shi Xin'an Xiang Renmin Zhengfu" [Xin'an Township People's Government of Shulan City], March 10, 2020; Caochi Subdistrict Office, "Caochi Jiedao Xingfu Cun kaizhan yuling funu mianfei 'san cha' huodong" [Xingfu village, Caochi subdistrict, launches free 'three inspections' campaign for childbearing-aged women], reprinted in Chengdu Hi-Tech Industrial Development Zone, April 9, 2020. See also "Chen Zhongyi zai Xide xian ducha tuo pin gong jian shi qiangdiao: Jia kuai anquan zhufang jianshe zhua hao tuchu wenti zhenggai qianfang baiji quebao wancheng niandu jian pin renwu" [Chen Zhongyi inspects [work] on poverty alleviation in Xide county and emphasizes: Accelerate construction of safe housing, focus on rectification of problems, use all means necessary to ensure completion of annual poverty alleviation tasks], *Liangshan Daily,* reprinted in Liangshan Yi Autonomous Prefecture Poverty and Immigration Bureau, November 16, 2018; Junan County People's Government, "Laopo Zhen Jisheng Ban gongzuo zhize" [Laopo Township Family Planning Office job responsibilities], November 27, 2018; Dalu Township People's Government, "Dalu zhen 2018 Niandu Zhengfu Gongzuo Baogao" [Dalu Township 2018 Annual Government Work Report], reprinted in Qionghai Municipal People's Government, January 23, 2019. For information on the invasive nature of the "three inspections," see Ma Jian, "Zhongguo nongcun jihua shengyu zhong de 'san cha' qingkuang diaocha" [Investigation into the "three inspections" of rural family planning], *Women's Rights in China,* reprinted in *Epoch Times,* April 15, 2009. For information on rights violations included in the "four procedures," see Yu Han, "Jihua shengyu qiangzhi jiezha renliu hai ku le Zhongguo ren" [Chinese people suffer from family planning [policy's] forced sterilizations and abortions], *Tencent,* June 15, 2012.

[15] Xin'an Township People's Government, "Shulan Shi Xin'an Xiang Renmin Zhengfu" [Xin'an Township People's Government of Shulan City], March 10, 2020.

[16] Yanjiang Town People's Government, "Yangjiang Zhen 2019 Niandu Renkou He Jihua Shengyu Gongzuo Luoshi Qingkuang Huibao" [Yangjiang Town 2019 Annual Population and Family Planning Work Implementation Situation Report], reprinted in Qionghai Municipal People's Government, January 8, 2020.

[17] State Council, *Shehui Fuyang Fei Zhengshou Guanli Banfa* [Measures for Administration of Collection of Social Compensation Fees], issued August 2, 2002, effective September 1, 2002, arts. 3, 7; *Zhonghua Renmin Gongheguo Renkou Yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, arts. 18, 41.

[18] Yuan Ye, "The Chinese Couple Who Dared to Have a Third Child," *Sixth Tone,* January 16, 2020; Xinjiang Uyghur Autonomous Region Health Commission, *Xinjiang Weiwu'er Zizhi Qu Renkou Yu Jihua Shengyu Tiaoli* [Xinjiang Uyghur Autonomous Region Population and Family Planning Regulations], effective January 1, 2003, amended July 28, 2017, arts. 42–44; Qinghai Province People's Congress Standing Committee, *Qinghai Sheng Renkou Yu Jihua Shengyu Tiaoli* [Qinghai Province Population and Family Planning Regulations], effective January 1, 2003, amended July 31, 2019, art. 41; "2020 Shehui Fuyang Fei Biaozhun" [2020 Social Compensation Fee Standards], *Hualu Net,* March 16, 2020.

[19] Yuan Ye, "The Chinese Couple Who Dared to Have a Third Child," *Sixth Tone,* January 16, 2020; Chen Xuhou, "Minjing chaosheng bei ci shimo: Chaosheng ji kaichu shanchu hou de dingge chufa quan zhengyi" [The whole story of the public security officer fired for an excess birth: Controversy over the authority to impose the maximum penalty after the "excess birth means dismissal" [rule] is cancelled], *The Paper,* November 13, 2019.

[20] Yuan Ye, "The Chinese Couple Who Dared to Have a Third Child," *Sixth Tone,* January 16, 2020.
[21] Ibid.
[22] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019. See also Xie Zhengling, "Huai disan hai bei citui" [Fired for bearing a third child], *Worker Online, Southern Daily,* January 10, 2019.
[23] Dashan, "Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing" [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], *China 50 Plus,* April 3, 2019.
[24] Ibid.
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Findings

• During and prior to the Commission's 2020 reporting year, the Chinese government and Communist Party, as well as entities acting with their encouragement or at their direction, took steps to limit the freedom of expression of American corporations and citizens outside China through the use of targeted economic coercion. These steps were generally taken to discourage—through threatening or inflicting disproportionate economic damage—the expression by American companies, entities, and their employees or customers of political views considered unacceptable by the Chinese Communist Party on a range of issues, including events in Hong Kong, the Tibet Autonomous Region and other Tibetan areas of China, the Xinjiang Uyghur Autonomous Region (XUAR), and Taiwan.
• In one example of such behavior, the National Basketball Association (NBA) saw its business in China severely impacted after an October 2019 tweet sent by Houston Rockets General Manager Daryl Morey in support of pro-democracy protests in Hong Kong. In retaliation, broadcasts of NBA games in China were suspended, other NBA events inside the country were canceled, and NBA products were pulled from Chinese online retailers. The league later estimated the total revenue lost to be in the hundreds of millions of dollars.
• During and immediately prior to this reporting period, many other companies and entities in the United States were subject to—or appeared to take action in response to the threat of—similar forms of punishment through economic coercion. These include Apple, Paramount Pictures, Blizzard Entertainment, Amnesty International, Coach, Calvin Klein, and McDonald's.
• This form of retaliation seeks to impose collective silence on American companies, entities, and their employees by threatening or inflicting disproportionate economic damage in response to the private speech or actions of individual employees. Such retaliation is meant to encourage self-censorship and deference to Chinese government policy goals among important sectors of American society.
• Both before and during the Commission's reporting period, the government and Party surveilled and intimidated students from China and Hong Kong studying at universities in the United States, through means such as government-supervised student organizations, social media surveillance and harassment, and state media intimidation of students who publicly express political views objectionable to the Party. This had a documented chilling effect on the willingness of students from these localities to exercise their freedom of expression while studying in the United States.
• Identified agents of the Chinese government intimidated and harassed members of China's Turkic Muslim minorities residing in the United States, particularly those from the Uyghur community. In many cases, this harassment included threats to family members still in China and was conducted through China-based social media platforms such as WeChat. Uyghurs

inside the United States who chose to speak out about worsening persecution of their community by the Chinese government reported retaliation against family members and acquaintances still in China.

- Observers noted worsening censorship of individuals in the United States using China-based social media platforms such as WeChat, with some users in the U.S reporting the suspension of their accounts for posting politically sensitive material.
- The growing popularity in the United States of the video-sharing platform TikTok—developed and distributed by Beijing-based software corporation ByteDance—also raised concerns about free expression related to that company's prior expressions of loyalty to the political and propaganda directives of Chinese President Xi Jinping.
- During this reporting period, the Chinese government and Communist Party continued a longstanding campaign to impede or redirect the work of United Nations human rights bodies and to reshape international consensus around human rights in ways that elevate state power and diminish the power of the individual to seek redress from the state. This included concerted efforts to downplay, or avoid scrutiny of events in the XUAR by accredited UN human rights bodies, and naming a Chinese diplomat to be a member of the five-person Consultative Group that vets and recommends working groups, independent experts, and special rapporteurs for appointment by the UN Human Rights Council president.

Recommendations

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

- Call on officials in the Chinese government and Communist Party to abide by internationally accepted norms on freedom of 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—and to encourage China-domiciled companies to do the same. Emphasize that failure to respect these widely accepted international norms runs counter to China's long-term interests, since the use of economic power to suppress speech or influence policy abroad can erode trust and reduce the attraction of China as a market for foreign governments and businesses.
- Develop a strategy to protect American citizens' right to free expression from the coercive use of economic power by the Chinese government. This could involve one or more of the following:
  - Coordination with allies and like-minded partner nations
  - Efforts to reduce China's leverage over American corporations and organizations by diversifying their global economic footprint
  - A pool of funds to compensate individuals or entities subject to economic coercion by the Chinese government or entities under its direction

- Legislation granting private citizens the right to seek redress in civil court if retaliated against by their employer for expressing political views related to China.

- Prepare a strategy for countering harassment or surveillance by representatives or agents of the Chinese government within the United States, including harassment or surveillance of members of Turkic Muslim communities. This should include the establishment of a website for the confidential reporting of harassment or surveillance by representatives or agents of the Chinese government within the United States.
- Ensure broad, sustained U.S. engagement in UN bodies with human rights functions, including the General Assembly, the Consultative Group, and the Economic and Social Council's Committee on Non-Governmental Organizations, to ensure that these bodies remain true to their founding principles. This engagement should include putting forth qualified American candidates to serve on these and other UN bodies with human rights functions, as well as encouraging allies and like-minded partner nations to do the same, and building coalitions to support the candidates they put forth.
- Sustain, and where appropriate expand, programs that incentivize the study of the Chinese language, the deep study of China's political system, and the Chinese Communist Party's tools of external influence. The ability to anticipate and understand China's human rights violations within the United States and at the UN—and to generate consensus around timely, effective, culturally appropriate responses—depends on deep fluency in China's language, culture, and political system.

Repression of Freedom of Expression Through Economic Intimidation

Prior to and during the Commission's 2020 reporting period, the Chinese Communist Party and government used economic intimidation to suppress the internationally recognized right to freedom of expression[1] of American individuals, businesses, organizations, and entities inside and outside China,[2] and encouraged Chinese businesses and entities under their control or influence to do the same. The Party and government did so with the tools used to communicate political priorities to companies doing business in China: a mixture of formal legal and regulatory requirements,[3] as well as a less formal political mobilization system known as the "united front."[4]

These tools give the government and Party a broad range of options to punish unacceptable political speech, including restricting foreign businesses' access to the Chinese market,[5] or indirectly signaling through state media that foreign businesses' actions are politically unacceptable.[6] The threat of such action also encourages businesses to proactively monitor for instances of noncompliance and take corrective action on their own.[7] The opaque, informal, and self-policing aspects of the system mean that violations of freedom of expression can occur without obvious direction by the government or Party, even in instances when they are clearly the result of expressing politically unacceptable points of view.[8] In addition to violating individuals' rights to freedom of expression enshrined in international agreements such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the actions of the Party and government push foreign and Chinese businesses to act in contravention of the UN Guiding Principles on Business and Human Rights, which state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .."[9]

Within this framework, the Chinese government has limited foreign businesses' access to its domestic market and has done so for many years.[10] As a result, some American businesses that operate in China censor themselves not only within the country but globally. For example, after previous threats by the Chinese government to their ability to access the Chinese market,[11] many American television and film production companies have been reluctant to produce or distribute content that is critical of the Chinese government or Party.[12] The Commission has observed that this longstanding reluctance continued during this reporting period: executives behind Apple's recently launched Apple TV+ streaming service instructed show developers to avoid content that portrayed China unfavorably; in the upcoming film *Top Gun: Maverick* the flags of Taiwan and Japan appear to have been removed from the wardrobe of Tom Cruise's character.[13] In June 2020, the American video conferencing software company Zoom closed the accounts of several U.S.- and Hong Kong-based democracy advocates critical of the Chinese government after they organized video meetings with mainland participants.[14] The company said they closed the accounts at the request of the Chinese government, on the grounds

that the meetings violated Chinese law, despite the account owners' being physically outside China.[15]

During and immediately before this reporting period, the Commission also observed the suppression of American corporations for political speech by employees undertaken in an individual capacity. On October 4, 2019, Houston Rockets General Manager Daryl Morey retweeted a message expressing support for ongoing pro-democracy protests in Hong Kong.[16] In the ensuing backlash, the Chinese e-commerce platform Alibaba refused to stock Houston Rockets merchandise, all 11 of the National Basketball Association's (NBA's) official commercial partners in China suspended business with the league, and state television refused to broadcast NBA games.[17] The NBA would later estimate total revenue lost to be in the "hundreds of millions" of dollars.[18] Although senior NBA executives backed Morey's right to free expression, the Houston Rockets executive was publicly criticized by senior league figures, including Los Angeles Lakers power forward Lebron James and Joe Tsai, owner of the Brooklyn Nets and executive vice chairman of the Alibaba Group.[19] The Chinese government also reportedly demanded that the league fire Morey.[20] As the controversy unfolded, it prompted self-censorship in at least one major American media organization, when a senior ESPN executive sent a memo directing the network's shows to focus on basketball when discussing the controversy and to avoid its political dimensions.[21]

The incidents described above are part of a growing list, one that demonstrates the chilling effect on freedom of expression caused by the government and Party's use of economic coercion against American individuals and organizations outside China. Other such incidents observed during and immediately preceding this reporting period include the following:

- In January 2019, the American restaurant chain McDonald's apologized after an advertisement it aired in Taiwan showed a two-second clip of a student ID card depicting Taiwan as an independent country.[22]
- In May 2019, a subsidiary of a Chinese state-owned enterprise declined to enter into a planned lease with its prospective tenant Amnesty International for office space located in a lower Manhattan building.[23] Amnesty International is a human rights advocacy organization that has published reports pointing out China's human rights violations.[24] The landlord's representative, without providing any specific reason, made reference to the fact that the company was a Chinese state-owned enterprise, and told Amnesty International it was "not the best tenant."[25]
- In August 2019, the American luxury brand Coach issued a public apology the day it was singled out for criticism by People's Daily, a newspaper overseen by the Party's Central Propaganda Department,[26] for selling an English-language shirt that did not list Hong Kong and Taiwan as part of China.[27]
- In August 2019, the American clothing brand Calvin Klein issued a similar apology after Chinese internet users discovered that the company listed Hong Kong and Taiwan as countries separate from China on its U.S. website.[28]

- Blizzard Entertainment banned professional video game player Ng Wai Chung from tournament play for six months after Ng spoke in support of pro-democracy protests in Hong Kong during a live Blizzard broadcast in October 2019.[29]

Harassment and Intimidation of Uyghurs in the United States

The Uyghur Human Rights Project, a Uyghur advocacy organization, has reported an increase in state-backed harassment and intimidation of Uyghurs outside China since 2017,[30] when the Chinese government began constructing a network of mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR) that have held up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[31] Uyghur individuals in the United States have reported threats and intimidation through phone and social media, and threats—both direct and implied—to family members still inside China.[32] This intimidation and harassment has taken place alongside the mass persecution of Uyghurs within China,[33] backed by pervasive electronic and physical surveillance[34] and widespread reported incidents of arbitrary detention and torture.[35] In some cases, the intimidation and harassment of Uyghurs in the United States were conducted by anonymous individuals, while in others, it was performed by identified members of the Chinese government.[36] This harassment and intimidation have had a chilling effect on Uyghurs in the United States who wish to speak about repression in the XUAR,[37] and violates their right to freedom of expression and association.[38]

The Chinese government often harasses Uyghurs in the United States by forcing close family members to convey sensitive personal and financial information.[39] In one mid-2018 case, a Uyghur woman living in the United States was contacted by her mother and asked to provide—in addition to her U.S. phone number—her U.S. bank account number and the license plate number of her car in the United States.[40] Based on the content of the conversation, the woman believed Chinese authorities were coercing her mother.[41] In another similar 2018 incident, Chinese authorities detained the mother of Uyghur-American Ferkat Jawdat in a XUAR mass internment camp, prompting Jawdat to speak out about her plight.[42] He would not hear from his mother again until more than a year later, in a May 2019 phone call, when she said she had been released from the camp, and asked him to cease his advocacy.[43] Her pleas continued in the months afterward, during which a Chinese official contacted Jawdat and tried to convince him to return to the XUAR, telling him that his actions made little difference since "China is a powerful country."[44]

Internal Chinese government documents known as the "China Cables" obtained by the International Consortium of Investigative Journalists (ICIJ) provide evidence that the central government and XUAR Party authorities coordinate in gathering information on Uyghurs abroad.[45] A June 2017 classified directive from the XUAR's Political and Legal Affairs Commission obtained by the ICIJ provides information gathered by Chinese embassies and consulates on several thousand individuals from the XUAR who have obtained foreign citizenship or reside outside China.[46] The docu-

ment directs "grassroots stability maintenance forces" within the XUAR to apply extra scrutiny when reviewing each of these individuals' personal identification documents.[47] The document does not make an exception for individuals outside China.[48] [For more information on human rights violations against Uyghurs and other ethnic minority groups in the XUAR, see Section IV—Xinjiang.]

Surveillance and Harassment of Students From China and Hong Kong in the United States

The Chinese government and Communist Party surveil and intimidate students from mainland China and Hong Kong studying at universities in the United States, through government-supervised student organizations, social media surveillance and harassment, and state-controlled media intimidation of students who publicly express political views objectionable to the Party.[49] The earliest use of these tactics predates the Commission's current reporting period,[50] and the atmosphere of suspicion they create has had a documented chilling effect on the freedom of expression of students from these localities studying in the United States.[51] According to Alex Joske of the Australian Strategic Policy Institute, much of this work is likely overseen by the Party's United Front Work Department.[52]

In one example, in July of 2019, police in Wuhan municipality, Hubei province, detained 19-year-old Chinese national Luo Daiqing while he was in the city during a break from his studies at the University of Minnesota.[53] Court documents state that Luo had used his Twitter account to post "more than 40 comments denigrating a national leader's image and indecent pictures," an apparent reference to images posted by Luo that appear to mock Chinese President Xi Jinping.[54] For these posts—made on an American social media platform while Luo was physically outside China—a court in China sentenced him to six months' imprisonment on the charge of "picking quarrels and provoking trouble."[55] In another case, individuals claiming to be Yale University students targeted Hong Kong pro-democracy activist Nathan Law for online harassment, including death threats, after he arrived at Yale in the fall of 2019 to pursue a graduate degree.[56] Official media such as the Global Times amplified the harassment campaign with articles in Chinese and in English, reporting disparagingly on Law's decision to attend Yale.[57]

Fear of retaliation can also discourage universities from speaking up in defense of these students' right to free expression and to physical safety. The Chinese government has demonstrated that it is willing to cut off joint research programs, or even threaten the flow of Chinese students to foreign universities as a means of signaling its displeasure.[58] For many universities, this is a potent threat, since those students are an important source of tuition revenue.[59] In October 2019, students from mainland China attending Emerson University in Boston threatened a student from Hong Kong after she spoke in support of Hong Kong's pro-democracy protests. Emerson University did not comply with her request to issue a public statement condemning the threats,[60] and when commenting on the incident to the New York Times, the university's president cited the need for universities to have a "global com-

petency" to avoid retaliation similar to that suffered by the National Basketball Association.[61]

Censorship of Individuals in the United States Through China-Based Social Media

The PRC Cybersecurity Law requires social media platforms run by companies in China to monitor content that their customers create or share, censor content that violates laws and regulations, and report such content to authorities.[62] During this reporting year, the Commission has observed continuing censorship of users in the United States through the popular social media platform WeChat.[63] WeChat is owned and run by Tencent, a China-based tech company.[64] Some WeChat users in the United States have reported that Tencent suspended their accounts for posting politically sensitive material, depriving them of their main channel for communicating with friends and family in China.[65]

Other China-based social media platforms such as TikTok and Zynn have grown their market share in the United States,[66] prompting concern on the part of U.S. officials over the extraterritorial application of Chinese domestic censorship standards.[67] TikTok is run by ByteDance, a company based in Beijing municipality, whose CEO publicly pledged to better implement Xi Jinping's political agenda in April 2018, following a series of punishments from Chinese regulators unhappy with the company's inadequate censorship.[68] Following reports in November 2019 that company executives in Beijing were driving decisions on censoring TikTok content viewed by U.S. users, and that the company had suspended the account of a U.S. user attempting to raise awareness of the persecution of Uyghurs inside China, ByteDance pledged to reform its content moderation practices outside China.[69]

Impeding UN Human Rights Bodies and Redefining Global Human Rights Norms

During this reporting period, the Chinese government and the Communist Party continued a longstanding campaign to impede or redirect the work of United Nations human rights bodies and to reshape international consensus around human rights in ways that diminish the power of the individual to seek redress from the state. These are part of the Party's efforts to build what it calls *guoji huayuquan,* or "international speaking rights," a term that scholar Nadège Rolland says reflects the Party leadership's desire "to be listened to, to influence others' perceptions of China, and eventually to shape the discourse and norms that underpin the international order."[70]

Human Rights Watch has called the United Nations a "key target" of this kind of work, noting that China's growing influence in the body has meant that even UN Secretary-General António Guterres has refrained from criticizing the mass persecution and imprisonment of Turkic Muslims in the Xinjiang Uyghur Autonomous Region.[71] The Party's push to embed its preferred positions on human rights in the UN's human rights apparatus has been given concrete form through resolutions and amendments at the UN Human Rights Council (UNHRC).[72] Among the motions intro-

duced by the Chinese delegation (and supported by like-minded states like Russia) were proposals that would reduce accountability for countries that fail to cooperate with UNHRC mechanisms, promote state-to-state cooperation and dialogue on human rights at the expense of naming and shaming poor performers, and make human rights synonymous with state-led development rather than an expression of inherent human dignity.[73]

In early 2018, China and Russia also cooperated successfully to defund a team within the office of the UN Secretary-General meant to ensure that UN agencies promote human rights in their day-to-day work.[74] In April 2020, the Chinese government also succeeded in naming Jiang Duan, a Chinese diplomat, to a one-year term as one of the five members of the Consultative Group that will vet and recommend working groups, independent experts, and special rapporteurs for appointment by the UNHRC president.[75] During his term, Jiang—who used his previous diplomatic posting in Geneva to speak in defense of China's treatment of the Uyghurs and praise the human rights records of Russia and Cuba[76]—will help oversee the appointment of a special rapporteur on human rights in Cambodia, an Asia-Pacific-focused working group on arbitrary detention, and a special rapporteur on the promotion and protection of the right to freedom of opinion and expression.[77] During a UNHRC Universal Periodic Review of China's human rights record, Chinese diplomats also made direct threats to delegations that were considering critical stances and blocked the accreditation of a Uyghur activist who sought to attend a UN forum on indigenous issues in New York City.[78]

Notes to Section II—Human Rights Violations in the U.S. and Globally

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STATUS OF WOMEN

Findings

- The coronavirus disease 2019 (COVID–19) outbreak imposed outsized risks and burdens on women in China due to already existing gender-based inequalities. Women played essential roles in the epidemic response, and the unequal gender distribution of labor, both paid and unpaid, associated with the epidemic and with mandated self-isolation, meant that women in China took on greater risk of infection and more of the burden for treatment and containment. UN Women warned that because of already existing gender gaps in earnings, savings, and job security, the long-term effects of the epidemic would disproportionately affect the livelihoods of women, particularly those at the margins with fewer resources to weather economic losses.
- In recent years, women in China have been facing persistent gender inequality that scholars attribute to economic liberalization and the promotion of sexist and regressive gender norms in official discourse. Women in China experience severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. National laws also mandate parental leave and other entitlements for women and not men. These laws enforce the role of women as caregivers and have led employers to avoid hiring women of child-bearing age who do not already have children.
- A grassroots feminist movement has persisted in Chinese political and cultural life in recent years despite government restrictions and censorship. Feminist activists continued working on issues including employment discrimination, gender-based violence, and the rights of single women to access services and benefits related to pregnancy and birth—as well as to acquire legal documentation for their children—for which current policies require proof of marriage. Young Chinese people outside China have also played an increasingly important role in feminist activism in China as the government intensifies restrictions within China's borders.
- The inclusion of anti-sexual harassment provisions in the Civil Code in May 2020 was a sign that women's rights advocacy is having an impact even as it has been severely suppressed.
- During the COVID–19 outbreak, grassroots volunteers and civil society organizations brought attention to gaps in support for women and marshaled donations, services, and volunteers to address the need for menstrual supplies for frontline workers and to provide support for domestic violence victims.
- Gender-based violence in China remains a serious issue. By December 2019, Chinese courts had issued only 5,749 protective orders in the four years since the passage of the PRC Anti-Domestic Violence Law in March 2016.
- The Commission has also observed reports of gender-based violence perpetrated by the state against ethnic minority women in the Xinjiang Uyghur Autonomous Region (XUAR): interviews of Uyghur and Kazakh women released from camps

have indicated acts of rape, forced abortion, and forced sterilization.

• Domestic violence rose substantially during the COVID–19 epidemic due to enforced co-habitation and rising tensions in households from economic strain and fears about the virus, according to experts on gender-based violence. Accountability and redress for violence diminished as some local authorities delayed approval of protection orders and converted shelters for domestic violence victims into homeless shelters.

Recommendations

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

○ 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 gender inequality and sexual harassment.

○ Urge the Chinese government to publicly expand its commitment to gender equality through measures such as increasing the number of women at the highest levels of political leadership, instituting gender equality and anti-harassment training 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 inclusion in the Civil Code of a provision targeting sexual harassment. 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 all those working in law enforcement and the judiciary to implement the PRC Anti-Domestic Violence Law effectively and challenge discriminatory attitudes based on gender, sexual orientation, and gender identity. Train law enforcement, as the first point of contact, to address reports of violence in a way that does not undermine victims' concerns or safety. Urge provincial-level officials to implement provincial regulations according to the PRC Anti-Domestic Violence Law.

○ Encourage the collection and analysis of data on disparities in economic and social factors based on gender so as to monitor changes.

STATUS OF WOMEN

Introduction

Women in China face persistent gender inequality [1] that scholars attribute to economic liberalization and the promotion of sexist and regressive gender norms in official discourse in recent years.[2] Women's participation in the labor force is declining, and gender-based violence remains a serious issue, including that perpetrated by the state against Uyghur and other ethnic minority women. At the same time, grassroots feminist activism has become a unique and dynamic force within Chinese society, mobilizing campaigns to generate changes in government policy and public attitudes even as the government is increasing its restrictions on Chinese civil society generally.[3] Because of existing gender gaps, women have been disproportionately impacted in the coronavirus disease 2019 (COVID–19) outbreak, and experts predict that these gender gaps will widen further with the economic and social disruption of the epidemic.

Participation and Discrimination in the Labor Force

During the 2020 reporting year, Chinese women, who make up 43.7 percent of the total labor force,[4] faced social and economic roadblocks to advancing their careers. The labor force participation rate among Chinese women, although still fairly strong by global standards,[5] continued to fall, declining from 73.2 percent in 1990 to 60.5 percent in 2019.[6]

GREATER ECONOMIC AND EMPLOYMENT VULNERABILITY

Although Chinese women work in a variety of economic sectors, a significant proportion work in several industries with weak labor protection. For example, nearly one in four working women is in the agricultural workforce,[7] and as of 2018 women made up the majority of workers in the traditional retail sector, where employers often deny workers entitlements such as social insurance and welfare benefits.[8] Also, a November 2019 report by China Labor Watch describes how female workers in toy factories are preferred because they are perceived as more "docile" and are less likely to be promoted to high-level management positions.[9]

EMPLOYMENT DISCRIMINATION

Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Job recruitment listings frequently indicate a preference or requirement for men,[10] with 11 percent of civil servant job listings in 2020 containing such specifications despite national laws prohibiting gender discrimination in hiring, according to analysis by Human Rights Watch.[11] Women constituted 16.8 percent of senior and leadership roles such as legislators, senior officials, and managers, while earning on average 64.3 percent of what men earned, according to the World Economic Forum's 2020 Global Gender Gap Report.[12] A working paper published by the International Labour Organization in 2015 noted that such disparities have increased over the current period of economic reform that began in 1978,[13] accel-

erating during the 2000s with the intensification of market liberalization.[14]

GENDERED IMPACT OF NATIONAL PARENTAL LEAVE REQUIREMENTS

National laws mandating parental leave and other entitlements for women and not men are a major reason for discriminatory hiring and dismissal. Under these laws, male employees are not legally entitled to parental leave but employers are required to grant female employees 98 days of parental leave.[15] Some employers reported concerns that generous maternity leave makes women of child-bearing age too expensive to hire and promote.[16] Human Rights Watch reports that discrimination against women has increased since the passage of the universal two-child policy in late 2015.[17]

The Ningxia Hui Autonomous Region became the first provincial-level authority to require 10 days per year of child care leave for parents of children under three years old.[18] A woman from Zhuhai municipality, Guangdong province, won a case against her former employer for firing her because of her pregnancy.[19]

POLICY REFORMS AND DEVELOPMENTS REGARDING WORKPLACE SEXUAL HARASSMENT

National-level officials announced policies to address sexual harassment and gender discrimination in employment. For the first time, the National People's Congress (NPC) legally codified a definition of sexual harassment.[20] The new Civil Code, approved by the NPC in May 2020, stipulates that "schools, enterprises, and government offices" must institute anti-sexual harassment policies to prevent abuses of power.[21]

One woman in Chengdu municipality, Sichuan province, won her sexual harassment case against Liu Meng, a social worker and her former boss, who was legally ordered to apologize for his actions.[22] However, the court did not accept the plaintiff's demand that her employer be held liable for the harassment that occurred in the workplace.[23] Despite steps towards legal reform, Chinese women continued to experience sexual harassment and assault across industries[24] and faced retribution from employers for reporting cases.[25]

DISCRIMINATORY LAWS AND INADEQUATE ENFORCEMENT OF PROHIBITIONS ON GENDER DISCRIMINATION

International observers[26] reported that gender-based employment discrimination in China has not been checked by prohibitions against gender discrimination in existing laws[27] or by China's international commitments.[28] Chinese laws do not establish sufficient mechanisms for enforcing prohibitions on gender discrimination.[29] In addition, some laws themselves continue to discriminate against women by barring them from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.[30]

Participation in Public Life

REPRESENTATION IN GOVERNMENT

The proportion of female representatives in top levels of government and Communist Party leadership remained disproportionately low, ranging from nearly 25 percent in the National People's Congress to none out of 26 ministerial positions and 1 out of 25 in the Party's Politburo (the most powerful governing body in China).[31] At lower levels of governance in urban areas, women did not face the same gender gap and represented 50.4 percent of residential committee membership in 2018.[32] By contrast, rural women were underrepresented, making up only 24 percent of village committee members and 11.1 percent of village committee chairs.[33] Women constituted 27.2 percent of Party membership in 2018, which, as a common prerequisite for promotion in government, is another indicator of women's level of participation in governance.[34]

GRASSROOTS FEMINIST ACTIVISM

The grassroots feminist movement that has persisted in Chinese political and cultural life in recent years despite government restrictions and censorship has been an important form of public participation for younger women in China.[35] Ever since a major crackdown in 2015,[36] feminist activists have faced increasing censorship,[37] prohibitions on organizing and conducting activities,[38] and restrictions on personal freedom for key members.[39] Such restrictions have included detention: core #MeToo movement activist **Huang Xueqin** was held in October 2019 for three months,[40] and women's and labor rights advocate **Li Qiaochu** was held for four months after being detained in February 2020.[41] One leading activist stated that such repression has taken a significant toll on the movement and the well-being of individual activists,[42] and one researcher notes that the feminist community has adapted by becoming more decentralized and informal in its organizing and by making greater use of online mobilization.[43] Young Chinese people outside China have also played an increasingly important role in feminist activism in China as the government intensifies restrictions within China's borders.[44]

Grassroots engagement with women's issues in China has been affected by major changes shaping China's civil society environment more generally. The government's restrictions on rights advocacy have forcibly shut down non-governmental organizations (NGOs) and media platforms associated with feminist activism in recent years,[45] while a government policy promoting the outsourcing of social services to private parties has led to social enterprises receiving government funding to provide services like sex education.[46] Nonetheless, feminist activists continued their independent rights advocacy, working on issues including employment discrimination, gender-based violence, and the rights of single women to access services and benefits related to pregnancy and birth—as well as to acquire legal documentation for their children—for which current policies require proof of marriage.[47]

Gender-Based Violence

DOMESTIC VIOLENCE

During this reporting year, the Commission continued to observe domestic violence affecting large numbers of women in China. Following the passage of the PRC Anti-Domestic Violence Law[48] in March 2016, the Chinese government has made efforts at the national and local levels to enhance protection against domestic violence; however, by December 2019 Chinese courts had still only issued 5,749 protective orders in the four years since the passage of the PRC Anti-Domestic Violence Law.[49] In January 2020, the Supreme People's Procuratorate and the All-China Women's Federation jointly issued a proposal encouraging local women's federation branches to report cases of domestic violence to local prosecutors who would be required to report back upon the resolution of each case.[50] In Guangdong province, the provincial government drafted regulations in December 2019 to expand the definition of domestic violence to include non-physical abuse such as threats, stalking, and harassment.[51] In June 2020, the local government of Yiwu city in Jinhua municipality, Zhejiang province, issued suggestions for developing a domestic violence database accessible to prenuptial partners.[52]

SEXUAL HARASSMENT AND ASSAULT

Highly publicized incidents of sexual harassment and assault continued to surface in China during the Commission's reporting year. These have included acts of sexual assault against female passengers of carpool services,[53] between clients of matchmaking services,[54] and still others implicating teachers sexually abusing students.[55] The Hong Kong-based NGO China Labour Bulletin has in previous years attributed widespread sexual harassment in the workplace to a lack of accountability due to vague legal definitions of sexual harassment.[56] Changes to China's Civil Code in 2020, however, established prohibitions on sexual harassment in the workplace.[57] The Ministry of Education pledged in September 2019 to further support the implementation of anti-sexual harassment mechanisms at Chinese universities.[58] Universities in Beijing and Shanghai municipalities fired several prominent faculty members after they sexually harassed female students.[59] In October 2019, a court in Shanghai municipality issued the first criminal judgment for sexual harassment on public transportation in Shanghai.[60]

GENDER-BASED VIOLENCE AGAINST ETHNIC MINORITY WOMEN AS GOVERNMENT POLICY

During this reporting year, the Commission has observed reports of gender-based violence against ethnic minority women in the Xinjiang Uyghur Autonomous Region (XUAR). Women account for just over one quarter of individuals in the Xinjiang Victims Database, and many women report having been subjected to gender-based violence by state authorities.[61] Interviews of Uyghur and Kazakh women released from mass internment camps have indicated acts of rape, forced abortion, and forced sterilization.[62] In addition to such sexual violence and measures aimed at minimizing

Uyghur and other ethnic minority births, the Chinese government has sought to target and control Uyghur and other ethnic minority families by removing children from their mothers' care to attend boarding schools, urging couples to have fewer children, and encouraging Uyghur women to marry outside their ethnic group.[63] In an effort to exercise further control over Uyghur and other ethnic minority families, in April 2020, the Standing Committee of the XUAR People's Congress incorporated domestic violence into its legal code to fight extremism, claiming to protect family members against physical and psychological extremist acts.[64]

Gendered Impacts of COVID–19

Public health experts and international human rights groups have asserted that consideration of the disproportionate risks and burdens that epidemics pose to women is critically important to both the protection of women's equal rights and public health outcomes.[65] In China, even as women played essential roles in the epidemic response, they also faced outsized risks and burdens from the COVID–19 outbreak due to already existing gender-based inequalities that UN officials[66] predict will be further exacerbated by the economic and social impacts of the pandemic. [For further information on COVID–19, see Section II—Public Health.]

GENDERED DISTRIBUTION OF LABOR: DISPROPORTIONATE EXPOSURE AND BURDEN OF TREATMENT FOR WOMEN

The gender distribution of labor, both paid and unpaid, associated with the epidemic and mandated self-isolation meant that women in China took on greater risks of infection and a greater share of the burden for treatment and containment. During the epidemic, an estimated 100,000 women constituted the majority of doctors and 90 percent of nurses at the frontline in Hubei province.[67] The unpaid care work for COVID–19 patients at home likely also fell largely to women, who were therefore also more exposed—the International Labour Organization reports that women in China perform 2.5 times more unpaid care work than men.[68]

DE-PRIORITIZATION OF WOMEN IN OFFICIAL COVID–19 RESPONSE

Local anti-domestic violence organizations reported that even as domestic violence escalated, victims found that authorities had further curtailed protections and services[69] that even before the outbreak had often failed to properly address victims' rights and safety.[70] Domestic violence rose substantially during the epidemic due to enforced co-habitation and rising tensions in households from the economic strain and fears about the virus, according to experts on gender-based violence.[71] Accountability and redress for violence was diminished as some local authorities delayed approval of protection orders and converted shelters for domestic violence victims into homeless shelters.[72]

CIVIL SOCIETY MITIGATION OF GENDER GAPS IN OUTBREAK RESPONSE

Grassroots volunteers and civil society organizations brought attention to gaps in support for women during the epidemic and marshaled donations, services, and volunteers to address needs on the

ground. A team of grassroots volunteers raised more than 2 million yuan (US$280,000) that was used to purchase and ship menstrual products to workers in Hubei province.[73] Feminist activists recruited a network of volunteers to raise awareness about domestic violence and to support victims both online and in their local communities during the quarantine restrictions.[74] One anti-domestic violence organization in Hubei province worked with local government agencies and other civil society organizations to provide psychological counseling and legal support to more than 300 victims of domestic violence during the lockdown.[75]

LONG-TERM ECONOMIC IMPACTS FOR WOMEN

UN Women warned that because of already existing gender gaps in earnings, savings, and job security, the long-term effects of the epidemic would disproportionately affect the livelihoods of women.[76] In China, this includes informal-sector workers who are subject to extreme job precarity in part because their employment relationships are not recognized by the PRC Labor Law, like 90 percent of the roughly 35 million domestic workers in China—almost all of whom are women.[77] Domestic workers have experienced severe economic setbacks; by March 2020 domestic workers faced an 85 percent drop in new contracts compared with the same period last year.[78]

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[59] Tang Fanxi, "Peking University Fires Professor for 'Violating Teaching Morals,'" *Sixth Tone,* December 12, 2019; Beijing Daxue (@PKU), "Qingkuang tongbao" [Situation bulletin], Weibo post, December 11, 2019, 3:40 p.m.; Yuan Ye, "Shanghai School Will Dismiss Prof Accused of Sexual Harassment," *Sixth Tone,* December 7, 2019; Shanghai Caijing Daxue (@SUFE), "Woxiao yi zhuyi dao wangluo pingtai shang chuxian youguan woxiao jiaoshi Qian Mou . . ." [Our school's attention is on what has appeared on an internet platform about our school's Professor Qian X. . .], Weibo post, December 6, 2019, 9:05 p.m.

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[61] Elizabeth M. Lynch, "China's Attacks on Uighur Women Are Crimes against Humanity," opinion, *Washington Post,* October 21, 2019.

[62] "China Cuts Uighur Births with IUDs, Abortion, Sterilization," *Associated Press,* June 29, 2020; Elizabeth M. Lynch, "China's Attacks on Uighur Women Are Crimes against Humanity," opinion, *Washington Post,* October 21, 2019; "Weiwu'er ren xishu zaijiaoyuying li de emeng" [Uyghurs recount nightmares from re-education camps], *Radio Free Asia,* October 25, 2019.

[63] Elizabeth M. Lynch, "China's Attacks on Uighur Women Are Crimes against Humanity," opinion, *Washington Post,* October 21, 2019.

[64] William Zheng, "Xinjiang's New Rules against Domestic Violence Expand China's 'Extremism' Front to the Home," *South China Morning Post,* April 6, 2020.

[65] Clare Wenham, Julia Smith, and Rosemary Morgan, "COVID–19: The Gendered Impacts of the Outbreak," *Lancet* 395, no. 10227 (March 14, 2020): 846–48; Human Rights Watch, "Human Rights Dimensions of COVID–19 Response," March 19, 2020.

[66] United Nations, "Policy Brief: The Impact of COVID–19 on Women," April 9, 2020.

[67] "Huaiyun yisheng ye zai yixian! Nu yihu de shengliqi qiuzhu, shui ting dao le?" [Pregnant doctors are also on the front line! Who has heard the calls for help from female doctors and nurses during their menstrual periods?], *Phoenix New Media,* February 12, 2020.

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[69] Zhang Wanqing, "Domestic Violence Cases Surge during COVID–19 Epidemic," *Sixth Tone,* March 2, 2020.

[70] CECC, *2019 Annual Report,* November 18, 2019, 152.

[71] Zhang Wanqing, "Domestic Violence Cases Surge during COVID–19 Epidemic," *Sixth Tone,* March 2, 2020; Erika Fraser, "Impact of COVID–19 Pandemic on Violence against Women and Girls," VAWG Helpdesk Research Report no. 284 (March 16, 2020): 2. See also Amanda Taub, "A New COVD–19 Crisis: Domestic Abuse Rises Worldwide," *New York Times,* April 14, 2020; Lara Owen, "Coronavirus: Five Ways Virus Upheaval Is Hitting Women in Asia," *BBC,* March

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[72] Amanda Taub, "A New COVID–19 Crisis: Domestic Abuse Rises Worldwide," *New York Times,* April 14, 2020; Sun Yu and Xining Liu, "Strain of Life under Lockdown Sparks Divorce Surge in China," *Financial Times,* April 3, 2020; Zhang Wanqing, "Domestic Violence Cases Surge during COVID–19 Epidemic," *Sixth Tone,* March 2, 2020.

[73] "Huaiyun yisheng ye zai yixian! Nu yihu de shengliqi qiuzhu, shui ting dao le?" [Pregnant doctors are also on the front line! Who has heard the calls for help from female doctors and nurses during their menstrual periods?], *Phoenix New Media,* February 12, 2020; Zhang Wanqing, "Hygiene Product Donation Drive Puts Frontline Females First," *Sixth Tone,* February 13, 2020.

[74] Xiaomeili (@gh_43f373ddfa46), "Zuo jiji de pangguanzhe, fengsuo zhong shouhu bici" [Be an active observer, look after each other during the lockdown], WeChat post, March 2, 2020.

[75] Cao Ying, "Yiqing zhong de jiabao shouhaizhe: Bei xueruo de zijiu xitong" [Victims of domestic violence during the epidemic: A weakened self-help system], *Southern Weekend,* March 21, 2020.

[76] United Nations, "Policy Brief: The Impact of COVID–19 on Women," April 9, 2020, 4.

[77] Beijing Hongyan Social Work Service Center, "Post-Coronavirus, China Must Come to the Aid of Its Domestic Workers," *Sixth Tone,* March 23, 2020.

[78] Ibid.

HUMAN TRAFFICKING

Findings

- Chinese government-sponsored forced labor is a form of human trafficking. The Chinese government continued to force individuals who have not been criminally convicted to perform labor—including in the Xinjiang Uyghur Autonomous Region (XUAR) and in forms of administrative detention throughout China. Under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), forced labor constitutes a form of human trafficking.
- Chinese authorities transferred Uyghurs and other ethnic minorities from the XUAR to work in factories in other parts of China for forced labor. These transfers were part of "Xinjiang Aid" programs that use ethnic minority forced labor and promote investment in the region by companies from other parts of China. Authorities placed transferred ethnic minorities in conditions of surveillance and indoctrination similar to those of ethnic minority workers in the XUAR.
- Women and girls were trafficked in China for forced marriage and sexual exploitation. Their countries of origin included Burma (Myanmar), Cambodia, Indonesia, Laos, Madagascar, Mongolia, Nepal, North Korea, Pakistan, Paraguay, Uganda, Ukraine, and Vietnam.
- Since 2017, the U.S. State Department has listed China as a Tier III country in its annual Trafficking in Persons Report. The tier placement reflects the State Department evaluation of a government's actions to combat human trafficking according to the Trafficking Victims Protection Act (TVPA). Tier III is the lowest designation reserved for governments that "do not fully meet the minimum standards [under the TVPA] and are not making significant efforts to do so."
- Chinese government policies that contributed to the risk of human trafficking include the following:
    - Restrictions on movement imposed by the household registration system;
    - Chinese workers' limited rights to freedom of association;
    - China's sex ratio imbalance created in part by restrictive population practices; and
    - Lack of legal status for North Korean refugees in the People's Republic of China.

Recommendations

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

- Continue to designate the Chinese government as a "Tier 3" violator of human trafficking standards. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that significant traf-

fickers in persons in China are identified and sanctioned. Traffickers may be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).

○ Consider issuing a comprehensive import ban on all goods produced, wholly or in part, in the XUAR. This import ban should last until a determination can be made by U.S. Customs and Border Protection (CBP) that XUAR authorities and producers have ended the systematic use of forced labor by Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim ethnic minorities. CBP has targeted entire product lines and regions for import bans in the past, including by issuing "Withhold Release Orders" for the cotton industry of Turkmenistan in 2018 and gold from artisanal small mines in eastern Democratic Republic of the Congo in 2019.

○ Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to improve the quality and accuracy of data and to monitor the effectiveness of anti-trafficking measures. Urge the Chinese government to collect and share relevant law enforcement data related to human trafficking. 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.

○ Discuss with Chinese officials 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.

○ Engage in regional cooperation to combat human trafficking through multilateral agreements and forums. Such forums include the Coordinated Mekong Ministerial Initiative against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalance, 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. State Department'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. These exchanges can raise awareness of best practices to identify and combat human trafficking in supply chains. Support NGOs working on anti-trafficking research, education, prevention, and victims' services throughout Asia.

HUMAN TRAFFICKING

Defining Human Trafficking

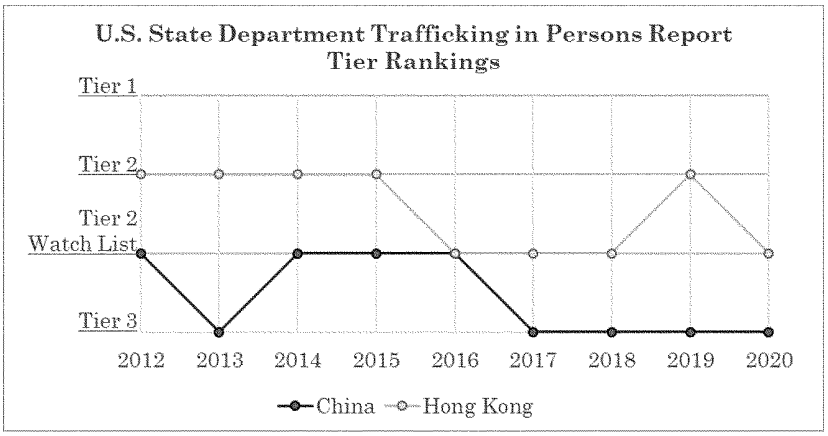
As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),[1] China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol.[2] The definition of human trafficking under the PRC Criminal Law,[3] however, remains inconsistent with Palermo Protocol standards.[4] The Palermo 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]

In contrast, Chinese law focuses on the act of selling a woman or child,[7] rather than the purpose of exploitation.[8] Furthermore, the definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking listed in the Palermo 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] As defined by the Palermo Protocol, human trafficking can involve but does not require crossing international borders.[14]

Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;[15] and the barriers to conducting due diligence in cases of government-sponsored forced labor,[16] as well as inconsistencies in China between domestic law and international standards, further contribute to the difficulty of assessing the scale of human trafficking.[17]

Trends and Developments



Since 2017, the U.S. State Department has listed China at Tier III, a designation for governments who "do not fully meet the [Trafficking Victims Protection Act's] minimum standards and are not making significant efforts to do so."[18]

CROSS-BORDER TRAFFICKING

China remains[19] a destination country for human trafficking, particularly of women and children from Southeast Asia,[20] and a source country for trafficking throughout the world, including to the United States and Europe.[21] Reporting indicated that forced labor occurred onboard distant water fishing vessels flying Chinese flags, over which China has jurisdiction under international law.[22]

This past year, the Commission observed reports of the trafficking of women and girls in China for the purpose of forced marriage or sexual exploitation from **Burma** (Myanmar),[23] **Cambodia,**[24] **Indonesia,**[25] **Laos,**[26] **Madagascar,**[27] **Mongolia,**[28] **Nepal,**[29] **North Korea,**[30] **Pakistan,**[31] **Paraguay,**[32] **Uganda,**[33] **Ukraine,**[34] and **Vietnam.**[35] The Commission also observed the trafficking of individuals from **Burma, Cambodia, Madagascar, Mongolia, Nepal, North Korea, Paraguay, Uganda, Ukraine,** and **Vietnam** within China for the purpose of forced labor.[36]

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN–ACT) and the U.S. State Department, men, women, and children were trafficked within China's borders for forced labor, forced begging, and sexual exploitation.[37] Moreover, many of China's workers, including factory workers producing Apple iPhones, as well as individuals working in the healthcare and construction industries during the coronavirus disease 2019 (COVID–19) outbreak, reportedly worked in conditions that may constitute forced labor, facing non-payment of wages.[38]

GOVERNMENT-SPONSORED FORCED LABOR

Chinese government-sponsored forced labor in the Xinjiang Uyghur Autonomous Region (XUAR) and in forms of administrative detention constitute forced labor under the International Labour Organization's (ILO)[39] Forced Labour Convention and constitute human trafficking under the Palermo Protocol.[40] The ILO's definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . .,"[41] but this past year the Commission continued[42] to observe reports of the government requiring unconvicted detainees in China to perform labor.[43] Chinese authorities continued[44] to require suspected drug users to perform labor after detaining them in compulsory drug detoxification centers, a form of administrative detention that bypasses the judicial process.[45] Compulsory drug detoxification centers are similar to the reeducation through labor (RTL) system,[46] under which detainees were subjected to forced labor[47] without judicial process.[48] After abolishing RTL in 2013,[49] authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.[50]

National People's Congress Standing Committee Repeals "Custody and Education" for Sex Workers

On December 28, 2019, the National People's Congress Standing Committee repealed the form of administrative detention known as "custody and education" (*shourong jiaoyu*) effective December 29, 2019.[51] While in place, custody and education allowed authorities to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor.[52] Rights advocates and lawyers had previously called for the abolition of this practice.[53] One longtime advocate for the abolition of custody and education called the development a "rare victory for a vulnerable group in China."[54]

FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION

As many as 1.8 million Uyghurs, Kazakhs, Kyrgyz, and members of other predominantly Muslim minorities are, or have been, arbitrarily detained in mass internment camps in the XUAR.[55] Satellite imagery, personal testimony, and official documents indicate that XUAR authorities are systematically forcing predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor in the XUAR.[56] In some cases, detainees performed forced labor in factories within internment camps.[57] In other cases, authorities released individuals from the camps to perform forced labor in factories elsewhere in the XUAR.[58] In still other cases, XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps.[59] Observers caution firms and others seeking to avoid complicity in forced labor against relying on auditing of supply chains in the XUAR given the impossibility of obtaining accurate information from the region.[60]

The Commission has also observed reports of authorities sending Uyghurs and Kazakhs from the XUAR to other regions of China for forced labor.[61] A March 2020 report by the Australian Strategic Policy Institute (ASPI) estimated that from 2017 to 2019 more than 80,000 ethnic minority individuals from the XUAR were transported to eastern and central China for labor.[62] The report also found that companies participate in these "Xinjiang Aid" programs by hiring ethnic minorities from the XUAR in factories in eastern China, or by hiring them in satellite factories in the XUAR.[63] Workers transferred to other parts of China faced monitoring and political indoctrination similar to that faced by workers in the XUAR.[64] The ASPI report linked factories participating in "Xinjiang Aid" programs to the supply chains of international companies.[65] According to Shelly Han of the Fair Labor Association, "[i]n the context of forced labor in Xinjiang, or in other parts of China, Uyghurs are not able to speak up or speak out on their own behalf. That means that companies cannot engage with them in the detection or remediation of forced labor . . . ."[66]

Reports have also indicated that authorities have transferred ethnic minority workers from the XUAR to replace Han workers during the COVID–19 pandemic. In and around March 2020, official media reports indicated that authorities transferred tens of thousands of ethnic minority workers to work in factories both

within and outside of the XUAR.[67] The workers reportedly produced items such as masks and food, despite the shutdown of some factories due to concerns about the spread of COVID–19.[68] [For more information on forced labor and other human rights violations in the XUAR, see Section IV—Xinjiang. For more information on companies involved in forced labor in the XUAR, see Section II—Business and Human Rights.]

Risk Factors

The Commission observed the following risk factors that contributed to human trafficking in China during this reporting year:

- **Restrictions on Movement Created by the Hukou System.** This past year, Chinese workers migrating within China were at risk of human trafficking; government restrictions on freedom of residence and movement imposed by the *hukou* system, as well as violations of worker rights, exacerbated this risk. Although the central government promoted *hukou* system reforms to move millions of rural Chinese to cities, the *hukou* system continued to disadvantage and marginalize internal migrants.[69] Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence and thus are more likely to work in informal employment sectors.[70] Such marginalization to the informal sector increases the vulnerability of migrant workers to exploitative working practices.[71]
- **Chinese Workers' Limited Right to Freedom of Association.** The Chinese government also limited workers' right to freedom of association by not permitting the formation of independent unions.[72] A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association disenfranchises workers and therefore "directly contributes" to human trafficking.[73] In addition, observers have noted that informal labor contracting practices in China increase the vulnerability to human trafficking of Chinese workers including individuals in the healthcare and construction industries engaged in work related to the COVID–19 outbreak.[74] [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]
- **China's Sex Ratio Imbalance.** Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.[75] This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.[76] A lack of economic opportunity in parts of developing countries in Asia, especially among ethnic and religious minority communities,[77] also contributes to human trafficking of women and girls from that region for the purpose of forced marriage.[78] [For more information on China's population policies, see Section II—Population Control.]
- **Chinese Government Treatment of North Korean Refugees.** The Chinese government continued to treat refugees from the Democratic People's Republic of Korea (DPRK) as illegal economic migrants and maintained a practice of repa-

triating undocumented North Koreans.[79] These actions left the refugees, who are predominantly women, vulnerable to trafficking for forced marriage[80] and sexual exploitation.[81] [For more information on Chinese government treatment of North Korean refugees, see Section II—North Korean Refugees in China.]

• **North Korean Government Use of Dispatched North Korean Workers in China to Generate Revenue.** Reports indicated that the DPRK government continued[82] to send DPRK nationals to work in China to generate revenue for the DPRK government. A 2017 UN resolution required countries, including China, to repatriate such DPRK nationals by December 2019 under penalty of sanctions.[83] The resolution makes an exception for North Koreans protected under international refugee law.[84] Reports continued to indicate that dispatched North Korean workers in China work under conditions that may constitute forced labor.[85]

Anti-Trafficking Efforts

The National Bureau of Statistics of China reported that in 2018, authorities uncovered 606 cases of child trafficking,[86] up from 546 cases in 2017.[87] All such figures likely include cases of illegal adoption.[88] Chinese state media reported cooperation with countries along the Mekong River to combat cross-border human trafficking in the region.[89] However, in addition to "a government policy or pattern of widespread forced labor," the U.S. State Department noted "decreased law enforcement efforts" against human trafficking, "decreased efforts to protect victims" of human trafficking, and "decreased efforts to prevent trafficking."[90]

Hong Kong

The 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 forced labor or trafficking that occurs within Hong Kong.[91] In Hong Kong, migrant domestic workers (MDWs) remained[92] particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2019 annual digest reported that in 2018, there were over 385,000 MDWs working for households in Hong Kong, the majority (close to 98 percent) of whom came from the Philippines or Indonesia.[93] Advocates for MDWs and MDWs themselves reported that MDWs continued to face exploitative working conditions, including inadequate living conditions, little time off, and in some cases physical and emotional abuse.[94] Two regulations—one requiring MDWs to live with their employers (live-in rule)[95] and another requiring them to leave Hong Kong within two weeks of contract termination[96]—contribute to MDWs' risk of exploitation.[97]

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, accessed March 17, 2020.

[2] 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 November 15, 2000, entry into force December 25, 2003, 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, March 28, 2017, para. 14.

[3] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240. For a discussion of the human trafficking-related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 2016.

[4] 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 November 15, 2000, entry into force December 25, 2003, art. 3(a). Topics that need to be addressed in domestic human trafficking legislation to bring Chinese law into compliance with the Palermo Protocol include the addition of the following to the legal definition of trafficking: 1) non-physical forms of coercion; 2) the trafficking of men; and 3) the "purpose of exploitation." For an examination of the ways in which Chinese laws are inconsistent with the Palermo Protocol, see Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 148–77.

[5] 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 November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). 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] UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed July 7, 2020; 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 November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor. See also Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* February 16, 2018.

[7] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240. The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, 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 Palermo Protocol definition of human trafficking. For reports from the Commission's 2020 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Colin Drury, "Spectre of Child Trafficking Looms Behind Abduction of Nine-Year-Old in Murder-Suicide that Gripped China," *Independent,* July 21, 2019; Zhang Liutao, "Nuhai zao 'jiabao' qiuzhu yiqing jianchadian, qianchu yi qi 7 nian qian guaimai ertong an" [Girl facing "domestic violence" calls for help from epidemic inspection office, uncovering a trafficking case from 7 years before], *The Paper,* March 5, 2020; Wang Yanying, "Bang weihun pengyou songyang haizi shouqu 4 wan yuan 'yingyangfei' Hangzhou yi nanzi huoxing 5 nian" [He helped an unmarried friend find a home for her child, and received 40 thousand yuan for "nutrition fees": Hangzhou man sentenced to 5 years in prison], *Hangzhou Net,* March 9, 2020; "Yi ci DNA jianding qianchu yangai 17 nian de guaimai ertong an" [DNA test uncovers a 17-year-old child trafficking case], *Legal Daily,* September 5, 2019. See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2020, 153; Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166–67, 170–71.

[8] 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 November 15, 2000, entry into force December 25, 2003, art. 3(a); Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, para. 28.173; Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.173). In response to a recommendation from Ukraine at China's Universal Periodic Review requesting that China "[e]laborate comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking," the Chinese government stated that the recommendation was "[a]ccepted and already implemented."

[9] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 151, 166–67; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240; 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 November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN Office on Drugs and Crime, "What Is Human Trafficking?," accessed July 7, 2020.

[10] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240; 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 November 15, 2000, entry into force December 25, 2003, art. 3(a).

[11] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 160, 166; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240; 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 November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." See also "Sifa da shuju zhuanti baogao zhi she guai fanzui" [Judicial big data special report on crimes involving trafficking], Supreme People's Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.

[12] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240; 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 November 15, 2000, entry into force December 25, 2003, art. 3(a).

[13] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 244. For a discussion of the human trafficking-related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 2016.

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NORTH KOREAN REFUGEES IN CHINA

Findings

- The Chinese government continued to detain North Korean refugees in China and repatriate them to the Democratic People's Republic of Korea (DPRK). North Korean refugees face severe punishments upon repatriation to the DPRK, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China's obligations under international human rights and refugee law. The UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea has stated that such repatriation may amount to "aiding and abetting crimes against humanity."
- Chinese and North Korean authorities continue to impose strict border controls. These controls are meant to deter North Korean refugees from escaping the DPRK, and the South Korean government reported that about 1,047 North Korean refugees escaped to South Korea in 2019, compared to the 2009 peak of 2,914 refugees. The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries.
- Chinese authorities' crackdown on and expulsions of South Korean missionaries have undermined refugee rescue work carried out by the missionaries. South Korean missionaries and organizations play a crucial role in assisting and facilitating the movement of North Korean refugees in China. Additionally, further restrictions placed by Chinese and DPRK authorities during the novel coronavirus outbreak indirectly hampered missionary efforts to facilitate the movement of refugees in China.
- The majority of North Korean refugees leaving the DPRK are women, who are often vulnerable to human trafficking. The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights. These rights include the right to education and other public services, and these children are deprived of them due to their lack of legal resident status in China, which constitutes a violation of the PRC Nationality Law and the UN Convention on the Rights of the Child.

Recommendations

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

- ○ Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues. When appointed, the Special Envoy should 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 North Korean Human Rights Reauthorization Act (Public Law No. 115–198).

○ Support efforts to hold a debate on North Korea's human rights record in the UN Security Council. Security Council members have indicated support for such a debate in the past, but it has not taken place, likely due to lack of U.S. support.

○ Consider using the suite of sanctions that are available, where appropriate, against actors involved in the repatriation of North Korean refugees, including Chinese government agencies and individuals; and press for increased international monitoring of and accountability for the Chinese government's treatment of refugees.

○ Urge the Chinese government to recognize North Koreans in China as refugees. Especially important is recognizing them as refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK. In addition, urge the Chinese government to immediately halt the repatriation of North Korean refugees; adopt asylum or refugee legislation and incorporate the principle of non-refoulement into domestic legislation; establish a responsible government institution and mechanism to determine asylee or refugee status for North Koreans seeking international protection in China, in cooperation with the UN High Commissioner for Refugees; and allow North Korean refugees safe passage to another country, including South Korea.

○ Urge Chinese authorities to grant legal status to North Korean women who marry or have children with Chinese citizens. Ensure that children born of such marriages are granted resident status and access to education and other public services in accordance with Chinese law and international standards.

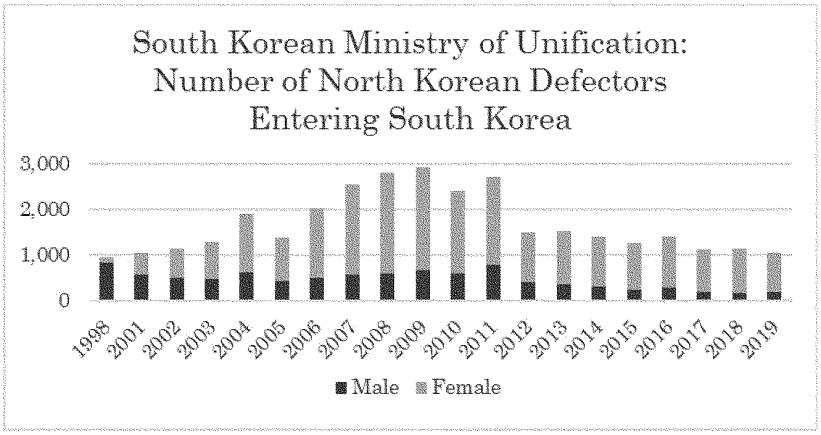
Introduction

The Chinese government regards North Korean refugees in China as illegal economic migrants and maintains a policy of forcible repatriation[1] based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).[2] This policy of repatriation persists despite substantial evidence that repatriated North Koreans face torture, imprisonment, forced labor, execution, and other inhuman treatment.[3] The North Korean government's treatment of repatriated refugees renders North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.[4]

China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.[5] 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 "substantial grounds for believing that [they] would be in danger of being subjected to torture."[6]

Border Conditions

Conditions on the China-North Korea border have made it difficult for North Korean refugees to escape North Korea. In recent years, Chinese and North Korean authorities have reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK.[7] Such security measures along the China-North Korea border may have contributed to the significant decline in the number of North Korean refugees who reached South Korea.[8]



The South Korean Ministry of Unification reported that about 1,047 North Korean refugees reached South Korea in 2019, compared with a peak of 2,914 refugees in 2009.[9] In early 2020, Chinese and DPRK authorities further restricted the China-North Korea border due to the novel coronavirus (COVID–19) outbreak.[10]

The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries.[11]

Repatriation of Refugees

During the 2020 reporting year, the Commission observed reports that Chinese authorities detained and repatriated North Korean refugees to the DPRK. Representative cases include the following:

- **May 2019.** The Daily NK reported in July 2020 that authorities made multiple arrests of North Koreans who overstayed family visit visas in China.[12] The series of arrests, which began in May 2019, reportedly aimed to strengthen "Party to Party" bonds ahead of Communist Party General Secretary Xi Jinping's visit to the DPRK in June 2019.[13]
- **January 2020.** The Daily NK reported that North Korean border guards arrested 8 individuals from a group of 18 attempted defectors before they were able to cross the border into China.[14] Chinese authorities captured the other 10 who managed to cross the border, sending them back to North Korea.[15] Officials of North Korea's Ministry of People's Security sent investigators to interrogate the detainees, possibly on political charges relating to "betraying their country."[16]
- **January 2020.** According to Radio Free Asia's Korean Service, Chinese police facilitated DPRK security services' detention and repatriation of 15 refugees, including 1 child.[17] To prevent the spread of COVID–19 from China, DPRK officials quarantined the refugees in a tuberculosis hospital, potentially exposing them to tuberculosis.[18]
- **February 2020.** The Daily NK's North Korean sources reported that Chinese authorities held at least 20 refugees in Dandong municipality, Liaoning province, including a pregnant woman who was married to a Chinese citizen.[19] After the DPRK closed the China-North Korea border due to COVID–19, Chinese police have been unable to repatriate the refugees, who have been imprisoned in China for months.[20]

In 2014, the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea stated that China's forcible repatriation of North Korean refugees may amount to "aiding and abetting crimes against humanity."[21] In February 2020, the UN Special Rapporteur on the situation of human rights in North Korea voiced his concern and urged Chinese authorities on a number of occasions to stop the repatriation of DPRK nationals, who risk torture and abuse upon return to North Korea.[22]

Foreign Aid Work

During this reporting year, the Commission continued to observe reports of Chinese authorities cracking down on organizations and individuals, particularly South Korean Christian churches and missionaries, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.[23] Prior to this reporting year, Chinese authorities expelled at least several hundred South Korean missionaries, many of

whom assisted North Korean refugees fleeing to South Korea and other countries.[24]

The COVID–19 outbreak also threatened the work of foreign missionaries in China. Chinese and DPRK authorities enacted stricter border security measures during the COVID–19 outbreak, such as road closures and health checkpoints.[25] These restrictions indirectly hindered efforts by advocacy groups to help refugees reach safety.[26]

Trafficking of North Korean Women

North Korean women remain particularly vulnerable to human trafficking into or within China. The demand for women has been linked to the sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.[27] Sources indicate that the majority of North Korean refugees leaving the DPRK are women,[28] many of whom are trafficked by force or deception from the DPRK into or within China for purposes of forced marriage and commercial sexual exploitation.[29]

The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.[30] According to a May 2019 report published by the Korea Future Initiative, an estimated 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation.[31] As in the previous reporting year, the Commission observed at least one report of traffickers confining women and girls fleeing the DPRK at unknown locations in China and forcing them to work in "cybersex dens."[32] China is obligated to take measures to safeguard trafficking victims and suppress all forms of trafficking of women 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.[33] [For more information on the sex ratio imbalance and the 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 due to their lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranged between 20,000 and 30,000.[34] The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.[35] However, Chinese authorities reportedly continue to deprive children of Chinese fathers and North Korean mothers of their rights to birth registration and nationality.[36] These children are often unable to access education and other public services.[37] The denial of nationality rights and access to education for these children contravenes China's obligations under the UN Convention on the Rights of the Child.[38]

Notes to Section II—North Korean Refugees in China

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[3] UN General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Amnesty International, "North Korea 2019," accessed February 28, 2020.

[4] UN High Commissioner for Refugees, Refugee Protection and International Migration, January 17, 2007, paras. 20–21; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010.

[5] Convention Relating to the Status of Refugees, adopted by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . . ." Article 33 of the 1951 Convention mandates that, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 3, 2020. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by UN General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 3, 2020. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

[6] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, 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, accessed April 3, 2020. 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, February 3, 2016, para. 46.

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[10] Keith Zhai and Josh Smith, "With North Korea Border Shut, China Warns Citizens to Keep Away, or Else," *Reuters,* March 5, 2020; Kang Buseong and Edward White, "Group of North Korean Women and Children Escape Coronavirus Lockdown," *Financial Times,* March 14, 2020; Mun Dong Hui, "N. Korean Smuggler Executed after Crossing Sino-North Korean Border," *Daily NK,* March 18, 2020.

[11] Jane Lee, "The Closing Door: North Korean Refugees Losing Escape Routes through Southeast Asia," Center for Strategic and International Studies, *CogitAsia* (blog), February 20, 2020; Jared Ferrie, "North Korean Defectors Risk It All to Reach Thailand," *Southeast Asia Globe,* December 19, 2019.

[12] Lee Sang Yong, "Chinese Authorities Move to Arrest North Koreans Overstaying Their Visas," *Daily NK,* July 4, 2019.

[13] Ibid.

[14] Kang Mi Jin, "18 N. Koreans Attempt Mass Defection on New Year's Day," *Daily NK,* January 13, 2020.
[15] Ibid.
[16] Ibid.
[17] "Fifteen Repatriated North Korean Refugees Kept Quarantined for Coronavirus in 'Dangerous' Tuberculosis Hospital," *Radio Free Asia,* February 7, 2020.
[18] Ibid.
[19] Jong So Yong, "N. Korea Refuses Repatriation of Defectors Imprisoned in Dandong," *Daily NK,* March 4, 2020.
[20] Ibid.
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[26] Ibid.
[27] See, e.g., Heather Barr, "China's Bride Trafficking Problem," *The Diplomat,* October 30, 2019; Desmond Ng, Ikhwan Rivai, and Melissa Chi, "Raped, Beaten and Sold in China: Vietnam's Kidnapped Young Brides," *Channel News Asia,* August 3, 2019. See also Robbie Gramer and Bethany Allen-Ebrahamian, "With Human Trafficking Report, Tillerson Rebukes China on Human Rights," *Foreign Policy,* June 27, 2017. See also Yoon Hee-soon, Korea Future Initiative, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," May 20, 2019.
[28] UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/HRC/43/58, February 25, 2020, 8; Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 30, 2020. South Korean Ministry of Unification data show that as of June 2019, 81 percent (845) of North Korean refugees (1,047) who entered South Korea in 2019 were females; and 72 percent (24,160) of all North Korean refugees (33,523) who entered South Korea since 1998 were females. See also Yoon Hee-soon, Korea Future Initiative, "Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China," May 20, 2019.
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United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 6–9; 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, accessed June 4, 2020. China acceded to the Protocol on February 8, 2010.

[34] Crossing Borders, "North Korean Orphans," accessed April 2, 2020; Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency,* December 22, 2017; Rachel Judah, "On Kim Jong-un's Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition," *The Independent,* January 7, 2018.

[35] *Zhonghua Renmin Gongheguo Guoji Fa* [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, "Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality."

[36] UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/HRC/43/58, February 25, 2020; Crossing Borders, "North Korean Orphans," accessed April 2, 2020.

[37] UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/HRC/43/58, February 25, 2020; Crossing Borders, "North Korean Orphans," accessed April 2, 2020.

[38] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, 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.

PUBLIC HEALTH

Findings

• The outbreak of a novel coronavirus in 2019 and the resulting infectious disease (COVID–19) in mainland China went unchecked for weeks as the Chinese government and Communist Party downplayed the potential severity of human-to-human transmission. Starting on January 23, 2020 (at least six weeks after the earliest cases of atypical pneumonia were identified), the central government imposed drastic measures to contain the virus, including the lockdown of millions of people; tight community-level controls based on "grid management"; restrictions on movement; and contact tracing and testing of millions of people.

• The Chinese government has emphasized the right to life and right to health as key human rights priorities during the COVID–19 pandemic. These rights, however, exist in the broad context of international human rights norms, particularly with regard to access to information. The right to information is inextricably intertwined with the rights to life and to health. The government and Party have failed to communicate full, accurate, and timely information to the Chinese public, the World Health Organization, and the international community. While international rights norms, based on Article 19 of the International Covenant on Civil and Political Rights, permit some restrictions on speech and movement during public health emergencies, these restrictions must be legal, proportional, and necessary. Government and Party use of stability maintenance and information control measures have not complied with international human rights standards.

• Experts have observed that data transparency is crucial to tracing the source of the virus and developing effective treatment. To date, the Chinese government has refused to permit an independent international investigation of the outbreak.

• Information control measures have been widely observed in the government and Party's response to the pandemic, including online censorship and press restrictions. The international non-governmental organization (NGO) Chinese Human Rights Defenders documented nearly 900 cases of purported "rumormongers" whom authorities criminally or administratively detained, disciplined, "educated," or otherwise intimidated for social media posts about the COVID–19 outbreak between January 1, 2020 and March 21, 2020. Among the individuals detained for commenting on the government and Party's response to the outbreak were legal experts **Xu Zhiyong** and **Xu Zhangrun,** citizen journalists **Chen Qiushi, Fang Bin,** and **Zhang Zhan,** and businessman **Ren Zhiqiang.** Medical and health workers also were disciplined or "educated" for sharing information.

• Two notable legislative developments in the health sector were the passage of the PRC Vaccine Management Law and the PRC Basic Healthcare and Health Promotion Law.

• Public health advocacy remained politically sensitive. **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong**—the co-founder and

two staff members of the anti-health-discrimination NGO Changsha Funeng in Hunan province—remained in detention for alleged "subversion of state power" in connection with Changsha Funeng's efforts to submit open government information requests and engage in other legal processes to promote the rights of persons with health conditions.

Recommendations

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

○ Press for an independent, international investigation on the origins and handling of the COVID–19 outbreak in China, requiring that human rights experts are included in the scientific and medical expert groups that travel to China to carry out this work. Urge the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to conduct a mission to China within 12 to 18 months.

○ Increase support to bilateral and global technical assistance and exchange programs on emerging and zoonotic infectious diseases, global health, and public health preparedness and response. Strengthen information-sharing, particularly drawing on the legal framework established in the International Health Regulations (IHR). Strengthen communications channels and outreach that circulate science- and evidence-based public health information.

○ Urge the Chinese government to end the unlawful detention and official harassment of individuals in China who share opinions and information about COVID–19. Release or confirm the release of individuals detained, held in home confinement, or imprisoned for exercising freedom of expression, such as **Xu Zhiyong, Xu Zhangrun, Chen Qiushi, Fang Bin, Zhang Zhan, Hu Jia,** and **Ren Zhiqiang.** Amplify the work of Chinese investigative reporters, citizen journalists, scientists, and medical professionals to document COVID–19 and other public health developments in China.

○ Acknowledge Chinese legislative efforts that seek to strengthen the rule of law in domestic food and drug production. Support U.S.-China bilateral exchanges focused on improving regulatory enforcement and compliance tools and urge Chinese authorities to be more responsive to citizen demands for accountability. Engage Chinese officials and others who seek to devise a fair compensation system for harm caused by defective vaccines.

○ Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, and on the development of a barrier-free environment. Where appropriate, share with Chinese officials the United States' ongoing experience and efforts to promote and enhance the rights of persons with disabilities and other health-based conditions. Expand the number of site visits and exchanges for Chinese nongovernmental health advocates, universities, and state-affili-

ated social work agencies to meet with U.S. rights groups, lawyers, and state and federal agencies to share best practices in outreach and services to vulnerable communities. Release or confirm the release of **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** whom authorities have detained for public health advocacy. Raise these cases in bilateral dialogues, as well as through multilateral mechanisms such as the UN Working Group on Arbitrary Detention.

PUBLIC HEALTH

COVID–19 Pandemic

The outbreak of a novel coronavirus and the resulting infectious disease (COVID–19)[1] in late 2019 in Wuhan municipality, the capital of Hubei province, caused unprecedented challenges to public health, social welfare, governance, and the economy in China and throughout the world in 2020. COVID–19 is highly contagious[2] and has spread rapidly;[3] as of June 30, 2020, there was a total of 10,185,374 confirmed cases worldwide (85,227 in China), and 503,862 confirmed deaths (4,648 in China), according to the World Health Organization.[4]

Official Chinese reports identified the site of the outbreak as a seafood market in Wuhan,[5] where wild animals were sold for human consumption.[6] Scientists have hypothesized that the virus was transmitted to humans by bats through another animal,[7] though the exact transmission path remained unknown as of June 2020.[8] The earliest patient cases have been traced to mid-November,[9] with patients observed in hospitals by mid-December in Wuhan.[10] Researchers reportedly attempted to examine earlier patient data in a search for the origins of the virus.[11] The Chinese government has been largely uncooperative in response to calls for an independent international investigation into the COVID–19 outbreak in China.[12] Chinese President and Communist Party General Secretary Xi Jinping, however, agreed to a "comprehensive review of the global response to COVID–19 after it is brought under control" during a speech to the World Health Organization (WHO) in mid-May, yet did not acknowledge in the speech that the outbreak started in China.[13]

Public health expert Yanzhong Huang commented that, "while loopholes in China's public health system contributed to the initial mishandling of the [COVID–19] crisis, the root cause of the problem remain[ed] political and institutional."[14] As in previous public emergencies in China,[15] the Chinese government and Communist Party turned to legal and institutional mechanisms to administer "stability maintenance"[16] and exert information control[17] in response to the COVID–19 pandemic. This entailed withholding information from the public that officials deemed detrimental to the government and Party under the guise of national and public security. Authorities suppressed legitimate concerns, information-sharing, and criticism using harassment, penalties, and detention, labeling as "rumors" information outside of non-official channels. Officials used online censorship, media restrictions, and digital surveillance to monitor and limit speech and movement during the COVID–19 outbreak in China.[18] Fang Fang, a writer in Wuhan, who posted diary-like notes on social media each day during the 76-day lockdown there, called for accountability for the political and human error involved in the government's response:

> Deeply ingrained habitual behaviors, like reporting the good news while hiding the bad, preventing people from speaking the truth, forbidding the public from understanding the true nature of events, and expressing a disdain for individual lives, have led to massive reprisals

> against our society, untold injuries against our people, and even terrible reprisals against those officials themselves . . .. All this, in turn, led to the city of Wuhan's falling under a 76-day quarantine, with its reverberations affecting untold numbers of people and places. It is absolutely essential that we continue to fight until those responsible are held accountable.[19]

[In addition to this chapter on Public Health, additional chapters of the Commission's 2020 Annual Report may be consulted about the COVID–19 outbreak in China. For information on domestic media control and international media outlets, see Section II—Freedom of Expression. For information on public security measures, see Section II—Criminal Justice. For governance measures and the efforts of non-governmental organizations, see Section III—Institutions of Democratic Governance and Civil Society. For information on the origins of the outbreak, see Section II—The Environment and Climate Change. For information on the impact of gender inequality, see Section II—Status of Women. For information on digital surveillance, see Section II—Business and Human Rights. For information on the initial concerns about the impact of COVID–19 on ethnic minority communities in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang. For information on detentions in Tibetan areas of China in connection with information-sharing about the epidemic, see Section V—Tibet.]

PROTECTING HUMAN RIGHTS DURING PANDEMICS

Article 12 of the International Covenant on Economic, Social and Cultural Rights declares the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health," including the "prevention, treatment and control of epidemic . . . diseases."[20] During the COVID–19 pandemic, official Chinese media highlighted the government and Party's protection of the right to life and the right to health.[21] UN special rapporteurs, however, stressed a broader understanding of the right to health, noting, "[h]uman health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community."[22] In light of the pandemic, international human rights advocacy organizations,[23] special rapporteurs,[24] and scientists[25] reaffirmed international human rights norms in the context of public health emergencies, particularly the rights to information, freedom of expression and opinion, freedom from arbitrary detention, and issues related to the use of surveillance technologies and data collection. While the International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergencies, such restrictions must meet standards of legality, proportionality, and necessity.[26]

FROM "PREVENTABLE AND CONTROLLABLE" TO SEVERE EPIDEMIC

The Wuhan Municipal Health Commission issued its first public announcement of "viral pneumonia" on December 31, 2019, reporting 27 cases.[27] Between the first announcement of the outbreak

and the decision to implement lockdown measures in Wuhan in late January 2020, Wuhan municipal and Hubei provincial health officials publicly insisted that the outbreak was "preventable and controllable"[28] and downplayed the risk of human-to-human transmission.[29] Health officials also reportedly concealed and failed to communicate relevant information about the outbreak,[30] including by suppressing laboratory results and using narrow diagnostic criteria to identify new cases.[31] A U.S.-based expert surmised that local health officials did not use the national epidemic reporting system, in an attempt to "resolve the problem" within Hubei province.[32] Central- and provincial-level health officials throughout China had information about the potential severity of the outbreak by mid-January: At a restricted teleconference with provincial-level health commissions on January 14, the Director of the National Health Commission warned that the epidemic was likely to be the "most severe challenge" since the Severe Acute Respiratory Syndrome (SARS) epidemic in 2003.[33]

January 20, 2020, was a turning point[34] as a Chinese medical expert confirmed human-to-human transmission of the disease on state broadcaster China Central Television (CCTV),[35] and state media agency Xinhua reported Chinese President and Communist Party General Secretary Xi Jinping's directive to implement aggressive public health measures.[36] Subsequently, government authorities authorized a national response that involved travel restrictions and the full-scale lockdown of tens of millions of people in and around the epicenter.[37] On January 23, officials imposed a city-wide lockdown in Wuhan.[38] Nearby municipalities in Hubei—Huanggang, Ezhou, Suizhou, and Xiaogan—were placed under lockdown on January 24.[39] By early February, an additional 30 million people in the municipalities of Wenzhou, Hangzhou, Ningbo, and Taizhou in Zhejiang province also were placed under restrictive lockdown conditions.[40]

SWEEPING CONTAINMENT AND SURVEILLANCE MEASURES

As the virus surged in Wuhan at the end of January through mid-February, observers initially reported shortages of staff, equipment, diagnostic kits, and patient information at hospitals.[41] These reported problems led to changes to the public health response.[42] On February 6, Sun Chunlan, a member of the Party Central Committee Political Bureau (Politburo) and the senior-most Party official on the front lines managing the outbreak in Wuhan ordered Wuhan government workers to "round up those who should be rounded-up, don't leave out anyone" (*yingshou jinshou, bu lou yi ren*) in order to hasten the identification of anyone with COVID–19 symptoms.[43] Later in February, the new Wuhan Party Secretary Wang Zhonglin threatened "coercive measures" for individuals who did not report symptoms.[44] CNN, however, reported that overzealous outreach resulted in healthy individuals being forced into quarantine centers.[45]

A WHO-China joint expert team that conducted an investigation in China in mid-February[46] reported on containment measures such as organizing over 1,800 contact tracing teams (each composed of at least 5 people),[47] halting transportation into and out of Wuhan,[48] the mobilization of about 40,000 medical personnel from

throughout the country to assist in Wuhan[49] (including 10,000 military personnel),[50] and the creation of isolation centers to care for individuals who presented with mild symptoms.[51] As non-pharmaceutical measures such as social distancing, testing, and isolating[52] showed success in slowing the COVID–19 outbreak in China,[53] the government began to lift some restrictions[54] and shifted the focus to health screenings and city-wide testing in the spring.[55] Smaller-scale lockdowns were instituted in later cases of localized outbreaks,[56] for example, in Beijing municipality in June.[57]

An operational feature of the lockdown conditions in Wuhan and elsewhere in China was the use of "grid management"[58] to provide services and monitor individuals in their homes within closed-off residential blocs.[59] Grid management, which experts date to the early 2000s in its contemporary urban iteration in China, involves micro-level community-based oversight of clusters of households from the same area based on a geographical "grid."[60] Residence committee cadres, street administration office staff, and community volunteers[61]—the latter of whom reportedly were primarily Party members[62]—monitored each household resident's health;[63] restricted movement outside of the residential grid;[64] and coordinated medical treatment, such as transfer to isolation centers and hospitals.[65] Grid management also employs artificial intelligence (AI) to analyze mass data and geographic information, and uses high-tech surveillance systems to impose "stability maintenance."[66] In February, officials in Hangzhou municipality, Zhejiang province, rolled out an online health application (app) in cooperation with the digital payment platform Alipay to track each individual's health.[67] The Chinese government and Communist Party's mobilization of grid management and expanded use of the health app nationwide raised concerns among international human rights experts about the legality and proportionality of such tools and about the use of the pandemic as pretext to further restrict human rights.[68]

INFORMATION CONTROL: CENSORSHIP AND DETENTION

Official censorship during the pandemic included removal of content that may have contained medical or health information[69] and restrictions on the free exchange of opinion,[70] such as government criticism.[71] Citizen Lab, a research center at the University of Toronto that studies the intersection of digital technologies, human rights, and global security,[72] found that censors at the social media platforms YY and WeChat began blocking terms related to the coronavirus as early as December 31, 2019.[73] In early February 2020, the Cyberspace Administration of China (CAC) directed its local-level bureaus to increase scrutiny of websites and social media platforms, by "actively exercis[ing] their management responsibilities, creating a favorable online environment for winning the war for prevention and control of the coronavirus outbreak."[74] By late April, major internet service providers reportedly had shut down 18,576 alleged "malicious" accounts.[75] Public intellectuals reported that their WeChat accounts had been disabled for promoting freedom of speech or criticizing the government's handling of the COVID–19 epidemic.[76]

China legal scholar Eva Pils commented that the government and Party had deployed their "vast and concentrated power to fight not only the virus, but also domestic critics of [their] response . . . ."[77] Among those detained and disappeared in connection with the coronavirus include citizen journalists **Chen Qiushi,**[78] **Fang Bin,**[79] **Li Zehua,**[80] and **Zhang Zhan;**[81] legal expert and civil society proponent **Xu Zhiyong;**[82] democracy advocate **Guo Quan;**[83] and real estate tycoon, Party member, and "second generation Red"[84] **Ren Zhiqiang.**[85] Authorities reportedly placed under home confinement Tsinghua University law scholar **Xu Zhangrun**[86] and rights activist **Hu Jia** and his family members.[87] The Commission also observed reports of official penalties and warnings in cases that drew less extensive media coverage. For example, lawyer Liu Yingying in Zhengzhou municipality, Henan province, reportedly was disciplined by the local lawyers association for posting a photo on her WeChat account of Wuhan residents outside a funeral home.[88] A leading doctor in Wuhan, Dr. Yu Xiangdong, the deputy director of Wuhan Central Hospital, reportedly was penalized for posting alleged "unsuitable" remarks online, and was dismissed from his senior-level positions at the hospital and a separate medical group.[89] Union of Catholic Asian News reported that a Catholic priest referred to as "Father Peter" in Hebei province was warned by authorities to stay silent about the outbreak.[90]

"ZERO TOLERANCE" FOR "RUMOR-MONGERING"

The Chinese government's vague legal provisions banning "spreading rumors"[91] have led to harassment and detention of individuals who expressed their opinions online.[92] During the pandemic, authorities sought to control the "spread of false information," illustrated by the catchphrase "rumors are more frightening than the virus," by compiling and discrediting information officially deemed rumors.[93] The Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice jointly issued an opinion in early February to guide law enforcement agencies when dealing with "spreading false information" and other activities that allegedly obstructed epidemic control.[94] The joint opinion linked "spreading false information" during the epidemic to PRC Criminal Law crimes of "fabricating and intentionally disseminating false information"; "picking quarrels and provoking trouble"; "inciting separatism"; and "inciting subversion of state power."[95]

The international NGO Chinese Human Rights Defenders (CHRD) documented nearly 900 cases of purported "rumor-mongers" whom authorities criminally or administratively detained, disciplined, "educated," or otherwise intimidated for online posts about the COVID–19 outbreak between January 1 and March 30, 2020.[96] The total number of such cases is likely to be significantly higher, according to CHRD,[97] which referred to a comment in the Party's official news outlet People's Daily by a senior official in the Ministry of Public Security that public security already had handled 5,551 cases of intentional fabrication of false information (as of February 21).[98] In June, People's Daily exhorted readers to have "zero tolerance" for rumor-mongering since some rumors have the potential to "harm social stability."[99]

Chinese doctors reportedly were directed by authorities to refrain from sharing information about the outbreak through "their own personal communication channels or giv[ing] interviews with the media."[100] Cases of doctors and medical workers sharing information included the following:

- **Wuhan municipality, Hubei province.** The Wuhan Municipal Health Commission ordered hospitals and workers on December 30, 2019, to not share information on cases of "pneumonia of unknown cause" without authorization.[101] Dr. Ai Fen, the head of emergency medicine at Wuhan Central Hospital, alerted hospital administrators and colleagues to a patient's diagnostic analysis, which preliminarily identified Severe Acute Respiratory Syndrome (SARS),[102] and noted there was a cluster of cases linked to a local seafood market.[103] Eight individuals thereupon shared this information within their own social media groups and were questioned by hospital administrators and investigated by the Wuhan Public Security Bureau for allegedly "rumor-mongering."[104] On January 1, 2020, state media outlet Xinhua and broadcaster CCTV reported that eight unnamed rumor-mongers were under investigation and would be penalized.[105] Caixin, a commercial media outlet known for its investigative reports, interviewed several doctors who were contacted by hospitals and police for "rumor-mongering," though it is not clear whether these individuals were among the group of eight "rumor-mongers."[106] A doctor thought to be one of the eight, ophthalmologist **Li Wenliang,** was required by Wuhan municipal public security officials to sign a statement in which he acknowledged his actions as "illegal behavior."[107] Dr. Li became infected with COVID–19 in January 2020 and died on February 7, 2020 due to the disease.[108] An official investigation later revoked the reprimand against him.[109] The Wuhan Public Security Bureau denied "imposing penalties of warning, fines, or detention," and claimed only to have "educated and criticized" the eight alleged "rumor-mongers."[110] Two other doctors reported that public security officials compelled them to sign a statement or had "educated" them (reprimanded without further penalty).[111] These warnings resulted in a "chill" among medical workers in sharing information.[112]
- **Yunnan province.** Radio Free Asia reported that, in early February, public security authorities in Yunnan fined and administratively detained five medical doctors for 10 days for alleged rumor-mongering about the epidemic.[113]

In late January 2020, Tang Xinghua, a judge in Beijing municipality, acknowledged in a post to the Supreme People's Court social media account that the lack of timely information disclosure had given rise to the proliferation of "false information."[114] The South China Morning Post, among other news outlets, interpreted Tang's comments to be an official rebuke of the Wuhan Public Security Bureau for reprimanding the eight "rumor-mongers."[115] Tang directly cited the incident and suggested that the outbreak might have been mitigated if the information had been shared and the public started taking precautions earlier, and noted that the "law doesn't need to fight against all untrue information."[116]

DATA REPORTING, RESEARCH, AND TRANSPARENCY

Transparency is crucial to a worldwide understanding of the COVID–19 pandemic, in order to develop appropriate mitigation interventions, clinical treatment, and preventive approaches, as well as to protect health workers and vulnerable populations.[117] The Chinese government's effort to portray itself as a responsible international stakeholder[118] is marred by credible reports that the Chinese government has neither been accurate nor timely in providing information to the Chinese public, the scientific community, or the World Health Organization (WHO).

- **Delayed communications with the WHO.** The Chinese government did not proactively notify the WHO about the outbreak within the 24-hour timeframe stipulated in the International Health Regulations, according to comments by Michael Ryan, Executive Director of the WHO Health Emergencies Programme, at an April 2020 WHO press conference.[119] Ryan noted that WHO officials in Geneva, Switzerland, learned of the outbreak from a translation of a Chinese-language media report dated December 31, 2019, which was circulated by a U.S.-based open-source platform that tracks infectious diseases worldwide.[120] A WHO timeline (updated on June 29, 2020)[121] substantiated that the WHO's China office picked up a "media statement by the Wuhan Municipal Health Commission from their website on cases of 'viral pneumonia' in Wuhan" on December 31, 2019.[122] Delays in early January 2020 by the Chinese government in communicating patient data and the genome sequence, among other critical information, also frustrated WHO officials, according to an investigation by the Associated Press.[123]
- **Undercounting cases.** During the outbreak, officials appear to have undercounted the number of infected individuals,[124] partly in connection to changing diagnostic criteria.[125] A major spike in the number of confirmed cases in Hubei on February 12 apparently was due to the broadening of diagnostic criteria[126] and the inclusion of cases from the prior days and weeks.[127] In late March, Caixin reported that the Chinese government was not including asymptomatic carriers in its publicly shared data, which is not consistent with WHO standards.[128] The government did not report the existence of 500 infected healthcare workers in Wuhan by mid-January.[129] Healthcare workers reportedly were told not to disclose this information.[130] By February, the Chinese government had provided some sporadic data about healthcare workers who became infected, but did not provide detailed information about them.[131]
- **Skepticism about official statistics on virus-related deaths in Wuhan.** In late March, Radio Free Asia reported widespread skepticism in Wuhan about the officially reported death toll of 2,531.[132] In mid-April, Wuhan health officials revised the number of deaths in Wuhan to 3,869.[133] A group of researchers analyzed official statistics on deaths in Wuhan for the period through early February; based on the activity of crematoria and distribution of funerary urns, they posited that

the cumulative death toll was 10 times higher than the officially reported number of deaths.[134]

• **Suppression of data and incomplete data-sharing.** Caixin reported that on January 1, a private company was told by authorities to destroy patient samples submitted for gene sequencing analysis.[135] In May, national authorities confirmed that several unauthorized labs were told to destroy such samples or send them for storage to the municipal commission for disease control.[136] Authorities also shut down for "rectification" a laboratory associated with Fudan University in Shanghai municipality on January 12, 2020, the day after it shared the coronavirus's genome sequence on an international scientific platform.[137] As of May 12, 2020, according to a Wall Street Journal report, detailed information about animal and environmental samples taken in January from the Wuhan market where the coronavirus is thought to have initially been transmitted had not been shared internationally.[138]

• **Restrictions on academic freedom.** In a move that public health expert Yanzhong Huang said reflects Chinese authorities' political sensitivity about the origins of the coronavirus,[139] a State Council directive from March 2020 required that any academic scientific research on the origins of the coronavirus produced by universities must undergo vetting and approval by a university academic committee as well as officials at the Department of Science and Technology of the Ministry of Education.[140] The Ministry of Science and Technology also must approve any clinical research papers being readied for international publication.[141] While peer review is a crucial part of assessing the value of scientific and clinical research, the Chinese government's policy appears to impose political considerations rather than scientific ones in vetting research.[142]

Legislative Developments in the Health Sector

VACCINE SAFETY

The PRC Vaccine Management Law took effect in December 2019 following its passage by the National People's Congress in June 2019.[143] The law includes provisions to strengthen official supervision of vaccine research, distribution, and use; penalize producers and distributors of substandard or fake vaccines; and provide compensation for victims of defective vaccines.[144] It mandates the creation of a nationwide digital tracking system to trace vaccines during production, distribution, and administration.[145] The law prescribes stringent penalties for violations,[146] specifying that punishments should be in the high range of sentence lengths as stipulated by the PRC Criminal Law.[147] The new legislation affords the right to financial compensation for individuals who suffer adverse reactions from vaccinations, such as severe injury, organ damage, or death, with compensation amounts to be based upon national standards established by the State Council.[148]

Prior to the May 2020 annual meeting of the National People's Congress (NPC) in Beijing municipality,[149] a grassroots advocacy group consisting primarily of families of children who were victims of defective vaccines called for revisions to the law in an open letter

to the NPC.[150] The group noted the law's lack of provisions for emergency assistance from the Chinese Center for Disease Control in the immediate time period after the vaccine recipient is harmed by a faulty vaccine, and the absence of the right to bring lawsuits against pharmaceutical companies for defective vaccines.[151] Moreover, the law carves out compensation exemptions, including for adverse reactions due to the nature of the vaccine itself, the quality of the vaccine, and the individual's preexisting conditions or illnesses,[152] which the group of families believes will lead to the rejection of valid claims of vaccine-related injury.[153] On or around May 19, 2020, authorities briefly detained **He Fangmei,** the founder of the advocacy group and primary author of the letter to the NPC,[154] while she was in Beijing municipality to advocate for changes to the new vaccine law.[155]

RIGHT TO HEALTH AND PROTECTING MEDICAL PERSONNEL FROM HARM

The PRC Basic Healthcare and Health Promotion Law passed in December 2019 and took effect in June 2020.[156] A key aim of the new legislation is to establish legal mechanisms to advance healthcare reform, which have primarily been driven by policy initiatives.[157] A legal expert in Hong Kong hailed the new law as a "de facto constitutional charter for public health" in China,[158] highlighting the law's provision that "state and society respect and protect citizen's right to health" (Article 4), which he said is a fundamental right not mentioned in China's Constitution.[159] According to the same expert, however, the new legislation is comprised of "ambiguous" provisions and "abstract principles" and will require that the government and courts issue regulatory guidance and judicial interpretation for the new law to be effective.[160]

The new legislation also addresses violent assault against medical staff (*yibao*) and commotions in hospitals (*yinao*), instances of which have been widely reported in China[161] and have been linked, in part, to the limitations of formal channels and institutions to resolve doctor-patient disputes.[162] Research in 2018 found that 85 percent of doctors in China interviewed had experienced *yibao* on the job.[163] Article 46 of the Basic Healthcare and Health Promotion Law designates hospitals as "public spaces" (*gonggong changsuo*),[164] and groups *yinao* with disturbances of public order.[165] While hospitals previously were included as public spaces in a 2013 judicial interpretation that expanded the scope of public spaces in Article 293 of the PRC Criminal Law ("picking quarrels and provoking trouble"),[166] commentators believe the new healthcare legislation will likely enhance the authority of the courts and law enforcement in suspected cases of *yinao.*[167] Attacks or threats of attack against medical staff in Wuhan municipality, Hubei province, the epicenter of the COVID–19 outbreak, were reported this past year.[168]

Health-Based Discrimination and Public Advocacy

International rights organizations asserted this past year that Chinese government policies and laws "continue to allow or encourage discrimination" against disadvantaged populations in China, including those with health-based conditions.[169] The Commission

observed scattered reports in domestic media outlets about incidents of discrimination that people with disabilities and other health conditions have faced, such as unequal access to education for children with special needs[170] and a 2018 case in which the Jiangsu Province High People's Court found for a blind plaintiff against a bank that had refused to activate their bank card.[171] In October 2019, several media outlets reported on a case of employment discrimination against an HIV-positive person who had worked for two years in sales at Maotai Liquor in Guizhou province but was refused regular full-time employment when his HIV status was revealed during a pre-employment physical exam.[172]

Although the Chinese government has shown increasing support for social welfare service provisions in the fields of mental health rehabilitation[173] and elder care,[174] grassroots advocates and organizations that engage in advocacy on a range of public health issues have been subjected to suppression over the years,[175] including during this past year.[176] In August 2019, authorities in Hunan province brought the charge of "subversion of state power" (*dianfu guojia zhengquan*) against **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** the co-founder and two staff members of Changsha Funeng, an anti-health-discrimination non-governmental organization (NGO).[177] The charge of "subversion" refers to Article 105 of the PRC Criminal Law and involves "an offense of association or concrete action—the individual must be personally involved with actions designed to lead to the overthrow of the political system."[178] Changsha Funeng reportedly assists vulnerable populations—such as persons living with HIV/AIDS, persons living with hepatitis B, and persons with disabilities—in submitting open government requests and participating in other legal processes.[179] [For more information on NGOs and non-governmental advocacy, see Section III—Civil Society.]

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THE ENVIRONMENT AND CLIMATE CHANGE

Findings

• During the Commission's 2020 reporting year, top Chinese Communist Party and government officials continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China. Pollution remained a challenge due in part to authorities' top-down approach to environmental problems, uneven enforcement, transparency shortcomings, and the suppression and detention of environmental researchers and advocates.
• The Party continued to control environmental protection efforts, and in April 2020, Sun Jinlong was appointed Party Secretary and Vice Minister of Ecology and the Environment. Previously, Sun had been Party Secretary of the paramilitary Xinjiang Production and Construction Corps. Despite widespread international criticism, reports emerged in November 2019 and March 2020 that Chinese authorities were reportedly planning to execute environmental researcher and former Xinjiang University President **Tashpolat Teyip.**
• In 2019, although an estimated 71 percent of China's power plants were more expensive to run than building new renewables, coal-fired power plant capacity increased by around 40 gigawatts (GW) (a 4-percent increase). Analysis of officially reported Chinese government data indicated that carbon dioxide emissions in China increased by approximately 2 percent. Domestic and international environmental organizations raised concerns that China's planned economic stimulus measures may promote the use of coal and investment in heavily polluting industries, resulting in significant additional environmental pollution.
• Although Chinese and international concern focused on the zoonotic origin of the novel coronavirus, the Chinese government continued to permit wildlife trade for traditional Chinese medicine. In January 2020, the Chinese government announced a temporary ban on the sale of wildlife, and in February, the National People's Congress issued a decision banning the sale of wildlife for consumption; however, wildlife trade was still permitted for traditional Chinese medicine and illegal trade in wildlife reportedly continued to be widespread.
• In March 2020, the Chinese government expelled over a dozen U.S. journalists, including correspondents who had provided in-depth reporting on environmental issues in China, such as Gerry Shih of the Washington Post and Stephanie Yang of the Wall Street Journal. The expulsion of journalists such as these will hamper China's and the world's ability to understand China's environmental challenges and make necessary changes, including by holding companies and officials responsible for environmental violations.
• The Chinese government and Communist Party's top-down environmental governance continued to allow some limited space for environmental non-governmental organizations (NGOs), in contrast to the increasing crackdown on civil society organizations more broadly. In March 2020, a court in

Kunming municipality, Yunnan province, supported the first preventative public interest litigation in China. In May 2020, the Supreme People's Court reported that in 2019 Chinese courts had accepted 179 civil environmental lawsuits filed by NGOs, an increase of 175 percent from 2018.

- In 2020, the Chinese government continued to classify water management levels as state secrets, displaying a continuing lack of transparency regarding important environmental information. In April 2020, a U.S.-based NGO used satellite analysis to discover that Chinese dams were blocking the flow of the Mekong River and causing drought downstream in Laos, Myanmar, Thailand, Cambodia, and Vietnam despite Chinese government claims that this was not occurring, demonstrating the impact on neighboring countries of the Chinese government's lack of transparency.

Recommendations

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

- 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.
- In meetings with Chinese officials, raise the detention of environmental researcher and former Xinjiang University President **Tashpolat Teyip.** Specific points that could potentially be raised about his case are the following, which were raised by UN Special Procedures in their December 2019 letter:
  - That information about his current place of detention should be made public;
  - That his family should be allowed to visit him; and
  - That his trial should be independently reviewed, taking into account his right to a fair trial and due process of law.
- In meetings with Chinese officials, raise the detentions of Tibetan village head **Karma,** detained in February 2018; **Anya Sengdra,** a Tibetan who had campaigned against corruption and for environmental protection; and founder **Xue Renyi** and worker **Pan Bin** of Chongqing municipality-based Green Leaf Action.
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems in China, and also expand awareness of citizens' environmental rights in China and the protection of those rights.
- Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting.

THE ENVIRONMENT AND CLIMATE CHANGE

Introduction

During the Commission's 2020 reporting year, top Chinese Communist Party and government officials continued to highlight the importance of protecting the environment,[1] yet environmental pollution remained a major challenge in China.[2] Pollution remained a challenge due in part to authorities' top-down approach to environmental problems,[3] uneven enforcement,[4] transparency shortcomings,[5] and the suppression and detention of environmental researchers and advocates.[6] There continues to be limited space for environmental non-governmental organizations in China to operate,[7] but the government and Party do not encourage environmental advocacy, as demonstrated by the harassment of environmental advocates.[8] A New York-based research organization, the Rhodium Group, estimated, based on economic and energy data, that carbon dioxide emissions in China increased by 2.6 percent in 2019,[9] even as the Chinese government approved plans for the development of new coal-fired power plants.[10] At the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference (Two Sessions), Premier Li Keqiang announced that the Chinese government was dropping annual growth targets, which may allow for stronger environmental protection.[11] However, air quality and emissions targets were dropped for the first time since 2014, leading one environmental advocate to express concern that eliminating these targets shows that "economic considerations clearly trumped all other issues, including environmental protection."[12]

Communist Party Control

During this reporting year, the Communist Party continued to control environmental protection efforts.[13] In April 2020, Sun Jinlong was appointed as Party Secretary and Vice Minister of Ecology and the Environment (MEE).[14] Previously, Sun had been Party Secretary of the paramilitary Xinjiang Production and Construction Corps (XPCC), commonly known as the Bingtuan.[15] According to the U.S. Department of State, the XPCC is directly involved in forced labor and possibly other human rights abuses in the Xinjiang Uyghur Autonomous Region (XUAR).[16] In October 2018 written testimony to the House Foreign Affairs Committee, Nury Turkel, the Chairman of the Uyghur Human Rights Project, identified Sun as one of the individuals most responsible for the severe human rights abuses in the XUAR.[17] The lack of accountability of Chinese officials in other areas may impact the ability of the U.S. Government to work with them on issues impacting environmental cooperation.[18] Nevertheless, during this reporting year, the U.S. Environmental Protection Agency and U.S. Department of Justice continued to cooperate with MEE.[19] [For more information on human rights abuses in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang.]

Party control is also important in provincial environmental protection efforts. In July 2020, Li Ganjie, the previous Party Secretary and Environment Minister, was selected to be governor of

Shandong province.[20] Shandong is the largest producer of aluminum, the processing of which can result in severe pollution, and in 2019, MEE criticized provincial officials for deceiving central-level investigators and for failing to meet obligatory targets.[21] In 2017, central government officials ordered Shandong officials to limit aluminum production capacity to 4 million tons, but by 2019, officials had increased capacity to over 12 million tons.[22]

Suppression of Environmental Cooperation, Information, Protests, and Advocacy

During the 2020 reporting year, Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy at the risk of being persecuted, such as by imprisonment. China's Constitution provides for freedom of speech, assembly, and association,[23] as do the International Covenant on Civil and Political Rights (ICCPR),[24] the Universal Declaration of Human Rights,[25] and the UN Human Rights Council Framework on Human Rights and the Environment.[26]

United Nations human rights experts and international scholars expressed particular concern over the Chinese government's detention of environmental researcher and former Xinjiang University President **Tashpolat Teyip.**[27] In October 2019, over 1,000 scholars from more than 50 countries signed a letter to the Chinese government expressing concern about scientific freedom and requesting Teyip's unconditional release.[28] Teyip is a highly regarded geographer of Uyghur ethnicity who studied industrial pollution from coal mining and was detained in March 2017 when he was traveling to Germany to "launch a major new research partnership" and attend a scientific conference.[29] The Leibniz Institute for Applied Geophysics in Hanover, Germany, planned for Teyip to take part in the opening of a joint research center with Xinjiang University to study underground coal fires.[30] Amnesty International reported in September 2019 concerns that authorities were planning to imminently execute Teyip,[31] and in April 2020, reported that there was still some risk of execution and that there continued to be grave concerns about his future.[32] In December 2019, UN experts, including special rapporteurs and members of the UN Working Group on Enforced or Involuntary Disappearances and the UN Working Group on Arbitrary Detention, expressed concern to the Chinese government that Teyip had been sentenced to death and requested that "[Teyip's] trial should be independently reviewed, taking into account his right to fair trial and due process of law" and noting concerns about "incommunicado detention, enforced disappearances and secret trials" and possible violation of the ICCPR.[33] On December 26, the Ministry of Foreign Affairs strongly criticized the UN experts for an "irresponsible accusation" and "typical 'double standards,' which only [undermine] gravely the credibility of the relevant mandate holders."[34] The Chinese government stated that Teyip had been arrested on "suspicion of corruption and bribery" and that his trial was still underway, and further urged "the relevant Special Procedure mandate holders to abide by the purposes and principles of the UN Charter, perform their duties impartially and objectively in accordance with the mandates of

the Human Rights Council and the Code of Conduct of the Special Procedures, and stop interfering in other countries' internal affairs and judicial sovereignty."[35]

Government pressure on researchers and scholars in China has impacted individuals' willingness to speak with foreign media on environmental issues. The March 2020 Foreign Correspondents' Club of China annual working conditions report highlighted how "scientific researchers decline to comment even to discuss their own published papers" and that "[e]ven Western analysts, for example, commodities researchers, decline to discuss previously non-controversial subjects, like pollution, on the record for fear of political sensitivities."[36]

The following cases of harassment and detention not only illustrate environmental complaints raised by Chinese citizens but also reveal an ongoing lack of protection for citizens' rights when they raise environmental concerns and shortcomings in environmental transparency:

- **Environmental protection in Qinghai province.** In December 2019, a court in Guoluo (Golog) Tibetan Autonomous Prefecture, Qinghai, sentenced local anticorruption and environment advocate **Anya Sengdra** to seven years' imprisonment for "gathering a crowd to disturb social order" and "picking quarrels and provoking trouble."[37] In indicting Anya Sengdra as well as nine co-defendants, authorities accused him of using WeChat to organize local residents and discuss local political issues, including government corruption and environmental protection.[38] According to the rights group International Tibet Network, "[Anya Sengdra's] environmental protection work has lead [sic] to him being classed as a criminal rather than an environment justice hero."[39] [For more information on Anya Sengdra, see Section V—Tibet.]
- **Crematorium in Guangdong province.** In November 2019, thousands of residents in Wenlou town, Huazhou city, Maoming municipality, Guangdong, protested government plans to build a crematorium on land that the government had indicated to residents would be used as a park near the local water supply and housing.[40] Reports indicated that as many as 100 people may have been detained due to their involvement in the protests.[41] In December, thousands of people in the nearby town of Boyang protested because they believed that the government planned to build a crematorium in their town.[42]
- **Environmental group in Chongqing municipality.** In July 2019, Chongqing authorities approved the arrest of **Xue Renyi,** the founder of Green Leaf Action,[43] more than one year after detaining him in May 2018.[44] At a December 2018 trial, authorities sentenced **Pan Bin,** a member of Green Leaf Action, to four years in prison for "picking quarrels and provoking trouble."[45] Green Leaf Action advocates for environmental protection, and in 2016, police had warned Xue that the group was being "controlled" by "foreign forces."[46]

Environmental Monitoring and Persistence of Severe Pollution

During this reporting year, although officials reported some improvements in air quality, severe pollution persisted in China. In January 2020, Li Ganjie, Minister of Ecology and the Environment (MEE) said that "[t]he quality of environmental monitoring data is the lifeblood of environmental protection work. If environmental management is a high-rise, the monitoring work is the key pillar of the building."[47] Li noted that there were "30 cases of people attempting to tamper with data by spraying water over equipment at national-level air monitoring stations" in the previous year.[48] According to official figures, annual average concentrations of fine particulate in China continued to decrease in 2019, with 46.6 percent of the 337 cities monitored meeting the annual Chinese National Ambient Air Quality Standard.[49] In February 2020, however, Beijing municipality had severe levels of air pollution despite the shutdown of much of the economy in response to the coronavirus pandemic.[50] According to one analyst, unfavorable weather patterns combined with emissions from continued steel production and residential heating were the likely reasons for the "very unhealthy" pollution.[51]

In 2019, MEE reported that there were 263 major environmental accidents.[52] Two notable accidents this reporting year occurred at the following facilities, which authorities had previously fined for environmental violations:

- **Chemical explosion in Zhejiang province.** In December 2019, nine people died from a wastewater tank explosion at a factory in Haining city, Jiaxing municipality, Zhejiang.[53] Although authorities had issued administrative penalties against the factory multiple times for failing to keep proper records and for excessive waste discharge, the factory continued to operate.[54] Illustrating the widespread nature of weak enforcement, in November 2019, a State Council investigation reported that the unrelated March 2019 chemical explosion in Xiangshui county, Yancheng municipality, Jiangsu province, that killed 79 people was due in part to ineffective environmental enforcement and falsified environmental analysis.[55] Gerry Shih, a Washington Post correspondent based in China, had reported on the Xiangshui explosion among other issues the Chinese government deems politically sensitive.[56] Shih was one of about a dozen U.S. journalists expelled from China in March 2020.[57]
- **Chemical spill in Heilongjiang province.** In March 2020, a leak at a mine tailings dam in Heilongjiang owned by Yichun Luming Mining, a subsidiary of China Railway Resources Group, was the largest reported tailings dam leak in the last 20 years[58] and resulted in pollution over 200 kilometers downstream.[59] In 2018, the mine received two administrative fines for violations of tailings pond management.[60]

Environmental Transparency and State Secrets

Research published by the Institute for Public and Environmental Affairs (IPE) and the National Bureau of Economic Research (NBER) highlighted increased environmental transparency

and the value of publicly releasing environmental information. In January 2020, IPE, a Chinese environmental non-governmental organization (NGO), published its 10th annual report ranking cities in China based on pollution information transparency,[61] and overall found "historic progress" in increased data quantity and improved data quality.[62] In a May 2020 report, NBER found that the benefits of publicly releasing environmental information were an "order of magnitude higher than its costs"[63] and that Chinese corporations and the Chinese public are more willing to spend more to comply with pollution standards, or avoid polluted areas, respectively, if there is greater access to pollution information.[64]

In 2020, however, some important environmental and geographic information in China continued to be classified as state secrets, including water management levels. In April 2020, a U.S.-based NGO used satellite analysis to discover that Chinese dams were blocking the flow of the Mekong River and causing drought in downstream countries of Laos, Myanmar, Thailand, Cambodia, and Vietnam; the Chinese government's official response reportedly was that this conclusion was "unreasonable."[65]

Public Interest Litigation

During the 2020 reporting year, Chinese NGOs reportedly had limited success in public interest litigation. In May 2020, the Supreme People's Court reported that in 2019 Chinese courts had accepted 179 civil environmental lawsuits filed by NGOs, an increase of 175 percent from 2018.[66] In March 2020, a court in Kunming municipality, Yunnan province, supported the first preventative public interest litigation in China.[67] The NGO Friends of Nature filed the litigation to prevent the harmful impact of a hydroelectric dam before it was finished.[68] The court ruled that the companies building the dam must halt construction due to the environmental impact assessment, although construction could be permitted to restart in the future.[69] In May, the National People's Congress revised the civil code so that it allows for increased redress to people harmed by pollution.[70]

Assessing the Chinese Government's Commitment to and Effectiveness in Combating Climate Change

During the 2020 reporting year, carbon dioxide emissions, which are a contributing factor in climate change, continued to increase in China, although officials maintained calls for "green development." According to the U.S. National Oceanic and Atmospheric Administration, increasing carbon dioxide concentrations are mostly due to the burning of fossil fuels for power, and "increases in atmospheric carbon dioxide are responsible for about two-thirds of the total energy imbalance that is causing Earth's temperature to rise."[71] In April 2020, the Carbon Tracker Initiative, a United Kingdom-based think tank, published its analysis that found 71 percent of China's power plants "costs more to run than building new renewables."[72] However, in 2019, coal-fired power plant capacity increased by around 40 gigawatts (GW) (a 4-percent increase).[73] Based on analysis of Chinese government annual data by international experts, carbon dioxide emissions in China increased by

approximately 2 percent in 2019, despite monthly data indicating that the emissions increased by 5 to 6 percent, indicating the uncertainty regarding estimates.[74] As of January 2020, there was reportedly more than 135 GW of coal-fired power capacity either permitted or under construction[75]—more than half the 246 GW of capacity in the United States.[76] During 2020, international experts expressed concern about Chinese government economic stimulus plans due to the potentially negative effects of increasing emissions and air pollution.[77] In addition to carbon dioxide emissions, coal-fired power plants are one of the main causes of other types of air pollution in China.[78] As an illustration of the potential air pollution impacts of stimulus measures, the "'airpocalypse'—the horrendous smog of the winter 2012–3—was a direct outcome of the smokestack stimulus started in 2008."[79] Even in late 2019, reports, including one by Wall Street Journal reporter Stephanie Yang, indicated that China may begin again to increasingly rely on coal.[80] In March 2020, Yang was one of over a dozen U.S. journalists expelled from China, highlighting how reporting, including on climate policy, in China may be negatively impacted in the future.[81] Demonstrating the mixed messages from the Chinese government concerning its commitment to combating climate change, in April 2020, the National People's Congress released a draft Energy Law for public comment that included the goal of reducing greenhouse gas emissions to combat climate change.[82] Article 19 of the draft law provides that "[t]he state will strengthen supervision of pollutants and greenhouse gas emissions from the energy industry."[83]

The African Swine Fever and Water Pollution

During this reporting year, the Chinese government continued to fight the African Swine Fever (ASF).[84] As of September 2019, ASF had resulted in a reduction in the number of pigs in China by 40 percent, with economic losses of over one trillion yuan (approximately US$140 billion).[85] The Chinese government's measures to combat water pollution from pig farms was reportedly a significant indirect factor in the rapid spread of ASF, as environmental regulations to prevent water pollution from pig waste resulted in the closing of some pig farms in southern China and, in turn, increased long-distance transport of pigs raised in northern China.[86] A March 2020 investigation by Reuters found that "the fear of political consequences" and insufficient funds to compensate farmers resulted in local officials not publicly confirming ASF cases as the disease began to spread widely.[87]

Wildlife Trade, COVID–19, and Biodiversity

The Chinese government did not adequately restrict the wildlife trade in China, posing a significant public health risk due to the possible connection between the wildlife trade in China and the spread of coronavirus disease 2019 (COVID–19).[88] In late January 2020, Chinese and international media focused on wildlife trade in China as reports indicated that a wet market in Wuhan municipality, Hubei province, might be linked to the spread of a novel coronavirus that ultimately developed into a global pandemic.[89] Scientific analysis has found that pangolins and bats are carriers

of coronaviruses similar to COVID–19; however, scientists are still uncertain as to the exact origin of the coronavirus.[90] The international trade in all eight species of pangolins is prohibited by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).[91] The Chinese government, however, continues to support the use of pangolin scales and parts from other threatened wild animals, including leopard bones and bear bile, in traditional Chinese medicine.[92] In January 2020, the Chinese government announced a temporary ban on the sale of wildlife.[93] In February 2020, the National People's Congress Standing Committee issued a decision that banned the trade of terrestrial wildlife for consumption;[94] however, the trade in wildlife for medical purposes was not banned,[95] and international media reported that wildlife products continued to be sold in China.[96] In an example of the risks of wildlife trade to public health and the difficulty of stopping such trade, the SARS pandemic in 2002 and 2003 was linked to wildlife markets in Guangdong province.[97] Authorities temporarily suspended trade in wild animals in certain areas of China at that time but the trade was later resumed.[98] A 2017 Chinese Academy of Engineering analysis reported the value of the wildlife trade in China at over 520 billion yuan (approximately US$73 billion), indicating the economic importance of the wildlife trade in China.[99] The Guardian newspaper reported that "the acting executive secretary of the UN Convention on Biological Diversity said countries should move to prevent future pandemics by banning 'wet markets' that sell live and dead animals for human consumption."[100] According to Nature magazine there is "no substantial evidence that most [traditional Chinese medicine practices] work."[101] However, in May 2020, the Beijing Municipal Health Commission and other municipal agencies released draft regulations that would criminalize behavior that harmed the reputation of traditional Chinese medicine.[102]

The coronavirus outbreak impacted major environment-related legislation and events. In February 2020, due in part to concerns about the possible origin of the COVID–19 virus in wildlife trade, the National People's Congress added revisions to the PRC Wildlife Protection Law[103] to its legislative calendar[104] and passed a decision banning the trade in wild animals.[105] Due to the COVID–19 pandemic, international organizations delayed major environmental meetings scheduled for 2020.[106] Delayed meetings included the 15th conference of the parties to the Convention on Biological Diversity, which is focused on protecting biodiversity and had been scheduled to take place in Kunming municipality, Yunnan province, in October 2020.[107]

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Findings

• Chinese and international businesses are increasingly at risk of complicity in—and profiting from—abuses committed by the Chinese government and Communist Party. Of particular concern over the past year are reports that the government has increased the use of forced labor as a part of the campaign to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), where the Chinese government is committing crimes against humanity and possibly genocide. XUAR authorities systematically forced predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor, both in the XUAR and in other parts of China. Reports of possible forced labor in cotton production and spinning, as well as in the apparel industry in general, mean that the supply chains of many major brands may now be tainted with forced labor.

• Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in China. Audits are unlikely to detect forced labor because ethnic minority workers in or from the XUAR face extreme levels of surveillance and the threat of government reprisal should they speak candidly to auditors. Scott Nova of the Worker Rights Consortium warned that "... no firm should be conducting audits in the XUAR. The only purpose labor rights audits can serve in the XUAR now is to create the false appearance of due diligence, and thereby facilitate continued commerce in products made with forced labor."

• Companies are at great risk of complicity in crimes against humanity, forced labor, and other rights violations if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliated companies, or other companies that have close ties to the XPCC. The XPCC is deeply involved both in human rights violations and also in a variety of industries in the XUAR. Large firms with close ties to the XPCC include the state-owned enterprise **COFCO,** an agricultural conglomerate that sells sugar, tomatoes, and other products to a wide range of international brands; and **Esquel Group,** a garment manufacturer that supplies numerous well-known brands.

• Chinese authorities and companies used technology to combat the spread of coronavirus disease 2019 (COVID–19) in ways that experts warn may violate human rights, particularly the right to privacy. By mid-February 2020, residents of about 200 Chinese cities used mobile app-based health QR codes to identify their infection status. At least one app, Alipay Health Code, operated by **Alibaba Group** affiliate **Ant Financial,** reportedly shared personally identifiable health and location data with public security authorities. Neither local authorities nor platform operators have indicated when the health codes will be phased out, and at least one locality has already announced plans to make the health codes permanent.

• Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech com-

panies—were both targets and enablers of Chinese government censorship. Faced with the possibility of lost revenue or punishment, both domestic and international companies engaged in self-censorship. For example, between January 1 and February 15, 2020, **Tencent's WeChat** reportedly censored messages containing at least 516 keyword combinations criticizing the official response to COVID–19 and suspended user accounts over politically sensitive posts about the virus. Also this past year, **Shutterstock** reportedly created a search query blacklist to censor sensitive keywords for its customers in China. **Apple** removed the emoji depicting the Taiwanese flag from its mobile device operating system for users in mainland China, Hong Kong, and Macau.

• Companies have both a moral responsibility and a financial interest in honestly assessing the risk that they may be contributing to human rights abuses in China. The UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .." While the Chinese government requires companies to comply with domestic laws and regulations that may infringe on internationally recognized rights such as the right to privacy and freedom of expression, this does not absolve companies of their responsibility to respect human rights. Moreover, knowing or unknowing complicity in human rights abuses poses substantial risks for international businesses. In the case of complicity in forced or prison labor, for example, companies may run afoul of U.S. laws prohibiting the import of products made with such labor.

Recommendations

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

○ Consider passing legislation prohibiting the import of goods made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. This will level the playing field for all U.S. companies so that they do not face a competitive disadvantage when extricating their supply chains from the XUAR. Until such legislation is passed, Members should encourage companies in their districts to cease doing business with firms in the XUAR until the Chinese government ends the arbitrary detention of mostly Turkic ethnic minorities in mass internment camps and closes government-sponsored forced labor programs.

○ Work with other governments and legislatures to encourage import bans on products made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. Potential U.S. import bans will be more effective if other countries enact their own similar bans.

○ Consider legislation requiring greater supply chain transparency so that forced labor and other abuses are not hidden by layers of subcontractors and suppliers. In addition, Members should encourage companies in their districts to change

their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective. In the case of ethnic minority workers in or from the XUAR, inform companies that factory audits are not only ineffective, but may do more harm than good.

○ Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR and on the companies directly complicit in those abuses. U.S. Customs and Border Protection should examine the import of all goods made in whole or in part in the XUAR—or by workers from the XUAR—and determine whether such imports violate Section 1307 of the Tariff Act of 1930 (19 U.S.C. 1307).

○ Hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses that U.S. companies working in China may face, including complicity in possible crimes against humanity in the XUAR; the possibility of goods made with forced labor entering supply chains; and the use of artificial intelligence (AI) technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minorities. Inform companies in their districts engaged in the sale and purchase of technology to and from China of extensive government censorship and surveillance in China. In particular, firms should not view any data stored in or transferred through China as secure from Chinese government collection or surveillance.

○ The Department of Labor should update its list of goods produced with child labor or forced labor using more recent sources; specifically, the list should reflect the recent reports of forced labor in the XUAR. The Department should also remove goods from its list based on reporting that is more than five years old. The bibliography for the most recent list from 2018 shows that the Department of Labor's list of goods from China is based largely on sources from 2006 to 2008, and includes sources dating back as far as 2001. The most recent source included in the China bibliography is from 2012.

BUSINESS AND HUMAN RIGHTS

Introduction

During the Commission's 2020 reporting year, the Chinese Communist Party and government engaged in increasingly egregious human rights violations, as detailed by international human rights organizations [1] and in the other sections of this report. In this environment, domestic and international businesses are directly complicit in, or at risk of complicity in, human rights abuses committed by the Chinese government, including the severe repression of minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, and government censorship. In particular, the scale and reach of forced ethnic minority labor in and from the XUAR continued to expand this past year, and with it the possibility that global supply chains were increasingly tainted by forced labor associated with crimes against humanity. Although the Chinese government may require companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy [2] and freedom of expression,[3] the UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .." [4] Whereas the preceding sections of this report examine in detail Chinese government violations of human rights and relevant international human rights standards, this section focuses on the ways in which domestic and international companies may be complicit in or profit from these human rights violations.

Corporate Involvement in Likely Crimes Against Humanity in the XUAR

Companies that do business in or source from the XUAR are at great risk of complicity in the human rights abuses being committed in the region. The actions of the Chinese Communist Party and government in the XUAR likely constitute crimes against humanity [5] according to scholars and rights groups.[6] In recent years, experts have documented a network of mass internment camps in which authorities have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups.[7] Outside the camps, members of ethnic minority groups in the XUAR face extreme levels of surveillance; restrictions on freedom of movement, expression, and religion; forced political indoctrination; forced placement of children in state-run orphanages and boarding schools; and forced labor.[8] [For more information on human rights violations in the XUAR, including a discussion of likely crimes against humanity committed by Chinese authorities, see Section IV—Xinjiang. For more information on how government-sponsored forced labor violates international standards prohibiting human trafficking and forced labor, see Section II—Human Trafficking.]

STATE-SPONSORED FORCED LABOR IN THE XUAR

XUAR authorities continued to systematically force predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and

others, to engage in forced labor—both in the XUAR and in other parts of China—as part of broader efforts to carry out ethnic and religious suppression.[9] In addition to exploiting forced labor in internment camps,[10] the Chinese government has implemented several policies that are red flags for potential forced labor when sourcing products and materials from anywhere in China.

- **Subsidies.** Authorities reportedly used tax exemptions and subsidies to encourage Chinese manufacturers to move production to the XUAR.[11] Government authorities provided subsidies to companies for each Turkic or Muslim worker forced to labor in factories in the XUAR, and also subsidized factory construction and the shipment of goods from the XUAR.[12]
- **"Poverty alleviation" programs.** Scholar Adrian Zenz describes how "poverty alleviation" programs in the XUAR have moved large numbers of ethnic minority workers into forced factory labor, referred to as "labor transfers" (*zhuanyi jiuye*).[13] Ethnic minority individuals who are assigned to work under such programs may be detained for refusing.[14]
- **Xinjiang Aid.** The "Xinjiang Aid" (*duikou yuanjiang*)[15] program encourages governments and companies in other parts of China to either invest in factories and industrial parks in the XUAR or recruit ethnic minority workers from the XUAR to work in factories in other parts of China.[16] Zenz has described the program as "facilitat[ing] different forms of coerced labor."[17] According to a March 2020 report published by the Australian Strategic Policy Institute, authorities transferred an estimated 80,000 Uyghurs out of the XUAR between 2017 and 2019 as part of this program.[18]

In addition, authorities exploited ethnic minority forced labor in order to reopen certain sectors of the economy while the risk of contracting the novel coronavirus (COVID–19) remained high.[19] As early as late February 2020, while parts of the country remained under lockdown, tens of thousands of ethnic minority workers were reportedly required to labor in factories producing items such as masks and food, both within and outside the XUAR, at a time when many Han Chinese workers were reportedly unwilling to return to work due to legitimate fears of contracting COVID–19.[20]

Firms Cannot Rely on Factory Audits to Detect Forced Ethnic Minority Labor

Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR. When alleged to be sourcing goods made in whole or in part from forced labor, international brands and trade associations often point to their use of audits to ensure compliance with corporate codes of conduct prohibiting forced labor.[21] For example, after the Commission named Coca-Cola alongside other companies suspected of being linked to suppliers using forced labor, Coca-Cola informed the Associated Press that its sugar supplier in the XUAR had passed an audit.[22] Following accusations of forced labor from the Australian Strategic Policy Institute,[23] Esquel Group stated, "[m]ultiple independent auditors have already validated that we do not use forced labor anywhere in our company."[24] Yet labor and supply chain experts argue that labor audits are not possible in the case of ethnic minority workers in the XUAR, given the extreme levels of surveillance and the threat of government reprisal should they speak candidly to auditors.[25] Scott Nova of the labor rights organization Worker Rights Consortium (WRC) warned that ". . . no firm should be conducting audits in the XUAR. The only purpose labor rights audits can serve in the XUAR now is to create the false appearance of due diligence, and thereby facilitate continued commerce in products made with forced labor."[26]

One recent example of the failure of audits to uncover forced labor in the XUAR is that of the certification firm **Bureau Veritas** and the XUAR-based producer **Yili Zhuo Wan Garment Manufacturing Company** (Yili Zhuo Wan). In March 2020, the Associated Press reported that WRC had found that **Lacoste** had sold gloves in Europe made by Yili Zhuo Wan.[27] Refugee accounts published in March[28] and October 2019[29] established that Yili Zhuo Wan exploited forced ethnic minority labor. Lacoste told the Associated Press that it stopped shipments from Yili Zhuo Wan after WRC alerted the brand to labor rights abuses taking place in its supply chain,[30] yet earlier factory auditing failed to detect forced labor.[31] On March 10, WRC reported that Yili Zhuo Wan had undergone an audit by a major auditing firm called **Bureau Veritas.**[32] Bureau Veritas is not the only auditing firm that has failed to uncover forced labor in the XUAR; the social compliance nonprofit **Worldwide Responsible Accredited Production** (WRAP)[33] also failed to uncover forced labor in the XUAR.[34] WRAP certified a garment manufacturer that was later subject to a U.S. Customs and Border Protection "Withhold Release Order" due to indications that its products were made with forced labor.[35]

The Xinjiang Production and Construction Corps: Links to Human Rights Abuses and International Supply Chains

Companies are at great risk of complicity in crimes against humanity, forced labor, and other rights violations if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliated companies, or other companies that have close ties to the XPCC. Founded in 1954 to establish control over the northwestern border areas of China,[36] in 2019, the XPCC oversaw a population of approximately 3.25 million people,[37] 10 cities and 37 towns,[38] in addition to a wide range of industries with a value-added of over US$9.4 billion.[39] The XPCC has facilitated the large-scale migration of ethnic Han Chinese residents to the XUAR from other parts of China, both through generous incentives and forced transfers, particularly of prisoners.[40]

In recent years, the XPCC has been deeply involved in widespread and egregious human rights abuses against ethnic minority groups in the XUAR that likely constitute crimes against humanity.[41] The XPCC has built and administered some of the extrajudicial mass internment camps in which authorities have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups.[42] Cadres from the XPCC participate in intrusive homestay programs in the XUAR, living with ethnic minority families in their homes without consent in order to surveil them and compile information that may be used to send them to internment camps.[43] There is growing evidence that XPCC prisons may be holding increasing numbers of ethnic minority prisoners.[44] Prisoners in XPCC prisons reportedly engage in forced labor.[45] The XPCC appears to be involved in the exploitation of ethnic minority forced labor outside prisons as well, through its participation in "poverty alleviation" programs[46] and the "Xinjiang Aid" (*duikou yuanjiang*) program,[47] both of which are associated with forced labor.[48]

Given the XPCC's involvement in likely crimes against humanity in the XUAR, companies that work with or source from the XPCC and any affiliated corporate entities are at great risk of complicity in egregious human rights abuses. As of 2019, the XPCC was involved in a wide range of agricultural and industrial production, including cotton, tea, sugar beets, tomatoes, coal, fuel processing, food processing, and textiles.[49] The XPCC Bureau of Statistics did not list the number of XPCC-affiliated enterprises or provide enterprise names.[50]

One XPCC-affiliated firm, the **XPCC Cotton and Linen Company,** was until recently a local implementing partner of the **Better Cotton Initiative** (BCI).[51] BCI is a non-profit organization working around the world to improve sustainability in the cotton industry by training and licensing cotton producers.[52] Members of the initiative include **Abercrombie & Fitch, Gap Inc., Target Corporation, and Walmart, Inc.**[53] BCI worked with XPCC Cotton and Linen Company as its local implementing partner for several years, ending the relationship in October 2019.[54] BCI says it ended the relationship due to "significant restructuring" within the company.[55]

In addition to managing its own enterprises,[56] the XPCC also has close links to non-XPCC firms. Below are two examples of large firms with links to the XPCC that are suppliers to numerous multinational companies and brands.

The Xinjiang Production and Construction Corps: Links to Human Rights Abuses and International Supply Chains—Continued

• **COFCO.** COFCO is a large state-owned enterprise with many subsidiary brands and companies.[57] One of those subsidiaries, COFCO Tunhe, was itself reported by the Wall Street Journal in 2019 to be employing forced ethnic minority labor in the XUAR.[58] A 2007 announcement on COFCO's website references a "strategic cooperative framework agreement" between COFCO and the XPCC.[59] A 2017 announcement, also on COFCO's website, describes a meeting between then-XPCC Party Secretary Sun Jinlong and COFCO Chairman and Party Secretary Zhao Shuanglian.[60] Zhao expressed his hope that COFCO and the XPCC would strengthen their cooperation in the production of sugar, tomatoes, and cotton.[61] In addition to operating a joint venture with **Coca-Cola,**[62] COFCO reportedly has sold sugar, tomatoes, and other products to major international brands including **Campbell Soup,**[63] **Heinz,**[64] **Nestle,**[65] **Unilever,**[66] **Del Monte,**[67] **PepsiCo,**[68] and **McCormick.**[69] In addition, **BASF** and **Bayer** reportedly cooperated with COFCO in tomato production as of September 2019.[70]

• **Esquel Group.** A Hong Kong-based garment company, Esquel Group has also been accused of exploiting ethnic minority forced labor by the Wall Street Journal and the Australian Strategic Policy Institute, a think tank.[71] Esquel Group denies the allegation.[72] In 2002, the Party-run People's Daily profiled Marjorie Yang,[73] Esquel Group chair and daughter of the company's founder, recounting how Yang invested "tens of millions of US dollars" in joint ventures with the XPCC to build farms in Kashgar prefecture and Turpan municipality, XUAR.[74] In 2014, official media reported on a meeting between Yang[75] and Commander Liu Xinqi, then-Deputy Party Secretary of the XPCC.[76] Liu said Esquel Group had been a "powerful driver of the development of the XPCC's cotton industry."[77] Esquel Group is accredited by the **Fair Labor Association**[78] and in addition to running its own brands, **PYE** and **DETERMINANT,**[79] reportedly supplies major brands including **Hugo Boss, Muji, Ralph Lauren,** and **Tommy Hilfiger.**[80] Esquel Group reported that, in April 2020, they completed divestment from the Xinjiang White Field Cotton Farming Co. Ltd., a joint venture with the Third Division of the XPCC.[81]

Commercial Firms' Role in Government Data Collection and Surveillance Across China

Chinese law allows the government to collect personal data from companies without adequate protections for the internationally recognized right to privacy.[82] For example, the PRC Cybersecurity Law requires companies to provide technical support to authorities conducting criminal investigations or "protecting state security,"[83] without specifying what such technical support entails.[84] The PRC National Intelligence Law similarly requires entities operating in China—including companies—to provide support and assistance to authorities engaged in "intelligence work," without defining what the government considers "intelligence work."[85] Observers note that companies are required to comply with government demands to provide information, though in some cases companies do push

back.[86] This past year, in an example of expanding collection of biometric data facilitated by companies, Chinese telecommunications companies began requiring facial recognition scans to purchase new mobile phones in order to comply with new central government guidance that took effect in December 2019.[87]

DATA COLLECTION AND COVID–19

Chinese authorities and companies used technology to combat the spread of COVID–19 in ways that experts warn may violate human rights, in particular the right to privacy.[88] By mid-February 2020, about 200 Chinese cities used mobile app-based health QR codes to potentially limit residents' ability to travel.[89] The New York Times reported in March 2020 that the Alipay Health Code, implemented by **Alibaba Group** affiliate **Ant Financial,** shares personally identifiable health and location data with public security authorities.[90] Both the Alipay platform and a similar version on **Tencent's WeChat** assign users a color—green, yellow, or red—to signal their health status.[91] Ant Financial has not disclosed details regarding how they assign individuals' health statuses.[92] State-funded media outlet The Paper looked at 14 different localities' health code apps and found that only 3 had explicit privacy protections.[93] Neither local authorities nor platform operators have indicated when the health codes will be phased out.[94] In May 2020, Hangzhou municipality in Zhejiang province announced plans to make the health code system there permanent.[95] Central government regulations issued in February 2020 prohibit data collected for COVID–19 enforcement from being used for other reasons, but it was unclear if those regulations would apply if the apps remained in use after the pandemic.[96] While governments may restrict some rights during public health crises, human rights organizations advise that such restrictions should be necessary, proportionate, and temporary.[97]

EXPANDING SURVEILLANCE NETWORKS

Chinese security authorities are working with companies not only to collect and monitor individuals' data, but also to integrate improved technology into China's expanding network of surveillance cameras. For example, the Commission previously reported that the state-owned technology firm **Aebell** was developing a nationwide project called "Sharp Eyes," which would link surveillance cameras installed in rural areas to individuals' televisions and smart phones, allowing those individuals to access surveillance feeds in their villages,[98] and authorities have continued to work with companies to develop the Sharp Eyes project this past year. Chinese companies such as **Huawei, Dahua,** and **Hikvision**[99] have gained or fulfilled government contracts to build surveillance systems for local public security bureaus' Sharp Eyes projects. Though branded as a rural surveillance program, according to government procurement documents, urban public security bureaus and political-legal committees also purchased surveillance technology for Sharp Eyes projects.[100] The international human rights organization Human Rights Watch warned that the Chinese government was increasingly using mass surveillance technologies, often to target "vulnerable communities."[101] In one example, offi-

cials installed surveillance equipment as part of the Sharp Eyes project in Buddhist, Taoist, and Christian places of worship in Jiangxi province to monitor religious activities.[102]

Role of Commercial Firms in Government Censorship

Chinese government restrictions on freedom of expression increased this past year,[103] and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. New regulations from the Cyberspace Administration of China (CAC) that took effect on March 1, 2020,[104] may have particular relevance for companies in China. David Bandurski of the China Media Project highlighted the regulations' requirement that non-state entities—including enterprises—censor on behalf of the government.[105]

Companies can face financial consequences for violating censorship guidelines in China. In 2019, authorities shut down 84,000 websites and removed more than 11 million pieces of "harmful information" from the internet.[106] Although the International Covenant on Civil and Political Rights—which China has signed and committed to ratify[107]—allows governments to limit freedom of expression for the protection of "morals,"[108] the Chinese government has in the past used campaigns against pornography and other "unlawful information" to restrict the legitimate exercise of freedom of expression.[109] In early February 2020, as the novel coronavirus (COVID–19) spread in China, the CAC issued a notice condemning internet companies and websites for disseminating "harmful" information and "spreading panic" (*sanbu konghuang qingxu*) about the virus.[110] The notice mentioned entities by name, including major companies such as Sina Weibo, Tencent, and ByteDance, and placed these firms under "special supervision" (*zhuanxiang dudao*).[111] In April 2020, sales of a popular video game, Animal Crossing, were stopped after players used the game as a platform to criticize Chinese President and Communist Party General Secretary Xi Jinping and Hong Kong Chief Executive Carrie Lam for retaliating against the pro-democracy movement in Hong Kong.[112] The Commission could not determine whether online vendors stopped the sales themselves or whether authorities ordered sales to cease.[113]

Faced with the possibility of lost revenue or punishment, both domestic and international companies engaged in self-censorship and censored content at the request of authorities. For example, according to one report, YY (owned by **JOYY Inc.**),[114] a popular live-streaming platform, began blocking at least 45 keywords related to COVID–19 by December 31, 2019, possibly due to government directives.[115] Between January 1 and February 15, 2020, **Tencent's WeChat** reportedly censored messages containing at least 516 keyword combinations related to COVID–19,[116] and took down posts of Wuhan writer Fang Fang's Wuhan Diary, a series of posts chronicling the city's quarantine.[117] Tencent also suspended WeChat users' accounts over politically sensitive posts about the virus.[118] Given the ubiquity of WeChat in China, losing access to one's account can cause significant disruption, particularly in the context of the COVID–19 crisis.[119] WeChat is often the primary way people communicate with friends and family.[120] WeChat's digital payment

feature is also a common payment method in China, and users reported losing access to funds held in their accounts.[121]

U.S. companies also engaged in censorship in order to comply with demands from authorities in China. For example, reporting by the Intercept found that **Shutterstock,** a New York-based stock content provider, created a search query blacklist to censor sensitive keywords for its customers in China in October 2019.[122] Also in October 2019, Quartz reported that **Apple** removed the emoji depicting the Taiwanese flag from its mobile device operating system for users in mainland China, Hong Kong, and Macau.[123] Following that article's release, and after complaints from Chinese authorities, Apple removed Quartz's mobile app from its Chinese app store, citing the need to take down "content that is illegal in China."[124] [For more information on Chinese government censorship inside China, see Section II—Freedom of Expression. For more information on Chinese government censorship outside China, see Section II—Human Rights Violations in the U.S. and Globally.]

Notes to Section II—Business and Human Rights

[1] Freedom House, "China," in *Freedom in the World: A Leaderless Struggle for Democracy,* 2020; Human Rights Watch, "China," in *World Report 2020: Events of 2019,* 2020, 130, 135.

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2020. China has signed but not ratified the ICCPR. See also UN Human Rights Council, Report of the Special Rapporteur on the Right to Privacy, Joseph Cannataci, A/HRC/37/62, October 25, 2018, para. 4; UN General Assembly, Resolution Adopted by UN General Assembly on December 18, 2013: 68/167. The Right to Privacy in the Digital Age, A/RES/68/167, January 21, 2014.

[3] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

[4] Office of the UN High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principle 13.

[5] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7.

[6] Naomi Kikoler, "Simon-Skjodt Center Director Delivers Remarks on China's Systematic Persecution of Uyghurs," United States Holocaust Memorial Museum, March 6, 2020; Michael Caster, "At Davos, the Message of 'Globalization 4.0' Must Include a Rebuke of China's Ethnic Cleansing in Xinjiang," *Hong Kong Free Press,* January 21, 2019; Gene A. Bunin, "Detainees Are Trickling Out of Xinjiang's Camps," *Foreign Policy,* January 18, 2019; Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime against Humanity," November 19, 2018; Kate Cronin-Furman, "China Has Chosen Cultural Genocide in Xinjiang—For Now," *Foreign Policy,* September 19, 2018; Kate Cronin-Furman, "About Me," Personal Website of Kate Cronin-Furman, accessed May 29, 2020; Michael Caster, "China's Crimes against Humanity You've Never Heard Of," *CNN,* July 26, 2018. See also Congressional-Executive Commission on China, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," March 2020, 10–11.

[7] See, e.g., Adrian Zenz, "China Didn't Want Us to Know. Now Its Own Files Are Doing the Talking.," *New York Times,* editorial, November 24, 2019; Adrian Zenz, "Xinjiang's Re-Education and Securitization Campaign: Evidence from Domestic Security Budgets," *China Brief,* Jamestown Foundation, November 5, 2018; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-Education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018. See also CECC, *2019 Annual Report,* November 18, 2019, 266–75; CECC, *2018 Annual Report,* October 10, 2018, 273–77.

[8] See, e.g., Freedom House, "China," in *Freedom in the World: A Leaderless Struggle for Democracy,* 2020; Human Rights Watch, "China," in *World Report 2020: Events of 2019,* 2020, 130, 135; Maya Wang, Human Rights Watch, "The Robots Are Watching Us," April 6, 2020; Chris Buckley and Austin Ramzy, "Inside China's Push to Turn Muslim Minorities into an Army of Workers," *New York Times,* February 17, 2020; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region, Roundtable of the Congressional-Executive Commission on China,* 116th Cong. (2020). For more information on how surveillance curtails freedom of expression, see UN Human Rights Council, Surveillance and Human Rights: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/HRC/41/35, May 28, 2019, para. 21.

[9] Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019); Bethany Allen-Ebrahimian, "Exposed: China's Operating Manuals for Mass Internment and Arrest by Algorithm," International Consortium of Investigative Journalists, November 24, 2019; Gene A. Bunin, "Xinjiang's Hui Muslims Were Swept into Camps alongside Uighurs," *Foreign Policy,* February 10, 2020; Chris Buckley and Austin Ramzy, "Inside China's Push to Turn Muslim Minorities into an Army of Workers," *New York Times,* February 17, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019; Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020. For more information on forced labor in the XUAR during the previous reporting year, see CECC, *2019 Annual Report,* November 18, 2019, 162, 205–7, 272–73.

[10] Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019).

[11] Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019; Chris Buckley and Austin Ramzy, "Inside China's Push to Turn Muslim Minorities into an Army of Workers," *New York Times,* February 17, 2020; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019).

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[13] Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019); Ayinu'er, "Xinjiang jiang licu nongcun fuyu laodongli zhuanyi jiuye yu 270 wan renci" [Xinjiang to promote rural surplus labor transfers for over 2.7 million people], *Xinhua,* January 16, 2020; "Xinjiang: Qidong Nanjiang si di zhou pinkun jiating laodongli zhuanyi jiuye fupin xiangmu" [Xinjiang: starting four prefectures of Southern Xinjiang poverty alleviation program transferring poor family labor into employment], *Xinjiang Daily,* reprinted in Central People's Government Website, January 29, 2018.

[14] Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019); Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020.

[15] This program is also translated as "Pairing Assistance," "Mutual Pairing Assistance," or "Pairing Program." Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 9–10, 13; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also CECC, *2019 Annual Report,* November 18, 2019, 272.

[16] Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 9–10, Annex 3; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also "Xi Jinping zai di er ci Zhongyang Xinjiang Gongzuo Zuotanhui shang fabiao zhongyao jianghua" [Xi Jinping delivers important speech at second Central Xinjiang Summit], *People's Daily,* May 30, 2014.

[17] Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019).

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[21] See, e.g., "PUMA's Response," Business & Human Rights Resource Centre, March 24, 2020; Martha Mendoza, "Rights Group: Lacoste Gloves Made in Chinese Internment Camp," *Associated Press,* March 3, 2020; "China: 83 Major Brands Implicated in Report on Forced Labour of Ethnic Minorities from Xinjiang Assigned to Factories across Provinces; Includes Company Responses," Business & Human Rights Resource Centre, accessed April 15, 2020.

[22] Ben Fox, "US Report Finds Widespread Forced Uighur Labor in China," *Associated Press,* reprinted in *Star Tribune,* March 11, 2020.

[23] Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020, 39. In 2019, a Wall Street Journal report also linked Esquel Group to ethnic minority forced labor in the XUAR. Eva Dou and Chao Deng, "Western Companies Get Tangled in China's Muslim Clampdown," *Wall Street Journal,* May 16, 2019.

[24] John Cheh, Esquel Group. "Esquel Opposes Use of Forced Labor," April 24, 2020.

[25] *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region, Roundtable of the Congressional-Executive Commission on China,* 116th Cong. (2020) (statement of Shelly Han, Fair Labor Association), 49:21; *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region, Roundtable of the Congressional-Executive Commission on China,* 116th Cong. (2020) (statement of Scott Nova, Worker Rights Consortium), 44:18; 46:44; "Forced Labor Risk in Xinjiang, China," Fair Labor Association, January 2020, 4; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 11–13.

[26] *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region, Roundtable of the Congressional-Executive Commission on China,* 116th Cong. (2020) (statement of Scott Nova, Worker Rights Consortium), 46:44.

[27] Martha Mendoza, "Rights Group: Lacoste Gloves Made in Chinese Internment Camp," *Associated Press,* March 3, 2020.

[28] Nathan VanderKlippe, "'I Felt Like a Slave:' Inside China's Complex System of Incarceration and Control of Minorities," *Globe and Mail,* March 31, 2019.

[29] Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 21–28.

[30] Martha Mendoza, "Rights Group: Lacoste Gloves Made in Chinese Internment Camp," *Associated Press,* March 3, 2020.

[31] Ibid.

[32] Scott Nova, "Updates on Forced Labor in the XUAR," Worker Rights Consortium, March 10, 2020. For more information on Bureau Veritas, see "Fig Leaf for Fashion. How Social Auditing Protects Brands and Fails Workers," Clean Clothes Campaign, September 2019, 39–42.

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[38] Ibid.

[39] XPCC Bureau of Statistics, National Bureau of Statistics XPCC Survey Team, "Xinjiang Shengchan Jianshe Bingtuan 2019 nian guomin jingji he shehui fazhan tongji gongbao" [Xinjiang Production and Construction Corps 2019 National Economic and Social Development Statistical Communiqué], Xinjiang Production and Construction Corps, April 26, 2020, sec. 3. See also Yajun Bao, "The Xinjiang Production and Construction Corps: An Insider's Perspective," *BSG Working Paper Series* BSG–WP–2018, no. 023 (January 2018), 3–6; Alexa Olesen, "China's Vast, Strange, and Powerful Farming Militia Turns 60," *Foreign Policy,* October 8, 2014; State Council Information Office, "'Xinjiang Shengchan Jianshe Bingtuan de Lishi yu Fazhan' baipi shu" [White Paper on 'Xinjiang Production and Construction Corps History and Development'], October 2014.

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III. Development of the Rule of Law

CIVIL SOCIETY

Findings

• The coronavirus disease 2019 (COVID–19) outbreak was a pivotal event for Chinese civil society. The civil society response revealed Chinese citizens' capacity for grassroots organizing and voicing dissent even while Chinese government policies continued to centralize control and suppress information challenging official narratives. During the coronavirus outbreak, large numbers of Chinese citizens worked collectively through civil society organizations and grassroots volunteer efforts to assist vulnerable and impacted groups, as well as to disseminate and archive information about the epidemic. Informal volunteer groups were especially responsive to regions, groups, and issues that were overlooked or de-prioritized in the official response. After the death of COVID–19 whistleblower Dr. **Li Wenliang,** Chinese citizens expressed anger on a massive public scale at the government's handling of the epidemic.
• The official response to grassroots civil society efforts has varied widely throughout the course of the epidemic. Chinese government authorities initially attempted to commandeer aid distribution, resulting in bottlenecks and controversies that generated significant public criticism. Later, government actions showed that grassroots aid from both registered charities and unregistered informal groups was necessary to the epidemic relief effort. At the same time, public security was used to target religious groups engaged in grassroots actions, emergency service volunteers suspected of having potentially compromising information about fatality rates, and those challenging government censorship or critical of the government's epidemic response. Overall, government decisionmaking during the epidemic was dominated by political concerns and geared toward centralizing control.
• Chinese citizens have participated in diverse forms of collective organization for mutual and public interest that include popular protest, issue-based grassroots advocacy, and professionalized charities and social enterprises with varying degrees of independence from state management. Even those involved in successful campaigns or projects can face government warnings, harassment, and sometimes detention. In recent years, rights advocates working on a broad range of issues, from gender equality to labor to disability rights, have been targets of government repression and exclusion. For example, several rights advocates who gathered informally to discuss civil society developments in December 2019 were detained and charged with "inciting subversion of state power."
• Organizations aligned with official priorities have become integral to providing public services. In recent years, the Chinese government has emphasized that it needs to lean more heavily on providing services through civil society in order to modernize governance. This means a broader scope of operation for

some organizations, while more independent, advocacy-based groups have increasingly been driven underground.

• Chinese government authorities restricted and censored the activities of LGBTQ organizations—as they have with other civil society organizations—and reports of discrimination against and harassment of LGBTQ individuals continued. There is no law that criminalizes same-sex relationships among adults, and acceptance of LGBTQ persons is increasing in China, including steps taken in the past year by some government officials in two municipalities to provide legal rights to same-sex couples. Nevertheless, new rules restricting "negative content" harming "social mores" were issued last year that could also bar LGBTQ content on television and the internet. Despite ongoing restrictions and censorship, advocacy organizations remain active in their public outreach, pushing for reforms to protect the rights of members of the LGBTQ community.

Recommendations

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

○ Call on the Chinese government to cease harassment and arbitrary detention of civil society advocates and non-governmental organization (NGO) workers and provide adequate procedural due process for those individuals subject to criminal investigation and trial. In particular, call on the Chinese government to release **Cheng Yuan, Liu Yongze,** and **Wu Gejianxiong,** who were criminally detained while working for Changsha Funeng, an NGO conducting policy and legal advocacy for disadvantaged groups. Also call on the Chinese government to release rights advocates **Ding Jiaxi** and **Xu Zhiyong** and lift charges against **Dai Zhenya, Li Yingjun,** and **Zhang Zhongshun,** all of whom were detained after gathering informally to discuss civil society developments in December 2019. Finally, also call on the Chinese government to release **Chen Mei, Cai Wei,** and **Xiaotang,** who were detained in connection with an online anti-censorship archiving project that included information related to the COVID–19 outbreak.

○ Call on the Chinese government to stop censoring and shutting down social media accounts and internet-based platforms of civil society organizations working on rights advocacy.

○ Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the International Covenant on Civil and Political Rights, especially with regard to the rights to freedom of association, assembly, and expression.

○ 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.

Civil Society

○ Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, the rule of law, and human rights advocacy.
○ 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.

CIVIL SOCIETY

Introduction

Chinese citizens participate in diverse forms of collective organization for mutual and public interest, and people engaging in this spectrum of activities seek and sometimes do achieve just compensation and policy change. Even those involved in successful campaigns or projects can face government warnings, harassment, and sometimes detention. In recent years, independent rights advocates have been targets for government repression and exclusion, while organizations aligned with official priorities have become integral to providing public services. The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community faces ambivalent government rhetoric and policy.

The COVID–19 outbreak was a pivotal event for Chinese civil society. Chinese people expressed a lack of faith in government on a massive public scale when mourning the death of whistleblower Dr. **Li Wenliang,** and they demonstrated solidarity through a grassroots mobilization of material aid and support services. Some grassroots efforts were incorporated into local government responses, but a number of volunteers were interrogated or detained because of their involvement.

Popular Protest: In-Person and Online

In recent years, Chinese citizens have participated in acts of popular resistance that scholars estimate number in the tens of thousands every year.[1] Although data is hard to gather, scholars find that most in-person protests are small and localized, with fewer than 100 participants demonstrating over specific, local grievances.[2] Common reasons for protests occurring all across China include migrant worker labor issues, property issues such as land expropriations, forced evictions, malfeasance by property developers, and hospital bills.[3] Environmental protests tend to be larger and to draw participants from a greater cross-section of society.[4] These protests are often aimed at preventing the construction of chemical plants or incinerators nearby[5]—like the week-long protests against a waste disposal plant in July 2019 in Wuhan municipality, Hubei province,[6] or against the construction of a crematorium near a water supply in Wenlou township, Huazhou city, Maoming municipality, Guangdong province, in November 2019.[7] In both instances, local governments used police to disperse and detain participants but also announced the suspension of construction plans.[8]

As Chinese social media platforms have developed into viable, if still restricted, spaces for citizens to share information, organize, and demand changes from government,[9] Chinese citizens have taken to protest online in ways that resemble in-person "mass incidents."[10] In recent years, online activism has become increasingly decentralized, with internet users spontaneously mobilizing in response to critical events without clear leaders or fixed platforms—an adaptation to reduce the risk of repression.[11] During the 2020 reporting year, one significant example of online mass protest occurred after the death of coronavirus whistleblower Dr. Li Wenliang[12]—posts and hashtags mourning his death and mistreat-

ment garnered more than 500 million online engagements on the social media platform Weibo alone before being censored.[13]

Rights Advocacy and Independent Civil Society Groups: Repression and Adaptation

Rights advocacy and independent civil society groups have been targeted by successive government crackdowns and restrictions.[14] Organizations have been shuttered,[15] while individual advocates face harassment, surveillance, detention, and arrest.[16] As of January 2020, nearly 40 labor rights advocates were still missing or detained following their participation in unionization protests in July 2018,[17] and as of June 2020, three labor advocates were still being held without trial since being detained in March 2019 for supporting migrant workers with occupational lung disease.[18] **Cheng Yuan, Liu Yongze,** and **Wu Gejianxiong**—three staff members of Changsha Funeng, one of a few remaining anti-discrimination advocacy organizations—were detained incommunicado and charged with "subverting state power" in August 2019.[19] The targeting of rights defense lawyers and other rights advocates also continued, with **Ding Jiaxi, Xu Zhiyong, Dai Zhenya, Li Yingjun,** and **Zhang Zhongshun** detained after a private gathering in December 2019.[20]

Rights advocates expressed that such pressures have isolated them from one another and the communities they serve and have also seriously diminished their capacity for advocacy.[21] To adjust, remaining organizations have shifted to less politically sensitive work, such as community development,[22] and individual organizers have been forced to scale back and reduce in-person activities due to elevated risk.[23] Some have adapted by pursuing lower-profile, decentralized activities such as providing support for individual victims of rights violations and also by relying heavily on online networks and mobilization.[24] Young Chinese people living overseas have also made significant contributions to advocacy.[25] Even in the face of increasing harassment and pressure from authorities, some groups such as those engaging in feminist and LGBTQ advocacy were still able to mobilize large-scale advocacy campaigns.[26] Environmental advocacy has also progressed through environmental public interest litigation authorized under the PRC Environmental Protection Law revised in 2014.[27]

Registered Organizations: Increased Government Funding and Scrutiny

In contrast to rights advocates and independent groups, registered social organizations complementing official policy priorities are being given more resources and latitude for development. In recent years, top Chinese government policy has called for government and society to share responsibility for "administering to society,"[28] and local governments have come to rely increasingly on contracted social organizations to provide social services.[29] Government contracts have become a major force shaping civil society—one researcher observes that organizations have a tendency to shift their focus to providing services that meet government procurement needs (e.g., poverty alleviation, education, disability services)

in order to access government funding.[30] Further intensifying this trend is Chinese corporate giving, which closely tracks government priorities,[31] and the decline of foreign funding due to increased restrictions and China's improving economic conditions.[32] At the same time, organizations are also developing their own more independent funding sources through means legalized by the PRC Charity Law passed in 2016.[33]

Registered social organizations face burdensome reporting requirements about their operations,[34] and the government personnel administering social organizations are now evaluated according to their deference to central Chinese Communist Party authority and demonstrations of political reliability following policy changes in June 2019.[35] After the passage of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China (Overseas NGOs' Activities Law) in 2016,[36] foreign NGOs and funding have been effectively shut out of sectors such as labor, LGBTQ issues, and rights advocacy,[37] and an increasing number of foreign NGOs have de-registered; one researcher expects the civil society environment to become even more hostile to international NGOs over time.[38] Asia Catalyst, an international NGO that works with local partners on public health issues, among others,[39] closed its China office early in 2020[40] not long after the Ministry of Foreign Affairs confirmed that authorities in Beijing municipality planned to administratively discipline the organization for alleged violations that took place in 2018.[41] According to civil society experts, the disciplinary sanctions marked the first case in which the government publicly acknowledged the use of the Overseas NGOs' Activities Law against an international NGO.[42]

Chinese Civil Society Responses to COVID–19

During the coronavirus outbreak, large numbers of Chinese citizens worked collectively to assist vulnerable and impacted groups, as well as to disseminate and archive information about the epidemic. Chinese government authorities initially attempted to commandeer aid distribution, but grassroots organizations and informal volunteer groups persisted in organizing, in some cases at great personal cost, and demonstrated that their efforts were crucial to addressing the epidemic.

GOVERNMENT COORDINATION OF COVID–19 AID: CENTRALIZING CONTROL

As quarantine restrictions were imposed in Wuhan municipality, provincial and municipal government officials originally sought to control the collection and distribution of all charitable donations for epidemic relief. The Hubei and Wuhan "COVID–19 command centers" coordinating the epidemic response together designated five state-managed charities as the sole recipients of all donations; their orders were reinforced at the national level by the Ministry of Civil Affairs (MCA).[43] This policy created severe delays[44] and gave rise to accusations of mismanagement.[45] This prompted individual donors to seek ways around donating to the state-managed charities,

giving instead to informal groups connected to frontline doctors[46] and overwhelming smaller registered charities.[47]

CIVIL SOCIETY MOBILIZATION DURING COVID–19 OUTBREAK

Such charities and informal groups of grassroots volunteers provided critical support during the outbreak, alleviating capacity limitations and bottlenecks in the implementation of the government response.[48] Unregistered, informal groups collected donations and sourced supplies and services without official approval.[49] One network of individual volunteers and civil society organizations managed to raise money for and deliver around 3,000 oxygen concentrators to infected individuals in their own homes.[50] Within Wuhan, after officials shut down public transit, more than a thousand volunteer drivers organized to provide transportation for medical workers, patients, and medical supplies.[51]

Informal volunteer groups were especially responsive to regions, groups, and issues that were overlooked or de-prioritized in the official response.[52] For example, volunteers organized direct donations to hospitals in smaller municipalities in Hubei province experiencing acute shortages.[53] Some volunteer groups focused on the needs of vulnerable groups, such as pregnant women,[54] the hearing impaired,[55] sanitation workers,[56] and those with HIV/AIDS.[57] One China policy expert observed that these volunteer networks were characterized by a "bottom-up and decentralized approach" and high levels of trust, and that social media platforms, particularly WeChat, were important to the organization and effectiveness of these volunteer networks.[58]

Other informal grassroots networks addressed issues of information accessibility, transparency, and censorship during the outbreak. Some online volunteer groups provided a direct interface for people with questions about the virus and quarantine measures—an important conduit of information because, as one volunteer pointed out, the government's top-down method of information sharing made it difficult for local residents to communicate with the government about their individual circumstances.[59] Online volunteer networks shared fact-checked information and advice about the virus, providing direct assistance at a time when public services were overwhelmed;[60] one group of 2,000 online volunteers responded to more than 20,000 requests.[61] Journalism students at Nanjing University in Jiangsu province monitored and reported on discrepancies in health officials' statements about the virus,[62] and other groups of volunteers systematically archived social media posts and reporting related to the virus while such content was being quickly censored.[63]

GOVERNMENT RESPONSE TO CIVIL SOCIETY MOBILIZATION

Some government actions showed that grassroots aid was necessary to the epidemic relief effort: the MCA modified its rule to encourage all registered "charity organizations" to directly collect and deliver donations and to cooperate with unregistered groups in fundraising.[64] Also, some local officials incorporated grassroots volunteers into their relief efforts: in Wuhan some officials relied on volunteer drivers to ferry protective equipment to hospitals[65] and the government of Huanggang municipality, Hubei province,

worked with online volunteers to provide psychological and medical advice to local residents.[66]

Despite such instances, experts noted that overall government decisionmaking was dominated by political concerns.[67] During the outbreak, government interaction with civil society was geared toward centralizing control, from the initial orders directing all public donations to five designated state charities[68] to prohibitions[69] on medical supply manufacturers selling to buyers other than government procurement—thus forcing out grassroots groups supplying hospitals.[70] Officials also obstructed volunteer efforts and took over control of donated supplies.[71] The aid efforts of Protestant house churches—considered politically sensitive by authorities—were viewed with suspicion, and several church leaders in Beijing municipality were ordered to halt their activities after their congregations shipped donated supplies to Wuhan.[72] Volunteers operating an emergency hotline locating open hospital beds for Wuhan residents during the outbreak were questioned by public security about whether they had passed on information about fatalities to U.S. intelligence.[73] Three young people in Beijing associated with a GitHub account archiving censored reporting and essays, **Chen Mei** and **Cai Wei,** along with Cai Wei's partner **"Xiaotang"** (nickname), were held incommunicado on suspicion of "picking quarrels and provoking trouble."[74]

Other targets included a group of Wuhan residents seeking legal action against local officials for the delayed public notification about the outbreak; the group was monitored by authorities, who pressured their attorneys to drop the action.[75] In Yingcheng municipality, Hubei province, around 100 people joined collective protests against price gouging on government-controlled food supplies during the lockdown; local authorities responded by criminally detaining a protest leader.[76]

Acts of Discrimination, Censorship, and Other Abuses Against the LGBTQ Community

Chinese government authorities restricted and censored the activities of organizations supporting lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals —as they have with other civil society organizations—and reports of discrimination against and harassment of members of the LGBTQ community continued. There is no law that criminalizes same-sex relationships among adults,[77] and acceptance of LGBTQ persons is increasing in China, including steps taken in the past year by some government officials in two municipalities to provide legal rights to same-sex couples. Nevertheless, new rules restricting "negative content" harming "social mores" were issued last year that could bar LGBTQ content on television and the internet.[78] Despite ongoing restrictions and censorship, advocacy organizations remain active in their public outreach, pushing for reforms to protect the rights of members of the LGBTQ community.

Acts of Discrimination, Censorship, and Other Abuses Against the LGBTQ Community—Continued

Civil Society

As with others active in rights advocacy, grassroots LGBTQ advocates faced increasing harassment and pressure from authorities, including being required to meet with officials.[79] For example, less than half of college LGBTQ student groups were able to register with their universities, and students reported that they were summoned for meetings with Party-affiliated school authorities for their advocacy.[80] Many LGBTQ advocacy groups have gone "underground," organizing lower profile, smaller-scale events and gatherings.[81]

Grassroots organizations and individuals continued to engage in advocacy campaigns on issues such as the removal of negative portrayals of members of the LGBTQ community in school textbooks.[82] The level of support for members of the LGBTQ community within the mental health profession has also reportedly increased due to the outreach and advocacy of grassroots LGBTQ activists, scholars, and supportive practitioners.[83]

In January 2020, a Beijing court ruled in favor of an individual who underwent sex reassignment surgery in a wrongful termination lawsuit against the individual's employer following the surgery. The court found the employer's actions constituted gender discrimination.[84] In December 2019, the Binjiang District People's Court in Hangzhou municipality, Zhejiang province, heard a lawsuit alleging employment discrimination due to a transgender employee's gender identity.[85] Existing legal provisions allow for gender recognition[86] and sex reassignment surgery,[87] though barriers exist to the latter, as transgender persons are required to gain familial consent[88] regardless of age and to meet other non-medical conditions such as being unmarried and without a criminal record,[89] all of which may constitute arbitrary interference with privacy.[90]

Domestic Violence Laws Lack Clear Legal Protection for Members of the LGBTQ Community

A UN Development Programme survey found that domestic and other forms of physical violence are a "reality" for members of the LGBTQ community in China.[91] A Chinese official indicated in 2015 that the PRC Anti-Domestic Violence Law would likely not cover those in same-sex relationships[92] even as a provision in the law states that the law applies to domestic violence between cohabitating persons without family ties.[93] Notary public offices in Nanjing[94] and Beijing[95] municipalities in July 2019 and August 2019, respectively, posted announcements publicizing the approval of same-sex couples' mutual guardianship agreements, which grant power of attorney, inheritance rights, and other rights and responsibilities overlapping with those conferred by marriage.[96] Although both announcements were later deleted, reporting indicated that guardianship agreements granted to same-sex couples remained valid.[97] As of July 2020, it is unclear whether the Anti-Domestic Violence Law applies to individuals with such agreements.

Acts of Discrimination, Censorship, and Other Abuses Against the LGBTQ Community—Continued

Censorship of LGBTQ Content

Censorship rules and negative public portrayals reinforce stigma against members of the LGBTQ community. Since 2016, authorities have banned depictions of "abnormal sexual relationships" on television and film, prohibiting same-sex relationships alongside other topics "exaggerating the dark side of society,"[98] and vague rules to restrict illegal or "negative content" were released in December 2019.[99] This follows last year's social media crackdown on discussions of LGBTQ-related topics[100] and 10- and 4-year criminal sentences for two writers who wrote popular homoerotic stories.[101] Such official pressure has reportedly led to self-censorship by platforms and users about LGBTQ topics.[102]

Chinese Government Compliance With UN Recommendations on LGBTQ Issues

The Chinese government has not followed a UN Committee against Torture recommendation made specifically to China to ban its particular practice of "'conversion therapy' and other forced, involuntary or otherwise coercive or abusive treatments."[103] Conversion therapy, as practiced in Chinese medical facilities, does not meet the medical standard of "free and informed consent," according to Human Rights Watch.[104] A Chinese court stated in 2014 that a clinic had violated the PRC Mental Health Law by administering conversion therapy, stating that homosexuality was not a mental disorder;[105] the Chinese Psychiatric Association declassified homosexuality as a mental disorder in 2001.[106] LGBTQ advocacy groups reported that they knew of only four jurisdictions that had taken action against institutions reported for offering conversion therapy between 2017 and 2018, but the punishments were based on a lack of appropriate credentials.[107] The Commission did not observe efforts to seek accountability for other improper or illegal medical practices in connection with conversion therapy or for offering the therapy under coercive or involuntary conditions.[108]

As of July 2020, the Commission had not observed the Chinese government acting on last year's UN Human Rights Council's Universal Periodic Review recommendations, which the Chinese government accepted and supported, to prohibit discrimination against members of the LGBTQ community,[109] who lack specific legal protections against discrimination, which is widespread[110] and exacerbates the difficulties faced by transgender individuals accessing healthcare and education in China.[111]

Notes to Section III—Civil Society

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Findings

• The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations such as the mass internment of Uyghurs and other ethnic minorities.
• The Party used evaluation mechanisms to reinforce its priorities in the academic and business realms. In the academic realm, the Ministry of Education launched a program in which it assigned certain courses a "first rate" designation, giving it the power to withhold or revoke such designation for ideological misalignment. In the business realm, the Party handed down ratings of 33 million companies and directed local governments and agencies to use them as the basis for credit rating. The criteria and methodology used, however, were not disclosed.
• In contrast, the Commission did not observe development of evaluation mechanisms for monitoring government agencies and Party organizations. The Party retained exclusive control over the disciplinary process for Party members and public servants. Moreover, disciplinary measures for actual misconduct and political missteps are carried out by the same state apparatus, which recently detained a prominent businessman for his political speech and a high-ranking official for "not showing respect."
• The PRC Encryption Law took effect this past year. When applied with other regulations and new technologies such as blockchain, the new law potentially allows authorities to access a vast amount of information and directly monitor online activities in real time.
• The Party issued a rule requiring the Party secretary of a village organization to also be the village committee director. Existing law provides, however, that the village committee director must be chosen by an open election. The new rule bypasses the normal legislative procedure and has the effect of augmenting Party control in grassroots-level elections.
• During the coronavirus disease 2019 outbreak, the official response prioritized Party control of society, including social stability and ideological security, over the well-being of the Chinese people. Accordingly, the central government's response team was composed of politicians with backgrounds in public security, social stability maintenance, and propaganda, rather than in public health. Citing the need to monitor people's movements, authorities increased the presence of surveillance cameras by installing them at people's residences, including directly outside the front door and sometimes inside the apartment. To what extent or whether these intrusive measures will eventually be rolled back will depend largely on the degree to which citizens are allowed to engage in public affairs.

Recommendations

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

- Support U.S. research programs that document and analyze the Chinese Communist Party's ideological campaigns and 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 **Fang Bin, Chen Qiushi, Xu Zhiyong,** and **Ren Zhiqiang**.
- Call on Chinese officials to stop and reverse Party encroachment on grassroots-level elections. 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 protection for freedom of speech, association, and assembly.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Introduction

China's one-party authoritarian political system remains out of compliance with the standards defined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which China has signed and declared an intention to ratify.[1] Xi Jinping, since becoming the Chinese Communist Party's General Secretary in 2012, has amassed personal political power and effectively reversed previous reforms favoring collective leadership.[2] His efforts culminated in the amendments to the Party's and the country's constitutions in 2017 and 2018, which declare that all aspects of society were subservient to the Party's supreme leadership, with Xi Jinping as the core leader.[3] Authorities promoted the official ideology of "Xi Jinping Thought"[4] on social media, and required Party members, government officials, and students to study it, making the ideology both pervasive and mandatory.[5] A recent plan further directed local officials to implement the ideology as a moral standard, applicable to citizens' family and professional lives.[6] In a March 2018 organizational reform, the Party absorbed a number of government functions, notably those involving ethnic minority matters, religious affairs, and mass media.[7] The Party further extended its disciplinary authority to the entire public sector and simultaneously enhanced its control in other spheres such as universities and businesses.[8] As the Party's dominance permeated society, the space for institutions of democratic governance diminished, thereby weakening citizens' ability to participate in public affairs and to hold authorities accountable for human rights violations such as the mass internment of Uyghurs and other ethnic minorities.

Governance Objectives: Moderately Prosperous Society and Modernization of Governance

During the 2020 reporting year, the Party declared success in economic development and poverty alleviation and reaffirmed its commitment to achieving absolute rule. At the Party's Fourth Plenum of the 19th Central Committee held in October 2019, Party leaders affirmed two long-standing governance objectives: one of achieving a moderately prosperous society by 2021 and another of modernizing China's governance system and capacity by 2049, which years mark the centenary anniversaries of the founding of the Party and the country, respectively.[9]

To gauge progress toward a moderately prosperous society, the Chinese government set forth some standards in a 2016 five-year development plan, which included improvement in the standard of living, economic growth, and complete elimination of poverty.[10] While the Chinese government drew the poverty line lower than the World Bank's benchmark,[11] several indicators showed that the poverty rate in China generally had declined.[12] Premier Li Keqiang said in May 2020 that China still had 600 million people with an income of 1,000 yuan (approximately US$140) a month or less.[13]

A bureaucratic evaluation system, however, may limit the extent to which statistical improvement translates to benefits experienced

by citizens: for example, while government subsidies had a positive impact on impoverished areas, some villagers expressed uncertainty about future funding once the village had risen above the poverty line.[14] Likewise, local officials in some areas resorted to creating fictitious accounts for an app designed to funnel money to impoverished areas because they had to meet quotas for signing up new users.[15] One analyst observed that the countryside could return to poverty without long-term economic reforms in areas such as land use and the pension system.[16] In a speech in March 2020, President and Party General Secretary Xi Jinping likewise underscored the economic challenges presented by the coronavirus disease 2019 (COVID–19) outbreak, which could negatively affect citizens' income.[17]

With respect to the second centenary goal, the Fourth Plenum Decision showed that the Party's formulation of governance modernization was inconsistent with citizens' right to fully participate in public affairs.[18] Without describing the specific steps to modernize governance, the decision stressed that the modernization process must be carried out under the Party's sole leadership and that government officials must be supervised by the Party.[19] Moreover, remarks on democratic development and citizen participation were presented within the framework of a Party-led governance system.[20] One scholar observed that the decision pointed in the direction of concentrating power in Xi Jinping, a "Mao-style rule of man rather than modernized institutional rule."[21]

Expanding the Party's Control

Below are some examples of the Party's continued efforts taken toward the goal of obtaining control over all sectors of society.

EDUCATION SYSTEM

This past year, the Party enhanced its control over academic institutions,[22] restricted academic freedom,[23] and commissioned academic work to advance its political agenda.[24] The Ministry of Education began enforcing a November 2018 administrative rule that provided a mechanism to swiftly penalize higher education teachers for "moral failures,"[25] which would include failure to support Party leadership as guided by "Xi Jinping Thought."[26] Authorities reportedly used student informants and surveillance cameras to monitor teachers' conduct.[27] Professors who were disciplined this past year included **Zheng Wenfeng,** for making a negative comment on China's historical accomplishments,[28] and **Li Zhi,** for making an unspecified speech that university authorities deemed politically inappropriate.[29] In addition, police raided Professor **Yang Shaozheng**'s home in March 2020 and detained him and his family, alleging the need to perform a health inspection during the COVID–19 pandemic.[30] Previously, the university where Yang worked suspended and later terminated him for "improperly discussing" the National People's Congress system and for other political speech.[31]

In October 2019, the Ministry of Education issued an implementation opinion for a three-year program by which authorities would designate qualified undergraduate courses as "first rate courses."[32] The opinion specified that the Ministry of Education would with-

hold a "first rate" designation if the coursework presented an unspecified ideological problem.[33] Other regulations likewise required political obedience and indoctrination.[34] For example, an education reform opinion published in July 2019 directed educators to counsel youths and children to "listen to the Party and follow the Party."[35] In an August plan to improve educators' qualifications, the Ministry of Education and three other agencies emphasized the Party's comprehensive leadership over educators and further proposed to use personal social credit records as a basis for evaluating their moral standing.[36]

DIRECT AND INDIRECT GOVERNMENT INVOLVEMENT IN ENTERPRISES

Official control over the business community increased the risk of businesses being complicit in human rights violations, with reports of technology companies participating in surveillance, silencing dissidents, and enforcing censorship.[37] Such control may be in the form of direct involvement; for example, a Party-run news outlet reported that Party branches had been established at 70 percent of the 106,000 foreign companies and 1.585 million private enterprises based on statistics from 2016 and 2018, respectively.[38] Under regulations that took effect in December 2019, Party branches established at state-owned enterprises were tasked with political supervision and participating in policy decisions at the board of directors and board of supervisors level.[39] In addition, the government in Hangzhou municipality, Zhejiang province, announced in September 2019 that it would begin to station officials at enterprises to act as "government affairs representatives."[40] Some observers interpreted this move as increased state supervision and expressed concern that it could facilitate mandatory surrendering of business data.[41]

Government control also was exerted through the reward-and-punishment mechanism known as the social credit system. In July 2019, the State Council General Office issued a guiding opinion pushing for the further development of the enterprise social credit system, including a blacklist for coordinated punishment (*shixin lianhe chengjie duixiang mingdan*), which names enterprises that are subject to judicial or administrative enforcement.[42] Based on the blacklist, government agencies can impose restrictions on commercial activities such as stock issuance, bidding, application for funding, and receiving tax benefits.[43]

In September 2019, the National Development and Reform Commission announced that it had completed rating 33 million companies and directed local governments and agencies to use the report as the primary component of credit rating information.[44] The document did not disclose the criteria or methodology that was used in rating the companies, however.[45] Foreign enterprises would be additionally subject to a planned "unreliable entity list," which would consider international trade issues such as unilateralism and trade protectionism.[46] Some observers said the social credit system would subject companies to increased compliance costs and data collection, with one consulting firm warning that Chinese authorities might use data collection "to enforce political orthodoxy."[47]

BLOCKCHAIN TECHNOLOGY AND ENCRYPTION TECHNOLOGY

Official promotion of blockchain technology, accompanied by a new law governing encryption, could enable Chinese authorities to directly track digital activities in real time.[48] Blockchain is a recordkeeping system that provides encrypted and auditable transactions traceable to a user,[49] and it had been used by Chinese citizens to evade censorship since information in a blockchain cannot be deleted.[50] At an October 2019 Communist Party Central Committee Political Bureau (Politburo) meeting, President and Party General Secretary Xi Jinping designated blockchain as a core technology warranting official support.[51] An analyst of a state-sponsored think tank explained that administrative use of blockchain would not be decentralized, but would enhance the government's capacity to exert broad control.[52] Days after Xi's speech, the National People's Congress Standing Committee passed the PRC Encryption Law, effective January 1, 2020.[53] The law recognizes the Party's leadership over encryption matters and authorizes relevant government agencies to conduct inspections, which, in conjunction with the existing information security standards, effectively grants the government access to decryption keys and passwords.[54] Such measures may infringe on people's privacy rights[55] and jeapardize the security of personal information and commercial data belonging to U.S. citizens and companies.[56]

TECHNOLOGY-BASED SOCIAL CONTROL

The Chinese government continued to develop a centralized data collection and analysis system used for quantifying risk factors ranging from financial and social responsibility to political reliability.[57] Different data collection technologies—including biometric data collection, location tracking devices, and surveillance cameras[58]—remained available to authorities, who sometimes used them intrusively or without consent, prompting concerns for privacy and data security.[59]

Collected data have various applications, including "smart policing," which involves using an algorithm to process data in order to prevent criminal activity.[60] In one instance, people from Central Asia reported that border officials in the Xinjiang Uyghur Autonomous Region routinely installed on travelers' smartphones an app that gathered personal data including contacts, communication records, and religious content.[61] While officials stress the need to fight terrorism, authorities grossly conflate the practice of religion and terrorism—using terrorism as a false pretext to suppress religious practice.[62] [For more information on the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

The installation of tracking software and surveillance cameras continued an upward trend as authorities tried to control people's movement during the COVID–19 pandemic.[63] Beginning in February 2020, authorities required citizens to install smartphone apps that run on commercial platforms to evaluate whether their movement would pose a public health risk.[64] Using color codes to indicate mandatory quarantine, home isolation, or minimal restrictions, the software affected a person's ability to use public transportation and patronize business establishments.[65] Some citizens

were concerned that the government granted commercial enterprises access to their private information and that the manner in which information was used and stored lacked transparency.[66] In some cities, the Chinese government installed surveillance cameras at residents' front doors and in some cases inside their apartments.[67] An analyst anticipated that the extent to which authorities around the world would roll back surveillance installed during the pandemic would depend on the degree of public oversight.[68] [For more information on events relating to the COVID–19 pandemic, see Section II—Public Health.]

Collected data also can be used for credit rating in a patchwork of social credit systems that reward or penalize people for their behavior.[69] Critics said credit rating could become a social control tool since authorities would dictate the rating criteria.[70] The State Council claimed that credit rating would improve governance and announced in 2014 a plan to finish building the basic components of a centralized national social credit system by 2020.[71] In January 2020, a Party-run media outlet reported that over 60 government agencies had signed cooperation memoranda to improve coordination for imposing some 100 reward-and-punishment measures, covering a wide range of areas such as housekeeping, marriage registration, and charitable donation.[72]

Credit rating likewise affected citizens' online speech, as provided in the Regulations on Internet Content Environment Management, issued by the Cyberspace Administration and effective March 2020.[73] The regulations encourage the production and dissemination of online content that promotes "Xi Jinping Thought" and messages consistent with Party policies, but prohibits content that the Party characterizes as tending to subvert state power, incite ethnic hatred, promote "evil cults," spread rumors, or disrupt social order,[74] which are offenses authorities have used to suppress protected speech and activities.[75] The content services platforms bear the burden of ensuring compliance and are subject to administrative penalties for failing to implement a credit rating system or adjust services based on the user's credit rating.[76]

Party Control Over Village Committee Elections

This past year, the Party Central Committee issued regulations that augmented its control over village committee elections, although it had no statutory authority to do so under the PRC Legislation Law.[77] The Party issued the Regulations on Village Work of the Chinese Communist Party, effective August 2019.[78] The regulations provide that "through legal procedures, the Party secretary of a village organization must also act as the village committee director, or [the head of equivalent bodies at the village level]."[79] A Party-run newspaper published an article to highlight this new requirement, citing the Party Constitution and an earlier joint opinion issued by the Central Committee and the State Council.[80] However, the article did not cite the law that the new requirement contravened—the PRC Organizational Law of Village Committees.[81] The law provides that "[v]illage committee director, deputy director, and committee members are generated through direct elections by the villagers. No organization or individual may designate, appoint, or replace members of the village committee."[82] In reference to this provision, the National People's Congress in 2000 specifically explained that Party branches, people's congresses, and governments were without authority to affect the composition of village committees.[83]

Abuse of Anticorruption Campaign

The Chinese Communist Party continued to use its disciplinary apparatus[84] to punish officials and people in the public sector for economic malfeasance and political speech under the same label of anticorruption. The official news outlet Xinhua reported that most of the 1.579 million officials disciplined between January and November 2019 were accused of collusion with businesses, embezzlement, or violation of "political discipline," which encompassed political stance and political speech.[85] In addition, 20 high-ranking officials were disciplined for "not showing respect" after the 18th National Congress of the Chinese Communist Party held in 2012[86] (when Xi Jinping became General Secretary).[87] Examples of individuals being subjected to disciplinary measures for political reasons include the following:

- In March 2020, business tycoon and Party member **Ren Zhiqiang** went missing after he circulated an essay in which he criticized the government's suppression of information on the COVID–19 outbreak and indirectly criticized Xi Jinping's one-man rule.[88] Nearly a month later, the disciplinary organ in Xicheng district, Beijing municipality, confirmed that Ren was being investigated for "serious violations of discipline and law" but did not state the factual basis.[89] Previously, authorities had disciplined Ren for expressing "inappropriate speech" in 2016 after he criticized Xi Jinping for saying that the press must be subservient to the Party.[90]
- In April, the central disciplinary organ announced that Deputy Minister of Public Security Sun Lijun was under investigation for "serious violations of discipline and law" without stating any other facts.[91] At the same time, the Minister of Public

Security convened a meeting, saying that Sun disregarded political discipline and did not show respect.[92]

Governance During the COVID–19 Pandemic

In handling the COVID–19 outbreak, the Chinese government maintained a top-down management approach, prioritized political control, suppressed information, and restricted civil society participation. [For more information on events relating to the COVID–19 pandemic, see Section II—Public Health.]

TOP-DOWN MANAGEMENT

While a top-down governance approach was conducive to swift actions such as the quarantine of entire cities and the construction of large capacity modular hospitals, this model also may have prevented local governments from reacting quickly in the early stages of an outbreak, as they must wait for instructions from the top.[93] For example, the mayor of Wuhan municipality, Hubei province (which was the epicenter of the outbreak), said in an interview that the release of information about the disease was delayed because the local government had to wait for authorization.[94] At the same time, the truthfulness of information flowing from the local to the central government was called into question, as illustrated during the visit by Vice Premier Sun Chunlan to Wuhan, where local residents shouted, "This is all fake," in reference to the food delivery service staged by local officials.[95]

OUTBREAK RESPONSE WORKING GROUP LED BY POLITICIANS

Obedience to the Party continued to take center stage during the outbreak. At a Politburo Standing Committee meeting held on January 25, President and Party General Secretary Xi Jinping stressed that it was imperative to strengthen the Party's centralized control and bolster political alignment.[96] The committee established a working group to combat the disease.[97] The group members, while high ranking, were not public health experts; rather, they had backgrounds in public security, social stability maintenance, and propaganda.[98] A disease control expert with the National Health Commission and the Chinese Center for Disease Control and Prevention said that policymakers lacked sufficient scientific knowledge and showed signs of hesitation due to consideration of other factors such as political, economic, and social stability issues.[99]

LACK OF TRANSPARENCY IN APPOINTMENT AND REMOVAL OF OFFICIALS

A number of officials were quickly removed during the outbreak; while the underlying reason was disclosed in some cases, the removal and appointment process was consistently opaque. Whereas a Party-run news outlet detailed the facts leading to the decision to discipline prison officials in Shandong and Hubei province for their negligence in failing to contain the disease,[100] the reason underlying the removal of five high-ranking officials holding municipal- or provincial-level posts in Hubei remained unknown.[101] Given that the officials were removed within weeks, it is unclear

if they were afforded due process.[102] The process by which incoming officials were appointed likewise was opaque.[103]

PERSECUTION OF CITIZENS

Authorities subjected citizens to different types of punishment on account of their reporting or speech about the outbreak. For example, authorities detained citizen journalists **Li Zehua, Fang Bin,** and **Chen Qiushi** for reporting on the situation in Wuhan, with Li being released after a month of "quarantine"[104] and the whereabouts of Fang and Chen remaining unknown as of May 1, 2020.[105] Democracy and rights advocate **Xu Zhiyong** and outspoken tycoon **Ren Zhiqiang** disappeared in February and March, respectively, after they made critical comments about Xi Jinping's handling of the outbreak.[106] In January, police in Wuhan summoned eight people and reprimanded them for "spreading rumors"; among them was Doctor **Li Wenliang,** who had alerted his colleagues to a new kind of respiratory disease and later died of it in February.[107]

RESTRICTIONS ON PUBLIC DONATIONS

Although some civil society activities were permitted, authorities centralized relief efforts and funneled donations through a select few charities, creating a bottleneck effect given the scale of the outbreak.[108] In January, the Wuhan municipal government designated five charities (including the government-backed Wuhan Charity Federation and the Red Cross Society) to receive and distribute both monetary and in-kind donations.[109] Public reporting showed that the Wuhan Charity Federation had remitted a total of 2.7 billion yuan (approximately US$382 million) to the municipal treasury at the government's order, a move that some observers said was unlawful since appropriation by the government was not previously announced.[110] In addition, the monopoly over the distribution of public donations adversely affected effectiveness and fairness, with the Red Cross Society experiencing a shortage of staff and distributing most resources to the government rather than to hospitals.[111] Given distrust of the designated charities, some citizens chose to deliver supplies directly to the hospitals, but transparency as to the hospitals' needs was lacking, and the Red Cross Society reportedly intercepted citizens' deliveries in an effort to maintain its monopoly.[112]

Notes to Section III—Institutions of Democratic Governance

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ACCESS TO JUSTICE

Findings

- To the extent that citizens rely on courts to protect their rights against state encroachment, political influence on the court system undermines their ability to access justice. The Chinese Communist Party goes beyond mere influence and expressly requires absolute loyalty and obedience from the courts.
- This past year, the Party maintained control by sending a political inspection team on a two-month-long tour to the Supreme People's Court (SPC) and reiterated the theme of subservience expressed in the last political inspection in 2016.
- An SPC judge highlighted the judiciary's role as being part of the political-legal system, stressing that courts must be unequivocally political. Given its role, the judiciary must operate under the leadership of the Political-Legal Committee (a Party organization having authority over both the public security and judicial systems) and take part in political initiatives like the "root cause management" scheme designed to seek out and resolve disputes before they become litigated matters. Acting as the Party's agent undermines the judiciary's capacity to adjudicate cases impartially.
- Authorities suppressed speech describing the universal conception of the rule of law and persecuted lawyers by detaining them and revoking their law licenses for their advocacy of democracy and constitutional reform, or for their representation of defendants in politically sensitive cases.
- The government increased state-sponsored legal aid programs and simultaneously squeezed out civil society participation, including by shutting down legal aid centers operated by non-governmental organizations, restricting their funding, and detaining lawyers and revoking their law licenses.

Recommendations

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

- ○ Highlight and discuss with Chinese officials the report in which the UN Working Group on Arbitrary Detention found human rights lawyers **Li Yuhan** and **Yu Wensheng** to have been arbitrarily detained. Call attention to the arbitrary detention of other rights lawyers such as **Lu Tingge, Chen Jiahong** and **Qin Yongpei, Jiang Tianyong,** as well as **Wang Quanzhang,** who continues to be under surveillance and subject to restrictions on personal liberty after being released from prison. Urge the Chinese government to unconditionally exonerate the above-named lawyers and other similarly situated lawyers.
- ○ Highlight and discuss with Chinese officials cases of human rights lawyers such as **Lu Siwei, Li Jinxing, Sui Muqing, Liu Zhengqing, Xie Yanyi,** and **Chen Keyun,** whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and advo-

cacy in cases that Chinese authorities deem politically sensitive.

○ 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 family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

ACCESS TO JUSTICE

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,[1] provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.[2] While China's Constitution recognizes certain universal human rights,[3] citizens do not have any legal channel by which to assert or protect them.[4] Moreover, examples of political interference with the judiciary, control over the legal profession, and persecution of human rights lawyers that the Commission observed during the 2020 reporting year are inconsistent with the relevant ICCPR provisions.[5]

Judiciary as a Political Instrument

The Chinese Communist Party continued to reinforce ideological control over the judiciary and use it to achieve political goals. In September 2019, the Supreme People's Court (SPC) President Zhou Qiang spoke at a conference to mark the beginning of a two-month-long political inspection conducted by the No. 4 Central Inspection Tour Team, which is tasked with ensuring court officials' compliance with political directives.[6] Zhou urged attendees to protect the country's political security and stressed the importance of political alignment with the Party Central Committee, with General Secretary Xi Jinping at its core.[7] In January 2020, the inspection team gave the SPC its feedback, listing as the first recommendation that courts should actualize the Party's absolute control over the judiciary.[8] This recommendation continued the theme of absolute loyalty and obedience to the Party expressed in the last political inspection in 2016.[9]

Likewise, SPC Judge Liu Guixiang[10] clarified at a national conference that "as a political-legal institution, people's courts are first and foremost political entities; [as such,] they must prioritize political building and must be unequivocally political."[11] Another part of his speech showed that the Party's political-legal committees continued to have authority over courts and public security bureaus to coordinate efforts between them.[12]

"ROOT CAUSE MANAGEMENT" SYSTEM

A recent political initiative designed to reduce litigation may further undermine the judiciary's authority. In a July 2019 opinion, the Supreme People's Court laid out a plan to establish a nationwide multi-faceted system by the end of 2020 with the goal of resolving disputes before they become litigated matters.[13] Called the "root cause management" (*susong yuantou zhili*) system, the plan requires courts to take a series of steps to reduce litigation, including integrating themselves into the grassroots-level dispute resolution network, collaborating with Party committees and local governments to create "litigation free" communities, and using big data to prevent or preemptively resolve "potential disputes."[14] Implementation of the "root cause management" system would be part of a broader "peace building" scheme,[15] in which social order main-

tenance functions are assigned to political-legal committees.[16] With pre-litigation dispute resolution prioritized, the judiciary will be relegated to an auxiliary role in the overall Party-led initiative.[17]

Pressure on the Legal Profession

The Chinese Communist Party continued to exert control over domestic law firms through "guidance tours." In November 2019, the National Chinese Communist Party Committee on the Legal Profession conducted a series of guidance tours on Party committees in law firms across China[18] as part of a political indoctrination campaign launched in May 2019.[19] The Ministry of Justice established the National Chinese Communist Party Committee on the Legal Profession in October 2017 to promote Party ideology and to implement Party building within the legal profession.[20] According to the Party secretary at one Chinese law firm, non-Party members should conform to the standards set by Party members.[21]

The Party's expectation for lawyers to conform to its political views may extend to international lawyers, as illustrated by censorship at the "Global Lawyers Forum" organized under the auspices of the Ministry of Justice and held in December 2019 in Guangzhou municipality, Guangdong province.[22] A two-day event joined by over 800 lawyers and government officials from 57 countries, the forum aimed to showcase China's development and promoted the formation of the Belt and Road International Lawyers Association.[23]

Before the event, the Guangzhou Lawyers Association issued a directive prohibiting lawyers from expressing viewpoints inconsistent with those of the Party.[24] At the event, the president of the International Association of Lawyers (UIA) was scheduled to be a keynote speaker, but conference organizers canceled his speech after he submitted his planned remarks describing the concept of the rule of law in a manner inconsistent with the Chinese government's formulation, which, according to the UIA, emphasized the nation's prosperity and stability but disregarded "protection of human rights or rights of minorities, independence of the bar and judiciary, and separation of powers."[25] In addition, domestic security officials in Beijing municipality placed Xu Yan, who tweeted about the forum, under home confinement during the event.[26] Xu Yan is the wife of lawyer Yu Wensheng, whom authorities detained, reportedly in connection with his legal reform advocacy and for providing legal representation in politically sensitive cases.[27]

Persecution of Human Rights Lawyers and Advocates

This past year, Chinese authorities continued to persecute human rights lawyers and advocates by arbitrarily detaining them or by undermining their ability to render legal help. These individuals include the following:

- **Zhou Shifeng, Hu Shigen,** and **Wu Gan** continued to serve their sentences ranging from seven to eight years on state security charges.[28] Chinese authorities detained them in mid-2015 as part of a coordinated nationwide crackdown on human rights lawyers and advocates ("709 Crackdown") for defending people facing politically motivated prosecution.[29]

- As of January 2020, 71-year-old **Li Yuhan** remained in pretrial detention for over two years, as she continued to refuse to plead guilty.[30] Prison officials tortured her by denying her medication and adequate food, and subjected her to degrading treatment by other inmates.[31] Before her detention, Li represented Wang Yu, a lawyer detained in the 709 Crackdown, and spoke to members of the UN Committee against Torture in November 2015 about the plight of human rights lawyers in China.[32]
- As of March 2020, **Yu Wensheng** continued to await sentencing after a court tried him for "inciting subversion" in a closed proceeding in May 2019.[33] Authorities denied him family visits and access to counsel.[34] Yu's detention may be connected to his legal representation of Falun Gong practitioners and to his filing of a complaint alleging the illegality of the 709 Crackdown.[35]
- After completing a sentence of 4 years and 6 months for "subversion," rights lawyer **Wang Quanzhang** returned home in April 2020; however, he continued to be subjected to the supplemental punishment of deprivation of political rights for five years, including the rights of speech, publication, and gathering.[36] In May, authorities from Shandong province told him that he already had broken the law by giving media interviews and advised him not to attend a private gathering, the invitation to which had never been publicized.[37]
- In December 2019, **Chen Jiahong** met with his lawyer for the first time in seven months since authorities took him into custody in April, reportedly for his speech calling for increased accountability of Party officials.[38] Chen's colleague **Qin Yongpei** advocated for his release, which possibly led to Qin's own detention in October 2019.[39] In February 2020, police interrogated Qin's two daughters about his political speech.[40] Authorities held both Chen and Qin on state security grounds and deprived them of family and counsel visits.[41] In October 2019, authorities suspended **Lu Siwei**'s law license for three months for representing Chen, citing a procedural irregularity.[42]
- In July 2019, the Shandong Justice Department revoked **Li Jinxing**'s law license based on five social media posts about rule of law issues.[43] Li previously represented wrongfully convicted individuals and rights advocates in criminal proceedings.[44]
- In December 2019, police summoned **Lu Tingge** on suspicion of "picking quarrels and provoking trouble," and the local lawyers association started an investigation of him for "inappropriate speech."[45] Previously, Lu repeatedly demanded that authorities investigate a 2017 incident in which he was assaulted by court police when he was representing a criminal defendant in a religion-based prosecution; he also filed a complaint in 2019 alleging illegal conduct by the local justice bureau.[46]

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits system," is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.[47] While the financial cost to use the petitioning system is low,[48] the system can be inefficient due to staff shortages and the large number of petitions.[49] Additionally, a structural conflict of interest exists, whereby local governments have police power over petitioners who bring claims against them and have used such power to prevent petitioners from asserting their rights.[50]

This past year, central authorities continued their efforts to improve the petitioning system's efficiency, such as by implementing an online platform within the National People's Congress's petitioning system,[51] clarifying matters that can be presented by a petition,[52] and sending supervision teams to ensure that local governments resolve matters affecting a large number of people.[53] Despite these changes, the Commission continued to observe examples of petitioners being subjected to different kinds of control and mistreatment by local authorities, such as criminal prosecution and commitment to psychiatric hospitals.[54] "Stability maintenance" efforts intensified during commemorative events such as National Day on October 1, 2019, when authorities systematically detained petitioners in Beijing municipality and prevented them from traveling there to air their grievances.[55]

Legal Aid

The legal aid system remained a state-controlled institution. State Council regulations require that justice bureaus of local governments appoint legal aid organizations and administer legal aid programs through them.[56] Legal aid organizations may assign eligible applicants to in-house lawyers or make referrals to law firms, grassroots legal services, or other social organizations.[57] Lawyers are legally obligated to provide legal aid services and may be disciplined or fined for refusing to do so.[58] As the state-sponsored legal aid program continued to receive increased funding, however, authorities continued to limit space for non-governmental actors by restricting or shutting down their operations or by criminal prosecution.[59]

This past year, authorities continued to encourage pro bono legal services[60] and further standardized legal aid work. In November 2019, the Ministry of Justice issued the Specifications for Civil and Administrative Legal Aid Service, which covers consultation, litigation, and non-litigation work (such as mediation and arbitration) and provides for a review mechanism to ensure the quality of the legal aid provider's performance.[61] According to an opinion issued by the Chinese Communist Party Central Committee in July 2019, legal aid is part of a broader system of public legal services that aims to "steadfastly uphold the Party's leadership" and to "comprehensively strengthen Party building."[62]

Judicial Decisions on Social Issues

Following a 2018 Supreme People's Court decision adding two causes of action for "equal employment rights" and "sexual harassment damages,"[63] a growing body of documents shows that citizens are using the court system to litigate cases involving contemporary social issues.[64] In one example, the courts ruled in favor of sexual harassment victims, ordering the offenders to apologize.[65] In another case, where the employer terminated the employee for her pregnancy, the court awarded damages and directed the employer to apologize.[66]

The outcomes in some recent cases, however, may be inconsistent with the goal of protecting citizens' rights and freedoms. In one case, the judge denied a woman's divorce petition despite severe domestic abuse by her husband, illustrating a broader trend of judges valuing "social harmony" over women's safety.[67] In another case, the court terminated the parents' custodial rights because they taught their child to refrain from saluting the flag and from learning socialism and Communism, in accordance with their religious beliefs as Jehovah's Witnesses.[68]

Notes to Section III—Access to Justice

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IV. Xinjiang

Findings

• During the Commission's 2020 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) maintained a system of extrajudicial mass internment camps in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.

• Internal Chinese government and Communist Party documents obtained by international media and rights groups during this reporting year revealed authorities' mandate to use coercive force and punishment on inmates; the connection between family members' behavior and authorities' treatment of inmates; and the extreme secrecy enforced by authorities regarding the implementation of the camp system. The documents also revealed the presence of a significant level of opposition from some local officials to mass internment camp detentions.

• In June 2020, research conducted by German scholar Adrian Zenz and reporting conducted by the Associated Press (AP) showed that authorities in the XUAR have carried out coercive and widespread population control measures against Uyghur and Kazakh women in the region that observers say may constitute genocide. According to Zenz and the AP, government documents show that beginning in 2016, authorities have carried out widespread, systematic forced sterilizations, abortions, and intrauterine device (IUD) insertions on ethnic minority women in the XUAR, at rates far higher than anywhere else in China.

• The Commission observed additional evidence this past year that Chinese government persecution of ethnic minorities in the XUAR constituted crimes against humanity. International observers, including the United States Holocaust Memorial Museum, argued in support of applying the "crimes against humanity" framework to the persecution of Uyghurs and other Turkic and Muslim ethnic minorities in the XUAR. Article 7(1) of the Rome Statute of the International Criminal Court provides a list of 11 acts, any one of which may constitute crimes against humanity "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."

• Reports published during the past year detailed the expansive and systematic nature of authorities' separation of ethnic minority children from their families in the XUAR and their forcible placement in orphanages, welfare centers, and boarding schools. An official policy document issued by XUAR officials stated that by early 2017, nearly half a million elementary and middle school-age children in the XUAR were attending boarding schools. This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors and the United Nations Convention on the Rights of the Child. Many of the children placed in these facilities had at least one parent in detention. Reports indicated that au-

thorities often placed children in such facilities without the consent of their families.

- During this reporting year, authorities in the XUAR continued to expand a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals throughout the XUAR. In addition, XUAR authorities, under an initiative directed by the central government known as "Xinjiang Aid," forced Uyghurs, Kazakhs, and others to work in factories in other regions of China, including at factories that are part of the supply chains of international companies. These trends show it is increasingly likely that supply chains of many international brands are now tainted by forced ethnic minority labor from the XUAR.
- As XUAR officials detained hundreds of thousands of Turkic and Muslim individuals in mass internment camps, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the region, beginning in 2017. Authorities' increased sentencing of ethnic minority individuals to prison terms may mark a shift away from their detention in mass internment camps and into other forms of detention and social control, including forced labor. In 2017, courts in the XUAR sentenced 10 times more defendants than the previous year to prison terms of five years or longer, and carried out 8 times the number of arrests and 5 times the number of prosecutions as in the previous year.
- Researchers analyzing satellite imagery found that Chinese officials had destroyed more than 100 Uyghur cemeteries throughout the XUAR over the past several years, in line with official efforts to eradicate Uyghurs' religious and cultural practices. Authorities in Aksu prefecture converted the site of a large cemetery that had held the remains of a respected Uyghur poet into a city park, and officials moved the graves to a new location in an industrial area in the desert. A notice issued by the government of Hotan prefecture in May 2019 gave local residents only two days to claim the remains of their deceased family members prior to a cemetery's destruction.

Recommendations

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

- Call on the Chinese government to end the mass arbitrary detention of predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others, in mass internment camps, and release those currently detained. Call on Chinese officials to allow U.S. officials, diplomatic representatives of other countries, UN officials, humanitarian organizations, and international journalists to visit the XUAR and independently investigate reports of arbitrary detention.
- Prioritize engagement with other governments, multilateral organizations, and international non-governmental organizations to raise the likely crimes against humanity perpetrated against predominantly Muslim ethnic minorities in the XUAR. Coordinate with these entities to compile relevant information

regarding specific XUAR officials responsible for the mass arbitrary detention and abuse of individuals in mass internment camps in preparation for possible sanctions under the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and similar parallel sanctions by likeminded partners. Highlight the religious freedom aspect of human rights abuses in the XUAR as part of a concerted public diplomacy campaign to enlist broader condemnation of China's treatment of Muslim ethnic minorities.

○ Urge Chinese authorities to immediately cease all coercive "homestay" programs, such as the "becoming family" program, as well as other initiatives in the XUAR implemented to surveil ethnic minorities in their communities.

○ Urge Chinese authorities to immediately cease all placement of children in orphanages, welfare centers, and boarding schools without the consent of a parent or guardian.

○ Urge Chinese authorities to immediately cease all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, as well as programs involving the forced labor of other ethnic minority individuals within and outside of the XUAR.

○ Issue a determination on whether atrocities are being committed in the XUAR and ensure that the interagency Atrocity Early Warning Task Force implements policies throughout the U.S. Government to respond to atrocities in the XUAR.

○ Urge American universities to provide support to Uyghur, Hui, Kazakh, and Kyrgyz students at their institutions who are Chinese nationals to ensure that they are able to study in a safe environment free of threats and intimidation from Chinese government officials; to provide scholarships or other financial assistance to students whose parents or guardians have been detained in mass internment camps in the XUAR; to inquire about the well-being of Muslim ethnic minorities who have returned to China after having studied or taught in their institutions; to hold conferences and other programs to raise awareness among students and the general public about the mass arbitrary detention of Muslim ethnic minorities in the XUAR; and to refrain from holding conferences or establishing programs with Chinese government entities that lend legitimacy to the mass surveillance and mass arbitrary detention programs in place in the XUAR.

Details Emerge on Mass Internment Camp Implementation, Abuses

During the Commission's 2020 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) maintained a system of extrajudicial mass internment camps in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[1] Authorities have operated these camps since around April 2017.[2] Reports published throughout the year documented authorities' continued use of torture and other forms of mistreatment against camp detainees.[3] As in the past reporting year,[4] reports emerged documenting the deaths of individuals in mass internment camps or after they were detained in camps. Examples include the following:

- **Alimjan Emet,** a 22-year-old Uyghur former security guard who died in a mass internment camp in Kashgar prefecture in 2018, possibly after camp officials beat him;[5]
- **Hezim Quddus and Idris Quddus,** Uyghur brothers who were detained in a camp in Kashgar prefecture in 2018.[6] Hezim, 45, died in the camp in June 2019, and Idris, 52, died in a prison in December 2018 after authorities transferred him there;[7]
- **Turghun Jappar,** a retired Uyghur teacher in his 80s, who died in 2019, about a month after authorities released him from a camp in Ili (Yili) Kazakh Autonomous Prefecture, where he had become seriously ill;[8]
- **Shahimerdan Perhat,** a 38-year-old businessman from Urumqi municipality who died in August 2019, 10 days after being released from a camp and subsequently being hospitalized with hydrocephalus, which was possibly the result of torture by electric shock;[9]
- **Ghalipjan Ehmet,** a 35-year-old Uyghur who died in August 2018 in a camp in Turpan municipality.[10] Camp officials told his family that he died of a heart attack but did not allow them to inspect his body before he was buried.[11] According to a local official, a police officer beat Ehmet to death in the camp.[12]

Internal Chinese government and Communist Party documents obtained by international media and rights groups during this reporting year revealed details regarding the scope and implementation of the mass internment camp system, as well as authorities' goals for putting the system in place.[13] These documents included the following:

- **The Xinjiang Papers.** In November 2019, the New York Times reported on a cache of internal government and Party documents related to the camp system.[14] The documents show how government and Party officials, from the central level to the grassroots, organized the detentions of Muslim ethnic minorities, at the direction of President and Party General Secretary Xi Jinping.[15] According to the documents, authorities often punished camp inmates based on the behavior of their relatives outside the camps; they also reportedly detained high-

ly skilled professionals in camps where officials said they would receive needed job training.[16] The documents reveal significant resistance to official policies on the part of some local officials, including one who released more than 7,000 mass internment camp detainees.[17] In a confession document, former Yarkand (Shache) county Party Secretary Wang Yongzhi said he released the detainees because he was concerned that mass internment would damage ethnic relations and hinder his ability to achieve a promotion based on economic development.[18] According to the documents, in 2017, officials conducted more than 12,000 investigations into XUAR Communist Party members for failing to "fight against separatism," a much higher figure than the previous year.[19]

• **The China Cables.** In November 2019, the International Consortium of Investigative Journalists reported on other leaked Chinese government documents regarding mass internment camps in the XUAR.[20] These include a highly confidential manual issued in 2017 by the XUAR Political and Legal Affairs Commission regarding camp management, which was approved by Deputy XUAR Communist Party Secretary Zhu Hailun, who headed the Commission.[21] The manual outlines camp authorities' mandate to use coercive force and punishment on inmates; the connection between family members' behavior and authorities' treatment of inmates; the extreme secrecy surrounding the implementation of the camp system; and authorities' recognition of the danger of disease outbreak in overcrowded environments.[22] The leaked documents also include four bulletins guiding authorities on how to use surveillance measures associated with the Integrated Joint Operations Platform to determine whom to detain in camps.[23]

• **The Qaraqash Document.** In February 2020, the U.S.-based Uyghur Human Rights Project published the findings of a leaked government document from Qaraqash (Moyu) county, Hotan prefecture.[24] The document details the arbitrary grounds provided by officials for the detention in mass internment camps of more than 300 residents of a local subdistrict, which included traveling to other countries, applying for a passport, contacting people living abroad, and violating population control policies.[25] According to the document, cadres and government workers involved in intrusive homestay programs played an important part in identifying behaviors that led authorities to detain ethnic minority individuals.[26] The document also contains information on authorities' assignment of mass internment camp detainees to forced labor, including while they were still detained in camps.[27]

Crimes Against Humanity

The Commission observed additional evidence this past year that Chinese government persecution of ethnic minorities in the XUAR constituted crimes against humanity. As in the previous reporting year,[28] international observers and human rights organizations argued in support of applying the "crimes against humanity" framework to the persecution of Uyghurs and other Turkic and Muslim ethnic minorities in the XUAR.[29] In March 2020, Naomi Kikoler,

the director of the Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum, delivered a speech in which she stated that "[t]here are reasonable grounds to believe that China is responsible for crimes against humanity."[30] Article 7(1) of the Rome Statute of the International Criminal Court provides a list of 11 acts, any one of which may constitute crimes against humanity "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."[31]

CRIMES AGAINST HUMANITY FRAMEWORK APPLIED TO GOVERNMENT ACTIONS IN THE XUAR

Acts listed in Article 7(1) of the Rome Statute	**Possible application to the treatment of Muslims in the XUAR**
(c) Enslavement[32]	Satellite imagery, personal accounts, and official documents indicate that XUAR authorities are systematically forcing predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor in the XUAR and other parts of China.[33]
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law[34]	Security personnel have carried out the arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017;[35] authorities have also increasingly sentenced ethnic minority individuals to lengthy prison terms for political reasons since 2017.[36]
(f) Torture[37]	Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including electric shocks and shackling people in uncomfortable positions.[38]

Acts listed in Article 7(1) of the Rome Statute	Possible application to the treatment of Muslims in the XUAR
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court[39]	Security personnel have detained up to 1.8 million Uyghurs, Kazakhs, Kyrgyz, and Hui;[40] enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents;[41] and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection.[42] In addition, authorities in the XUAR have reportedly placed the children of both mass internment camp detainees and individuals forced to labor into orphanages, welfare centers, and boarding schools, often without the consent of their families, raising concerns of forcible assimilation.[43]
(i) Enforced disappearance of persons[44]	The conditions under which authorities detained many Uyghurs, Kazakhs, Kyrgyz, Hui and others in mass internment camps amount to enforced disappearance.[45]

Forced Sterilization and Forced Birth Control May Constitute Genocide

In June 2020, research conducted by German scholar Adrian Zenz and reporting conducted by the Associated Press (AP) showed that authorities in the XUAR have carried out coercive and widespread population control measures against Uyghur and Kazakh women in the region that observers say may constitute genocide.[46] According to Zenz and the AP, government documents show that beginning in 2016, authorities have carried out widespread and systematic forced sterilizations, abortions, and intrauterine device (IUD) insertions on ethnic minority women in the XUAR, at rates far higher than anywhere else in China.[47] In 2018, according to official statistics, authorities in the XUAR performed seven times more sterilizations per capita in the XUAR than the national average.[48] One of the risk factors outlined by the UN Framework of Analysis for Atrocity Crimes that signals "an intent to destroy in whole or in part a protected group" is the "[d]evelopment of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups."[49]

Forcible Displacement of Ethnic Minority Children

Reports published during the past year detailed the expansive and systematic nature of authorities' separation of ethnic minority children from their families in the XUAR and their forcible placement in orphanages, welfare centers, and boarding schools.[50] This forcible displacement of children has been carried out in violation

of the PRC Law on the Protection of Minors[51] and the United Nations Convention on the Rights of the Child.[52] According to international media reports, many of the children placed in these facilities had at least one parent in detention.[53] Reports indicated that authorities often placed children in such facilities without the consent of their families.[54] Human rights organizations called on Chinese officials to end the placement of Uyghur and other Turkic Muslim children in state institutions.[55]

According to the New York Times, an official policy document issued by XUAR officials stated that by early 2017, nearly half a million elementary and middle school-age children in the XUAR were attending boarding schools.[56] The document describes the government's goals of educating children at such schools to assimilate them and to "break the impact of the religious atmosphere on children at home."[57] Chinese government documents and international media reports detail official plans to expand these types of facilities throughout the XUAR and provide evidence that additional facilities have been constructed since 2017.[58] In 2018, Communist Party authorities recruited almost 90,000 teachers from throughout China to teach in the XUAR, and subsequently warned them to strictly adhere to the Party's political and ideological goals in their teaching.[59] Some teachers at elementary and middle schools in the region reported having their teaching certificates confiscated, being forced to undergo regular political indoctrination, and being required to punish students who spoke their native language at school.[60]

Turkic Muslims living outside of China provided accounts of their children in the XUAR whom authorities had forcibly placed in educational boarding facilities, sometimes far from their relatives' home in the XUAR.[61] They described an inability to contact either their children or relatives in the XUAR who might have been entrusted with their care.[62] Sky News journalists who traveled to the XUAR to investigate the situation of two such children reported in October 2019 that security personnel had staged fake road work to block their access to a school, and some schools they visited had security features such as barbed wire and armed guards.[63]

Turkic and Muslim XUAR Residents Forced To Perform Labor in Factories

During this reporting year, authorities in the XUAR continued to expand a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals throughout the XUAR.[64] In addition, XUAR authorities—under an initiative directed by the central government known as "Xinjiang Aid" (*duikou yuanjiang*), which is also known as "pairing assistance"—forced Uyghurs, Kazakhs, and others to work in factories in other regions of China, including in factories that are part of the supply chains of international companies.[65] These labor programs constitute forced labor under the International Labour Organization's Forced Labour Convention and are a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[66] According to a report published by the Australian Strategic Policy Institute in March 2020, authorities transferred an estimated 80,000

Uyghurs out of the XUAR for forced labor between 2017 and 2019.[67] Some Uyghurs and others were reportedly sent directly from mass internment camps to work in factories outside of the XUAR.[68] Official media and government documents indicate that authorities viewed forced labor as an extension of the detention or "re-education" of former camp detainees, and they remained under state control.[69]

Scholars and international media reported that authorities segregated Turkic and Muslim forced laborers from other workers at factories outside the XUAR;[70] subjected them to intense surveillance, including through "minders," watchtowers, and cameras at factory complexes;[71] tightly restricted their movement outside of the workplace;[72] forbade them from engaging in religious activities such as praying or reading the Quran;[73] and required them to attend "patriotic education" and Mandarin Chinese language classes.[74]

Under the "Xinjiang Aid" program, local governments in provinces and localities outside of the XUAR have also funded the construction of factories employing the forced labor of ethnic minority workers within the XUAR.[75] "Xinjiang Aid" has funded industrial parks where many of these workers have been forced to work, often in the same compound as the mass internment camp where they are or have been detained.[76] Government authorities provided subsidies to companies for each Turkic or Muslim worker forced to work in factories in the XUAR, and also subsidized factory construction and the shipment of goods from the XUAR.[77] [For more information on forced labor in the XUAR, see Section II—Human Trafficking and Section II—Business and Human Rights.]

Surge in Formal Imprisonment

According to reports published this past year, as XUAR officials detained hundreds of thousands of Turkic and Muslim individuals in mass internment camps, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the region, beginning in 2017.[78] Authorities' increased sentencing of ethnic minority individuals to prison terms may mark a shift away from their detention in mass internment camps and into other forms of detention and social control, including forced labor.[79] According to government data analyzed by the New York Times, in 2017, courts in the XUAR sentenced 10 times more defendants than the previous year to prison terms of five years or longer, and carried out 8 times the number of arrests and 5 times the number of prosecutions as in the previous year.[80] The rate of criminal punishment in the XUAR in 2017 and 2018 far exceeded both regional and national figures recorded for the past several decades.[81] American researcher Gene Bunin reported that testimony provided by camp survivors and their relatives to the Almaty-based organization Atajurt Kazakh Human Rights corroborated government data on increased imprisonment, particularly with regard to men imprisoned for religious reasons.[82]

Since 2017, authorities in the XUAR have sentenced many mass internment camp detainees to prison during or immediately after their detention in a camp.[83] Authorities reportedly ordered some camp detainees who were sentenced to less than 10 years' impris-

onment to remain in the camps to serve out their sentences, while they transferred those sentenced to more than 10 years to prisons.[84] The XUAR Bureau of Prison Administration administers prisons within the XUAR, with the exception of prisons under the jurisdiction of the Xinjiang Production and Construction Corps;[85] mass internment camps are administered outside of the formal judicial system.[86] According to both Bunin and the New York Times, camp authorities arbitrarily determined criminal charges based in part on individuals' behavior inside the camps.[87] Two ethnic Kazakhs who were formerly detained in mass internment camps told Bunin that they had either seen or heard about criminal trials being held within mass internment camps themselves,[88] a trend that was corroborated by another ethnic Kazakh ex-camp detainee whose account was published by Believer magazine in October 2019.[89]

Accounts provided by Uyghur and Kazakh exiles in the past reporting year provide anecdotal evidence corroborating the recent rise in formal imprisonment in the XUAR. A Turkey-based Uyghur exile told Radio Free Asia in March 2020 that authorities first detained her husband, **Muhemmet Imin,** who had sold Uyghur traditional medicine, in a mass internment camp in the XUAR beginning in October 2017, and later sentenced him to 15 years in prison, likely due to his past overseas financial links and travel abroad.[90] A Kazakhstan-based ethnic Kazakh woman told NPR in October 2019 that authorities in the XUAR had sentenced her mother, **Nurzhada Zhumakhan,** to 20 years in prison in June 2019 on charges including "organizing and using a cult to undermine implementation of the law."[91]

Repressive Surveillance Technology and Security Measures

During the Commission's 2020 reporting year, authorities in the XUAR used surveillance technology, security checks, home inspections, and other methods to maintain control over Turkic and Muslim residents.[92] According to international media reports, some aspects of surveillance had become less overt, but no less intrusive; for instance, Wall Street Journal reporters found fewer security checkpoints on the streets in Kashgar prefecture, but widespread facial recognition scans and identity checks in residential complexes and public buildings.[93] In a January 2020 piece, an international doctoral student related how, during a visit to Urumqi municipality and Kashgar prefecture in 2019, she observed fewer police patrols and police armored cars, fewer security cameras, and fewer staff at police checkpoints.[94] However, she noted the presence of unmarked police cars and plainclothes security personnel, and Uyghurs' continued adherence to previous police checkpoint procedures, in what she described as an "internalized fear" functioning as an "invisible surveillance measure."[95]

MOBILE APP ZAPYA TRACKED TO FLAG UYGHURS FOR DETENTION

According to a collection of leaked Chinese government documents referred to as the China Cables, XUAR authorities have analyzed user-based information on the file-sharing application Zapya to identify residents to detain in mass internment camps.[96]

Zapya, or "Kuai Ya" in Chinese, which was developed by the Chinese company DewMobile Inc., has been popular among Muslims worldwide for allowing users to share Muslim religious content.[97] Security personnel reportedly accused Uyghurs possessing the application of using it to "distribute extremist content."[98] Among the China Cables, a document regarding a centralized system known as the "Integrated Joint Operations Platform" called on authorities to use data stored in the system to investigate Uyghurs "one by one," to find what it referred to as suspected terrorists.[99] Shortly after officials issued this document, authorities reportedly began detaining Uyghurs who had downloaded Zapya.[100] [For more information on surveillance measures and foreign commercial investment in repressive security technology in the XUAR, see Section II—Business and Human Rights.]

INTRUSIVE HOMESTAY PROGRAMS

During this reporting year, authorities continued to assign cadres and government workers, usually of Han Chinese ethnicity, to live with ethnic minority families in their homes to conduct surveillance and compile information on family members, in arrangements which left these families vulnerable to sexual violence and other types of abuse.[101] In some cases, authorities have used information compiled by cadres and government workers to send members of their host families to mass internment camps.[102] According to an October 2019 Radio Free Asia (RFA) report, under the "becoming family" (*jiedui renqin*) homestay program, visiting male cadres often slept in the same beds or on the same sleeping platforms as women whose husbands had been detained in mass internment camps.[103] A Communist Party official and the head of a local neighborhood committee in Yengisar (Yingjisha) county, Kashgar prefecture, both told RFA that such sleeping arrangements were common among local households forced to host male "relatives."[104] According to the neighborhood committee head, local officials had referred to the co-sleeping practice as a way to "promote ethnic unity."[105]

Coronavirus Outbreak and Its Impact on Ethnic Minority Communities in the XUAR

As the coronavirus disease 2019 (COVID–19) outbreak spread throughout China in early 2020, Uyghurs and other observers living outside China expressed fears that the outbreak would disproportionately impact ethnic minority communities in the XUAR.[106] Many expressed fears regarding the potential spread of the disease among mass internment camp detainees, due to the overcrowding, medical neglect,

Coronavirus Outbreak and Its Impact on Ethnic Minority Communities in the XUAR—Continued

and unhygienic conditions reported in the camps, as well as Chinese authorities' documented concerns regarding the spread of epidemics in the camps.[107] Some observers expressed doubts regarding the validity of the official figures of 76 confirmed coronavirus cases and 3 deaths in the XUAR (as of March 23), due to the likelihood that COVID–19 would spread in the region, as well as regional authorities' restrictions on the free flow of information.[108] Authorities reportedly directed homestay teams and auxiliary police to enforce strict, unannounced quarantines among XUAR residents, in some cases sealing the doors of Uyghur residents, so that if residents opened their door this would constitute a violation of the state-imposed quarantine.[109] Video clips posted to social media appeared to show that some Uyghurs quarantined in homes and neighborhoods in the XUAR, who had not been given time to buy food prior to the implementation of the quarantine, experienced severe hunger.[110] In addition, in and around March 2020, according to government and state media reports, authorities transferred tens of thousands of ethnic minority workers to work in factories producing items such as masks and food, both within and outside the XUAR, at a time when many Han Chinese workers were reportedly unwilling to return to work due to legitimate fears of contracting COVID–19.[111]

Freedom of Religion

XUAR government and Party officials curtailed Muslim residents' freedom to practice their religious beliefs by implementing restrictions on prayer,[112] defacing and destroying mosques and cemeteries,[113] and detaining individuals for practicing or possessing materials about Islam.[114] As in previous reporting years,[115] XUAR officials reportedly imposed controls on Muslims' observance of Ramadan.[116] Turkic Muslim residents of the XUAR faced restrictions on fasting[117] and the exchange of Islamic greetings.[118] Authorities reportedly forced some Muslim XUAR residents to eat during Ramadan instead of fasting as part of practicing their Islamic faith.[119]

THE DESTRUCTION OF CEMETERIES

Scholars and rights advocates have argued that authorities' recent destruction of Uyghur cemeteries and shrines was designed to eradicate Uyghurs' religious and cultural practices.[120] Article 6 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief mandates that member states must protect places where people "worship or assemble in connection with a religion or belief," including cemeteries and shrines.[121] Researchers analyzing satellite imagery found that Chinese officials had destroyed more than 100 Uyghur cemeteries throughout the XUAR over the past several years.[122] Notices issued by local governments regarding the destruction of individual cemeteries included justifications such as that new cemetery sites "saved space" and were "civilized," and that officials needed "to meet the demand of city planning and promote construction."[123]

Authorities in Aksu prefecture converted the site of a large cemetery that had held the remains of a respected Uyghur poet into a city park,[124] and officials moved the graves to a new location in an industrial area in the desert.[125] According to Agence France-Presse (AFP), a notice issued by the government of Hotan prefecture in May 2019 gave local residents only two days to claim the remains of their deceased family members prior to a cemetery's destruction.[126] In September 2019, AFP reporters took photos of bones left at the site of a former cemetery in Shayar (Shaya) county, Aksu prefecture, that seven forensic anthropologists later determined to be human remains, based on the photos.[127] Rian Thum, an American scholar on Uyghur history and religious practices, told CNN that the widespread destruction of cemeteries, which had served as important gathering places, was part of "a massive effort to eradicate Uyghur culture as we know it and replace it with a Chinese communist party approved culture."[128]

DETENTIONS BASED ON RELIGION

As in previous reporting years,[129] officials in the XUAR detained Turkic Muslims for religious reasons. Examples of such individuals whose detentions were reported in the past year included the following:

- **Shafkat Abas.** In March 2020, the family of ethnic Tatar Shafkat Abas, a practitioner of traditional Uyghur medicine, received information that authorities in Urumqi municipality had sentenced him to 10 years in prison.[130] Family members believe his detention may have been connected to his possession of books on Uyghur history and religious practices, the fact that one of his patients was an imam, or the fact that his brother had used his computer to access overseas websites.[131]
- **Shireli Memeteli and Aygul Turahan.** According to a report published in April 2020 by RFA, authorities in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, sentenced 28-year-old Uyghur taxi driver Shireli Memeteli to 17 years in prison in May 2019 for transporting an "illegal" religious figure and receiving "illegal religious education" from him.[132] Authorities also sentenced Memeteli in connection with "inciting ethnic separatism."[133] In early 2019, authorities reportedly sentenced Memeteli's 49-year-old mother Aygul Turahan to 10 years in prison.[134] A Uyghur official interviewed by RFA said authorities had sentenced Turahan on accusations including distribution of "illegal" religious educational materials.[135]

Detention of U.S. Resident Vera Yueming Zhou in a Mass Internment Camp

In October 2017, authorities in Urumqi municipality, XUAR, detained U.S. permanent resident Vera Yueming Zhou and arbitrarily held her in a mass internment camp.[136] Zhou, an ethnic Hui who had been visiting her XUAR-based father, said police questioned her upon her detention regarding her use of a VPN to access her university email account, which they referred to as a "sign of religious extremism."[137] At the time, she was a student at the University of Washington, and she had accessed her email account in order to submit homework.[138] Zhou said authorities confiscated her passport and handcuffed her, and then drove her to another city.[139] They subsequently collected her biometric data and took her to the camp where she was detained for more than five months.[140] Zhou said armed guards patrolled the corridors and security cameras surveilled the detainees at all times; camp authorities forced her and other detainees to study Mandarin Chinese (though she was already a native speaker) and the policies of President Xi Jinping.[141] She had undergone surgery for cancer several months earlier in the United States, and needed medical treatment, but camp authorities provided none.[142] Zhou was reportedly one of many ethnic Hui whom authorities in the XUAR detained, together with Turkic Muslims, in mass internment camps.[143]

In March 2018, authorities released Zhou from the camp, but kept her passport and U.S. permanent resident card and required her to report regularly to "social stability officers" and to attend a flag-raising ceremony every week.[144] In September 2019, authorities returned her passport to her and allowed her to leave the XUAR and return to the United States, after forcing her to sign documents promising not to speak out about her experience.[145]

Ethnic Kazakh Sayragul Sauytbay Provides Account of Camp Abuses

In October 2019, Israeli newspaper Haaretz published an account provided by **Sayragul Sauytbay,** an ethnic Kazakh who fled China in April 2018 after Chinese authorities compelled her to work in a mass internment camp.[146] Sauytbay, who was later granted asylum in Sweden, told Haaretz that authorities forbade her from speaking with camp detainees, laughing, or crying.[147] According to Sauytbay, security personnel at the camp where she was forced to work frequently raped female camp inmates.[148] In addition, she stated that camp authorities subjected detainees to other forms of torture,[149] including electric shocks, beatings, forced ingestion of medication and unknown injections, the shackling of hands and feet, intense surveillance, and lengthy political indoctrination sessions.[150]

Propaganda Videos Featuring Persecuted Uyghurs

During this reporting year, official media outlets released a number of videos and articles that contradicted international reports regarding the detention and persecution of Uyghurs and other Turkic Muslims in the XUAR.[151] International observers expressed con-

cerns that statements in the videos were coerced, that authorities may have returned some video subjects to detention after filming, and that the videos constitute attempts to silence advocacy carried out by overseas family members.[152] These videos and reports included the following:

- Two videos and reports published by Global Times, featuring a total of more than 20 family members of U.S.-based Uyghur rights advocate **Rebiya Kadeer.**[153] Chinese authorities have subjected Kadeer's family members to various forms of detention, harassment, and persecution in likely retaliation for her continued advocacy on behalf of Uyghur human rights.[154]
- A video published by China Daily in May 2020 featured retired Uyghur professor **Iminjan Seydin** telling his Boston-based daughter Samira Imin not to believe the "rumors" about his detention.[155] Authorities in the XUAR had reportedly held Seydin in a mass internment camp for two years beginning in 2017, and then sentenced him to 15 years' imprisonment over a book he had published several years earlier.[156] In May 2020, Imin expressed concern to Deutsche Welle over her father's apparent weight loss and whether or not authorities had genuinely freed him from detention.[157]
- A video and report published by CGTN that featured the mother and a sister of London-based Uyghur academic Aziz Isa Elkun.[158] Elkun had been unable to contact his mother for years due to Chinese officials' restrictions on Uyghurs' communications with relatives overseas.[159] CGTN disputed Elkun's claim that authorities had demolished his father's grave without his family's consent.[160]

Concerns Over World Bank Funding of XUAR Vocational Schools

In 2019, the Commission, individual members of Congress, and international media raised concerns over the World Bank's funding of a US$50 million, five-year project managed by the XUAR Department of Education.[161] The concerns of the Commission included the fact that the World Bank had continued to disburse funds for the project while information emerged that officials in the XUAR may have been committing crimes against humanity by detaining Uyghurs and other Turkic Muslims in mass internment camps.[162] According to an August 2019 Foreign Policy article, a purchasing document issued in November 2018 showed that a "partner school" in the XUAR that had been funded by the loan project had spent around US$30,000 to purchase security equipment such as tear gas launchers and anti-riot batons.[163] In November 2019, the World Bank ended loan funding for "partner schools" in the XUAR.[164] However, the World Bank maintained funding for the five vocational schools that received the majority of the project's funds.[165] In addition, according to a December 2019 Axios report, these five vocational schools had submitted requests for tens of thousands of dollars to purchase surveillance technology such as facial recognition and night vision cameras and a system equipped to send images of blacklisted individuals directly to police.[166]

In an August 23, 2019, letter addressed to World Bank president David Malpass, Commission chairs Representative James McGovern and Senator Marco Rubio asked if the World Bank had "investigated whether any minority teachers, staff members, or students at any of the five institutions in the original project plan ha[d] been detained in [mass] internment camps."[167] In April 2018, authorities in the XUAR detained **Kamil Rehim,** a Uyghur who previously taught at Urumqi Vocational University, in a mass internment camp, and later detained him in a prison.[168] Urumqi Vocational University is one of the five vocational schools directly funded by the World Bank loan, and one of the stated goals of the World Bank's loan project was that ethnic minority teachers at schools they funded would benefit from the project and "enjoy various development opportunities funded by the project."[169]

Notes to Section IV—Xinjiang

[1] Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; Adrian Zenz, "'Wash Brains, Cleanse Hearts': Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign," *Journal of Political Risk* 7, no. 11 (November 2019); Adrian Zenz, "China Didn't Want Us to Know. Now Its Own Files Are Doing the Talking," opinion, *New York Times,* November 24, 2019. For more information on mass internment camps in the XUAR, see CECC, *2019 Annual Report,* November 18, 2019, 266–72. For examples of individuals detained in mass internment camps whose cases were first reported on during this reporting year, see the Commission's Political Prisoner Database records 2019-00417 on Abdulla Abdurahman, 2019-00420 on Tursun Barat, 2019-00421 on Zahidem Heypihaji, 2019-00424 on Sherep Heyt, 2019-00453 on Shir'eli Perhat, 2019-00489 on Abdureshit Tohti, 2019-00491 on Tajigul Qadir, 2019-00492 on Emetjan Abdureshit, 2019-00493 on Memet'eli Abdureshit, 2019-00494 on Abduqeyyum Nurmemet, 2019-00497 on Abdulmijit Nurmemet, 2019-00498 on Turnisahan, 2019-00501 on Memet Hemdul, 2020-00060 on Abdughappar Mehmettohti, 2020-00061 on Polatjan Mehmettohti, 2020-00138 on Tursuntohti Mehsut, 2020-00144 on Tahir Hesen, and 2020-00145 on Erkin Ayup.

[2] Adrian Zenz, "'Wash Brains, Cleanse Hearts': Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign," *Journal of Political Risk* 7, no. 11 (November 2019).

[3] See, e.g., Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; Adrian Zenz, "'Wash Brains, Cleanse Hearts': Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign," *Journal of Political Risk* 7, no. 11 (November 2019); Ben Mauk, "Weather Reports: Voices from Xinjiang," *Believer,* October 1, 2019; Bethany Allen-Ebrahimian, "Exposed: China's Operating Manuals for Mass Internment and Arrest by Algorithm," International Consortium of Investigative Journalists, November 24, 2019.

[4] CECC, *2019 Annual Report,* November 18, 2019, 266.

[5] "Uyghur Man Dies in Xinjiang Internment Camp after Sacking over Muslim Prayers," *Radio Free Asia,* July 15, 2020; "Qeshqer Yéngisheherde 22 yashliq Alimjan Emet lagérgha ekétilip 40 kündin kéyin jesiti chiqqan" [In Yengisheher, Kashgar, 40 days after 22-year-old Alimjan Emet was taken away to the camps, his body came out], *Radio Free Asia,* July 5, 2019. For more information on Alimjan Emet, see the Commission's Political Prisoner Database record 2019-00396.

[6] "Uyghur Brothers Perish While Detained in Xinjiang," *Radio Free Asia,* September 18, 2019.

[7] "Uyghur Brothers Perish While Detained in Xinjiang," *Radio Free Asia,* September 18, 2019. For more information on these cases, see the Commission's Political Prisoner Database records 2019-00406 on Hezim Quddus and 2019-00405 on Idris Quddus.

[8] "Weziyettin xewerdar kishi: 'Terbiyileshte yashta chonglar ölüm girdabigha kelgendila qoyup bérilmekte'" [Individual familiar with the situation: 'Elderly in reeducation are only released when they are on the verge of death'], *Radio Free Asia,* July 12, 2019. For more information on Turghun Jappar, see the Commission's Political Prisoner Database record 2019-00409.

[9] "Uyghur tijaretchining lagérdin chiqip uzun ötmey jan üzgenliki melum" [Uyghur businessman reportedly dies shortly after leaving a camp], *Radio Free Asia,* September 3, 2019; "Doxtur Jür'et Obul: 'Shahimerdanning ölümige toktin zeximlinish seweb bolghan bolushi mumkin'" [Dr. Juraat Obul: 'Shahimerdan's death may have been caused by an electric shock'], *Radio Free Asia,* September 4, 2019. For more information on Shahimerdan Perhat, see the Commission's Political Prisoner Database record 2019-00452.

[10] "Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage," *Radio Free Asia,* October 28, 2019; "Pichan lemjinlik ghalipjanning lagérda bir mest xitay saqchi teripidin urup öltürülgenliki ashkarilandi" [Ghalipjan, of Lemjin, Pichan, revealed to have been beaten to death by drunk Chinese police officer in camp], *Radio Free Asia,* October 22, 2019.

[11] "Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage," *Radio Free Asia,* October 28, 2019; "Pichan lemjinlik ghalipjanning lagérda bir mest xitay saqchi teripidin urup öltürülgenliki ashkarilandi" [Ghalipjan, of Lemjin, Pichan, revealed to have been beaten to death by drunk Chinese police officer in camp], *Radio Free Asia,* October 22, 2019.

[12] "Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage," *Radio Free Asia,* October 28, 2019; "Pichan lemjinlik ghalipjanning lagérda bir mest xitay saqchi teripidin urup öltürülgenliki ashkarilandi" [Ghalipjan, of Lemjin, Pichan, revealed to have been beaten to death by drunk Chinese police officer in camp], *Radio Free Asia,* October 22, 2019. For more information on Ghalipjan Ehmet, see the Commission's Political Prisoner Database record 2019-00487.

[13] Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; International Consortium of Investigative Journalists, "Read the China Cables Documents," November 24, 2019; Uyghur Human Rights Project, "'Ideological Transformation': Records of Mass Detention from Qaraqash, Hotan," February 2020, 1, 10, 11, 18.

[14] Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019.

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[32] Under the Rome Statute, "enslavement" refers to "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children." Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Pleni-

potentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7(2)(c).

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[63] Tom Cheshire, "Mysterious Roadblocks and Armed Police: On the Trail of China's Missing Uighur Children," *Sky News,* October 2, 2019.

[64] Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020, 27; Darren Byler, "How Companies Profit from Forced Labor in Xinjiang," *SupChina,* September 4, 2019; Chris Buckley and Austin Ramzy, "Inside China's Push to Turn Muslim Minorities into an Army of Workers," *New York Times,* February 17, 2020; Jasmin Malik Chua, "Those Shoes Were Made by a Uighur Detainee," *Nation,* March 5, 2020; "What Happens When China's Uighurs Are Released from Re-Education Camps," *Economist,* March 5, 2020; CECC, *2019 Annual Report,* November 18, 2019, 67, 162, 205–7, 269, 272.

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[167] "Xinjiang: Chairs Ask Whether World Bank Funding Possible 'Crimes against Humanity,'" Congressional-Executive Commission on China, August 23, 2019.

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V. Tibet

Findings

- The Commission did not observe any interest or progress on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives. The negotiations have been stalled since the ninth round of negotiations was held in January 2010.
- The Party and government continued to use legal and policy measures to manage and shape the religious practices of Tibetans. Tibetan Buddhism is one of five state-recognized religions, and falls under the formal jurisdiction of the state-controlled Buddhist Association of China, which this year issued two revised measures governing the credentialing of Tibetan Buddhist religious personnel and the hiring of monastic leaders at Tibetan Buddhist religious institutions.
- Officials in Tibetan areas of China continued to enforce restrictions on religious observance and expressions of faith, including by prohibiting individuals from participating in religious events or celebrating holidays. Authorities in Sichuan province continued to carry out evictions of monks and nuns and demolition of monastic residences at the Yachen Gar Tibetan Buddhist complex.
- The Chinese government and Communist Party continued to assert control over the processes of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama. The Dalai Lama and Tibetan Buddhist leaders outside China maintained that the decision to reincarnate, or not, belongs to the individual in question and members of the Tibetan Buddhist religious community.
- The frequency of Tibetan self-immolation continued to decline. The Commission observed reports of only one Tibetan self-immolation, bringing the total number of Tibetan self-immolations since 2009 reportedly focusing on political or religious issues to 150. Yonten, a 24-year-old nomad and former monk, fatally self-immolated in November 2019.
- The Tibet Autonomous Region government passed regulations on "ethnic unity" that mandate acceptance and promotion of Party and government ethnic and religious policy across a wide variety of social sectors and at multiple levels of society. The regulations include vague language providing for criminal sanctions for those who have "irresolute stances and attitudes in the fight against separatism."
- In contravention of international human rights standards, security officials continued to punish residents of Tibetan areas of China for the exercise of their protected rights, including expression of religious belief, protest against or criticism of government or Party policies, and free expression.

Recommendations

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

- ○ Enact the Tibetan Policy and Support Act (H.R. 4331/S. 2539) to reaffirm U.S. support for the protection of human rights and religious freedom in Tibet and the preservation of Tibet's distinct religious, cultural, and linguistic identity; to promote interagency coordination on Tibetan issues; and to confirm as U.S. policy that the question of succession or reincarnation for the 14th Dalai Lama is a matter solely reserved for the Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people.
- ○ The Administration should appoint a high-level official, at or above the rank of Under Secretary of State, to the position of Special Coordinator for Tibetan Issues.
- ○ Encourage the Chinese government and Communist Party to respect, as a matter of the right to religious freedom and as recognized under Chinese and international law, that it is the right of Tibetan Buddhists to identify and educate all religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist practices and traditions. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and encourage the resumption of genuine dialogue, without preconditions, between the Chinese government and the Dalai Lama or his representatives.
- ○ 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 provide a useful resource for such advocacy. Urge the Chinese government and its law enforcement and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans' peaceful exercise of their rights.
- ○ Urge the Chinese government to invite a representative of an international organization to meet with **Gedun Choekyi Nyima,** whom the Dalai Lama recognized as the 11th Panchen Lama, and his parents, all three of whom disappeared shortly after his recognition as Panchen Lama in 1995.

TIBET

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

During the Commission's 2020 reporting year, the Commission did not observe any interest on the part of Chinese Communist Party and government officials in resuming formal negotiations with the Dalai Lama's representatives, which have been stalled since the ninth round of negotiations was held in January 2010. Chinese government and Party officials denounced the Dalai Lama and his representatives in public statements.[1]

Religious Freedom for Tibetans

The Party and government continued to use national-level laws and regulations, in conjunction with provincial- and local-level legal measures, in attempts to manage and shape the religious practices of Tibetans, particularly practitioners of Tibetan Buddhism. International observers and rights advocacy groups expressed concern that Chinese religious policy and its implementation continue to violate international human rights standards, including the right to freely worship and to choose one's own religion.[2] Several national measures deal with Tibetan Buddhism specifically, with the management of Tibetan Buddhism formally under the jurisdiction of the Buddhist Association of China, one of five state-controlled religious organizations. [For more information on religion in China, see Section II—Freedom of Religion.]

During the 2020 reporting year, several national-level measures governing Tibetan Buddhism were passed or came into effect:

In July 2019, the Buddhist Association of China revised two measures regulating the credentialing of all Tibetan Buddhist religious personnel, namely monks and nuns, and including "living Buddhas" (*huofo*),[3] and regulating the hiring of monastic leaders at Tibetan Buddhist religious institutions.[4] Both revised measures retained identical provisions requiring that Tibetan Buddhist religious personnel support the policies of the Chinese Communist Party and government, including opposing "separatism" and supporting the Party's leaders.[5] The revised measures added language requiring support from religious personnel for the Party's policy goal of "the sinicization of Tibetan Buddhism."[6]

Both measures also kept provisions establishing punishments, including suspension or cancellation of religious credentials and suspension or removal from one's religious post, for religious personnel who violate certain guidelines.[7] The Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel prohibit behavior that harms ethnic unity or social stability or promotes separatism,[8] and include a new provision punishing religious personnel who organize or conduct unauthorized religious activities.[9] The Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries contain similar provisions prohibiting monastic leaders from engaging in "separatist activities" and activities that "harm ethnic unity and social stability" and "separatist activities,"[10] and from "receiving the support of overseas organizations and individuals."[11]

In November 2019, the National Religious Affairs Administration passed the Measures for the Management of Religious Groups as part of the implementation of the 2018 Regulations on Religious Affairs.[12] The Measures, which took effect in February 2020, require religious organizations to support the Communist Party's political leadership of China and the policy of "sinicizing religion"[13] and subordination of religious organizations to supervision and oversight by governmental religious affairs bureaus.[14] Under the Measures, religious organizations are also required to publicize Communist Party religious policies and national laws and regulations on religion to both religious leaders and believers.[15] [For more information on the Measures, see Section II—Freedom of Religion.]

Authorities in Tibetan areas of China also enforced restrictions on religious observance and expressions of faith, including by prohibiting individuals from participating in religious events or celebrating holidays. A Tibet Autonomous Region (TAR) Party Committee document obtained by Human Rights Watch in summer 2019 ordered local offices to collect information on retired government workers who performed the Tibetan devotional practice of *kora*, or circumambulation at sacred places and religious sites.[16] The document also requested that local offices recommend punishments for those found to be performing the *kora*.[17] In December 2019, authorities in Lhasa municipality, TAR, reportedly banned students, school officials, and government workers from celebrating Ganden Ngachoe, a Tibetan Buddhist religious festival.[18] In May 2020, TAR officials prohibited Party cadres, retirees, and students from participating in religious events during the holy month of Saga Dawa.[19]

Authorities in Baiyu (Palyul) county, Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province, continued extensive evictions and demolition work, begun in 2016,[20] at Yachen Gar, a Buddhist institute and monastic complex in Baiyu. In summer 2019, authorities restricted entry to and exit from the complex to only those with travel authorization from a local monastery's management committee,[21] and by July expelled from the complex at least 3,600 monks and nuns.[22] By the end of August, authorities demolished the homes of 3,000 nuns,[23] and by October demolished between 5,000 and 6,000 homes for monks and nuns.[24] Authorities reportedly held 70 expelled nuns in detention for two to three months and forced them to undergo "patriotic education."[25] In early 2020, reports emerged that a nun expelled in May 2019 and held for a period in detention had committed suicide to avoid undergoing further "patriotic education."[26]

THE DALAI LAMA AND REINCARNATION

A policy priority for the Chinese Communist Party and government is exercising control over the selection and recognition of reincarnated Tibetan Buddhist religious figures. Chief among them is the 14th Dalai Lama, Tenzin Gyatso, who in July 2020 reached the age of 85, and who has lived in India since fleeing into exile in 1959.[27] Chinese officials regularly describe the Dalai Lama and his followers as "separatists" seeking to "split the motherland."[28]

Chinese officials claim legal authority to recognize and select reincarnated Tibetan Buddhist teachers, including the Dalai Lama,

through the 2007 Measures on the Management of Reincarnation of Living Buddhas in Tibetan Buddhism.[29] The Dalai Lama issued a statement in September 2011 describing the religious foundations of reincarnation and the historical context of Tibetan Buddhist reincarnation, and outlining his own plans for reincarnating, stressing that how and even whether to reincarnate is a decision for the individual in question, in consultation with the religious community of Tibetan Buddhists, not the Chinese Communist Party or government.[30] In the statement, the Dalai Lama explicitly rejected the Chinese government's claim that it has authority over the recognition and validation of reincarnate teachers.[31] In October 2019, the Dalai Lama reportedly suggested that the tradition of reincarnation in Tibetan Buddhism should end.[32]

Chinese authorities continued to penalize Tibetans for expressions of reverence for the Dalai Lama through criminal and other punishments. Reports emerged in the 2020 reporting year on two cases of Tibetans detained in connection with expressing devotion to the Dalai Lama. In March 2019, authorities in Rikaze (Shigatse) municipality, TAR, detained **Wangchug,** a businessman and resident of Nielamu (Nyalam) county, Rikaze, reportedly for sharing the Dalai Lama's teachings and a book written by the Dalai Lama's brother over the social media platform WeChat.[33] Local officials reportedly later canceled Wangchug's family members' welfare benefits and restricted their ability to travel.[34] In May 2019, police in Gangcha (Kangtsa) county, Haibei (Tsojang) Tibetan Autonomous Prefecture (TAP), Qinghai province, detained **Thubten Pema Lhundrub** after he prayed to the Dalai Lama.[35]

Detentions during the 2020 reporting year included the following:

- In July 2019, police in Ruo'ergai (Dzoege) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, held **Rinso,** a Tibetan resident of Ruo'ergai, in detention for 10 days after he reportedly shared a photo of the Dalai Lama on WeChat to celebrate the Dalai Lama's birthday on July 6.[36]
- On various dates in 2019,[37] authorities in parts of Sichuan province searched Tibetans' homes for images of the Dalai Lama. Police in Baiyu (Palyul) county, Ganzi (Kardze) TAP, reportedly beat Tibetans in possession of photographs of the Dalai Lama and detained those who prayed for his long life.[38]
- In late September, police in Shiqu (Sershul) county, Ganzi (Kardze) TAP, detained monk **Sonam Yonten,** of Shiqu's Bumnying Monastery, reportedly for possession of a banned image of the Dalai Lama.[39] Local authorities heightened security measures around October 1, 2019, the 70th observance of China's National Day, with armed police conducting searches of pedestrians.[40]
- In late December 2019, police in Zuogong (Dzogang) county, Changdu (Chamdo) municipality, TAR, detained **Jampal Dorje** and his son **Tsewang Gyurme** after they used their mobile phones to listen to the Dalai Lama's teachings and to call their family members in India.[41] After obtaining their relatives' phone numbers, authorities made the two men sign a document promising not to call their family or listen to the Dalai Lama's teachings and released them with a warning.[42]

Chinese authorities have also required opposition to the Dalai Lama as a condition for public employment. In an October 2019 public examination announcement seeking university graduates for government positions by the TAR Human Resources and Social Security (HRSS) Department, applicants were required not only to support the Communist Party's political leadership, but also to have a "resolute stance on . . . exposing and criticizing the Dalai Lama."[43] Provisions containing identical language appeared in other hiring announcements seeking applicants from the TAR, including an August 2019 announcement seeking TAR graduates to work in Zhejiang province[44] and an October announcement from the Guangdong province and Linzhi (Nyingchi) municipality, TAR, HRSS Departments seeking ethnic minority university graduates.[45]

The 11th Panchen Lama

In September 2019, a Chinese representative to the United Nations reiterated the Chinese government's position that the Dalai Lama's May 1995 recognition of **Gedun Choekyi Nyima** as the 11th Panchen Lama was "illegal and ineffective."[46] Three days after the Dalai Lama announced the recognition, Chinese authorities detained Gedun Choekyi Nyima and his parents, and have held them incommunicado at an unknown location or locations since.[47] During the Commission's 2020 reporting year, Chinese government officials maintained that Gedun Choekyi Nyima and his parents did not want to be contacted[48] and that he was employed and "living [. . .] a normal life."[49]

Tibetan Self-Immolation

In its 2020 reporting year, the Commission observed reports of one self-immolation in Tibetan areas of China, bringing to 150 the number of Tibetan self-immolations since 2009 reported to focus on political or religious issues.[50] On November 26, 2019, Yonten, a 24-year-old Tibetan nomad and former Kirti Monastery monk, carried out a fatal self-immolation in Mai'erma (Me'uruma) town, Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province.[51] Reports characterized Yonten's self-immolation as a protest against the Chinese government and its policies in Tibetan areas.[52] Local police reportedly held his relatives for questioning before returning his remains to them.[53]

Governance and Policy

ETHNIC UNITY REGULATIONS

On January 11, 2020, the Tibet Autonomous Region (TAR) People's Congress passed the TAR Regulations on Establishing a Model Area for Ethnic Unity and Progress,[54] which mandate acceptance and promotion of Communist Party and government ethnic and religious policy across a wide variety of social sectors and at multiple levels, including prefectural and local governmental agencies,[55] businesses,[56] religious organizations,[57] and individual families.[58] Provisions enlisting organizations or individuals to promote ethnic unity work include:

- **"Sinicizing religion."** The Regulations require religious bodies and educational institutions to "persevere on the path of sinicizing religions in this country,"[59] and mandate that religious affairs bureaus guide religious organizations in propaganda education on ethnic unity thought, laws and regulations, and ethnic and religious policy.[60]
- **Media and press.** The Regulations order media enterprises including television broadcasters, publishers, and internet service providers to cooperate with ethnic unity propaganda work, including by participating in celebrations of a yearly "ethnic unity propaganda activities month" in September and Serfs Emancipation Day, celebrated in March since 2009.[61]
- **Education.** The Regulations mandate that educational institutions and cultural enterprises such as museums include educational content on ethnic unity in their curricula or programming.[62]
- **Criminalizing expression.** Article 46 of the Regulations provides for criminal sanctions for those who disseminate speech or spread information harmful to ethnic unity and progress,[63] or those who "[harm] national security and unity with irresolute stances and attitudes in the fight against separatism."[64]

Similar ethnic unity regulations have been passed in previous years in the Xinjiang Uyghur Autonomous Region[65] and Qinghai[66] and Yunnan[67] provinces, the latter two of which contain Tibetan autonomous areas. [For more on ethnic policy, see Section II—Ethnic Minority Rights.]

Control of Expression and the Free Flow of Information

CONTROL OF EXPRESSION

Authorities in Tibetan areas of China sought to regulate and control speech critical of the Chinese government and Communist Party or their policies in Tibetan areas, and to compel expressions of gratitude or appreciation for the government and Party. Officials in various parts of the Tibet Autonomous Region (TAR) compelled residents to participate in celebrations of China's National Day (October 1).[68] In September 2019, police in Daqian (Tarchen) township, Seni district, Naqu (Nagchu) municipality, TAR, detained six Tibetan men because they did not comply with orders for residents to display Chinese flags and learn songs praising the Communist Party in advance of National Day.[69] Authorities reportedly forced the men to attend political education sessions and dispatched armed police to the home village of one of the detainees.[70]

Dza Bonpo crackdown. In November 2019, police in Shiqu (Sershul) county, Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province, detained four monks from Shiqu's Dza Bonpo Monastery after they staged a pro-independence protest at local government offices.[71] Authorities later detained the monks' teacher in connection with their protest,[72] as well as a 15-year-old monk who expressed support for the protest online.[73] Police also detained two laypersons who protested for Tibetan independence and in support of the detained monks at a local police station later that month.[74] Following the protests, authorities sent additional secu-

rity personnel to the area[75] and detained at least 30 local residents for sending information of the protests outside China.[76]

In March 2020, Party-controlled media reported on new measures, effective in September 2019, aimed at controlling illegal and unauthorized media and publishing in the TAR. The Measures for Rewarding Reporting on "Eliminating Pornography and Illegal [Content]" Work, jointly issued by four TAR agencies,[77] provide for monetary rewards[78] for individuals who report the publication or broadcast of banned content to one of the issuing agencies, the TAR "Eliminating Pornography and Illegal [Content]" Work Small Leading Group.[79] The Measures include provisions regarding copyright infringement,[80] obscenity and pornography,[81] and publishing or broadcasting without official authorization,[82] in addition to a list of banned political content types.[83] An international rights advocacy organization criticized the Measures for "criminaliz[ing] any legitimate criticism"[84] of Chinese authorities by banning the publication of content critical of the Chinese government or political system[85] and content that promotes a "high degree of autonomy"[86] or the "Middle Way."[87]

FREE FLOW OF INFORMATION

Chinese authorities continued to monitor or restrict contact between Tibetans in China and individuals or groups outside China, including by detaining those found to have contact with Tibetans in exile in India. Beginning in April 2020, authorities in Dingri county, Rikaze (Shigatse) municipality, TAR, investigated between 4,000 and 5,000 families who had relatives living in India or Nepal, recording their personal information, including social media accounts.[88] Examples of detentions from this reporting year included:

- **Lhadar:** detained in Seni district, Naqu (Nagchu) municipality, TAR, in October 2019, reportedly for "leaking state secrets" by sending information abroad.[89]
- **Lubum Dorje** and **Tsegan:** detained in Xiahe (Sangchu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, in December 2019 in apparent connection with using WeChat to contact people outside China.[90]

Language Rights

Although China's Constitution and laws contain provisions affirming the freedom of ethnic minorities to "use and develop"[91] their languages, developments in the 2020 reporting year indicate that authorities continue to threaten minority linguistic rights, including through policies of neglect. Chinese ethnic policy ignores unrecognized linguistic communities, including in Tibetan areas of China,[92] and users of languages without official recognition lack access to official support in education and other government services.[93]

During the Commission's 2020 reporting year, authorities in Tibetan areas of China continued to increase the role of Mandarin and decrease the role of Tibetan and other languages in educational settings.[94] A March 2020 Human Rights Watch report on recent developments in educational language policy in the Tibet Autonomous Region described a policy of "cultivated ambiguity" in

which formally bilingual education in reality prioritizes instruction in Mandarin.[95] In Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, officials announced that Mandarin would become the language of instruction for all subjects except Tibetan-language class beginning in summer 2020.[96] Tibetans in Aba expressed concerns over the policy change, saying that it violated legal protections for linguistic and cultural rights and would harm educational outcomes for students.[97] International rights groups have criticized this shift for threatening Tibetans' right to mother-tongue education.[98]

In some cases, authorities have punished residents of Tibetan areas of China who have expressed criticism of or dissatisfaction with Chinese language or cultural policies. During the 2020 reporting year, information emerged about at least two such cases:

- **Sichuan province.** On September 19, 2019, police in Aba (Ngaba) county, Aba T&QAP, Sichuan, detained **Sonam Palden,** a 22-year-old monk at Aba county's Kirti Monastery.[99] Sources told foreign journalists and rights groups that his detention was connected with his posts to the social media platform WeChat.[100] In a post dated September 18, Sonam Palden expressed concern over the status of the Tibetan language and the negative effects of Chinese government language policy on Tibetan culture.[101]
- **Tibet Autonomous Region (TAR).** In December 2019 and January 2020, human rights advocacy groups reported on the case of **Tsering Dorje,** whom authorities in Lazi (Lhatse) county, Rikaze (Shigatse) prefecture, TAR, took into custody in February 2019, after he spoke by phone with his brother in India about the importance of Tibetan-language education.[102] Public security officials at the Dingri County PSB Detention Center in Rikaze reportedly beat him, and released him around a month later after warning him not to discuss his detention with others.[103]

Coronavirus in Tibetan Areas

In response to the novel coronavirus pandemic that began in Wuhan municipality, Hubei province, at the end of 2019, authorities in Tibetan areas of China ordered public health measures such as restrictions on travel, bans on public events and gatherings, and closure of public establishments.[104] The height of the pandemic at its epicenter in Wuhan in late February 2020 coincided with the Tibetan New Year (*Losar*) on February 24, prompting the cancellation of New Year's festivities in Lhasa municipality.[105] Officially as part of the response to the pandemic, authorities in Tibetan areas also punished individuals for "spreading disinformation" or "rumors" related to the virus.[106] Authorities warned, fined, or ordered individuals to serve terms of administrative detention, and ordered online discussion groups closed.[107] International observers and rights advocacy organizations expressed concern that officials violated citizens' rights to expression by conflating protected speech with misinformation harmful to public health.[108] [For more on COVID–19, see Section II—Public Health.]

Development and the Environment

The Commission observed no evidence during its 2020 reporting year that Chinese Communist Party or government authorities solicited systematic or representative input from the Tibetan population on economic development or environmental protection in Tibetan areas of China. Official media described developmental policies as beneficial in terms of both economic development and environmental protection.[109] Ongoing resettlement of nomadic Tibetan populations was similarly portrayed as a measure meant to improve the resettled nomads' livelihoods and quality of life.[110] While climate change remained a major threat to the sustainability of pastoral livelihoods in Tibetan areas of China,[111] economic development projects reportedly also presented a threat, including some projects meant for environmental protection or sustainable development.[112]

The Intergovernmental Panel on Climate Change reported in September 2019 that the effects of climate change on the world's cryosphere could have continuing serious effects on the Tibetan Plateau, including altered precipitation and weather patterns, increased melting of glacial and other ice deposits, and deterioration of permafrost.[113] These climatic changes have had further detrimental effects on water quality, groundwater availability, and civil infrastructure.[114]

Chinese authorities in Tibetan areas continued to punish Tibetan expressions of dissatisfaction over developmental initiatives and environmental policy.[115] In one high-profile case during this reporting year, in December 2019, authorities in Gande (Gade) county, Guoluo (Golog) Tibetan Autonomous Prefecture, Qinghai province, sentenced Tibetan anticorruption advocate **Anya Sengdra**[116] to seven years in prison on the charges of "picking quarrels and provoking trouble"[117] and "gathering a crowd to disturb social order."[118] Upon Anya Sengdra's initial detention in 2018, his wife wrote that authorities detained him in retaliation for his allegations that local officials in Jiangqian (Kyangche) township, Gande, had embezzled or misused poverty alleviation funds allocated to assist resettled nomads.[119] The Gande procuratorate noted as criminal behavior his management of several WeChat discussion groups in which he discussed official malfeasance and local environmental issues.[120] Information emerged in September 2019 that authorities detained nine other Tibetans[121] connected with Anya Sengdra's case;[122] the Gande court sentenced eight of them to unknown prison terms in December (the other detainee, Anya Sengdra's brother **Jamtri,** died in late 2019 before sentencing).[123]

Notes to Section V—Tibet

[1] Central People's Government, "Xinwen ban jiu Xizang Zizhiqu 'jiaqiang minzu tuanjie jianshe meili Xizang' juxing fabu hui" [Information office holds press conference on Tibet Autonomous Region's "strengthen ethnic unity, build a beautiful Tibet"], September 12, 2019; Ministry of Foreign Affairs, "2019 nian 10 yue 29 ri Waijiaobu fayanren Geng Shuang zhuchi lixing jizhehui" [Ministry of Foreign Affairs spokesperson Geng Shuang holds regular press conference on October 29, 2019], October 29, 2019. A Ministry of Foreign Affairs spokesperson referred to the Dalai Lama as "a political exile who has long used the guise of religion to carry out separatist anti-China activities abroad."

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18.

[3] Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], revised and effective July 24, 2019. For the previous version of the Measures, see Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], passed May 8, 2009, issued and effective January 10, 2010.

[4] Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries], revised and effective July 24, 2019. For the previous version of the Measures, see Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel at Tibetan Buddhist Monasteries], passed September 22, 2011, issued and effective November 3, 2011.

[5] Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], revised and effective July 24, 2019, art. 3(1); Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries], revised and effective July 24, 2019, art. 3(2).

[6] Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], revised and effective July 24, 2019, art. 3(1); Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries], revised and effective July 24, 2019, art. 3(2).

[7] Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], revised and effective July 24, 2019, art. 11; Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries], revised and effective July 24, 2019, art. 10.

[8] Buddhist Association of China, *Zangchuan Fojiao Jiaozhi Renyuan Zige Rending Banfa* [Measures for Confirming the Credentials of Tibetan Buddhist Professional Religious Personnel], revised and effective July 24, 2019, art. 11(1, 7).

[9] Ibid., art. 11(8).

[10] Buddhist Association of China, *Zangchuan Fojiao Simiao Zhuyao Jiaozhi Renzhi Banfa* [Measures for Appointing Principal Professional Religious Personnel in Tibetan Buddhist Monasteries], revised and effective July 24, 2019, art. 10(1).

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

[12] State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, revised June 14, 2017, effective February 1, 2018; National Religious Affairs Administration, *Zongjiao Tuanti Guanli Banfa* [Measures on the Management of Religious Groups], passed November 1, 2019, effective February 1, 2020.

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[114] Ibid., 29, 30, 48, 49.

[115] See, e.g., CECC, *2016 Annual Report,* October 6, 2016, 307–8; CECC, *2018 Annual Report,* October 10, 2018, 208–9, 299; CECC, *2019 Annual Report,* November 18, 2019, 299.

[116] Free Tibet, "Tibetan Activist Handed Seven Year Prison Sentence," December 6, 2019; Tibetan Centre for Human Rights and Democracy, "China: Tibetan Anti-Graft Campaigners Sentenced on Bogus Charges in a Show Trial," December 16, 2019. For more information on Anya Sengdra, see the Commission's Political Prisoner Database record 2016-00353.

[117] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293.

[118] Ibid., art. 290.

[119] Tibetan Centre for Human Rights and Democracy, "China Detains Tibetan Anti-Corruption Activist on Politicised Charge of 'Provoking Trouble,'" December 20, 2018.

[120] Tibet Watch, "Eight Tibetans Detained for 'Organising a Mob to Disturb Social Order,'" September 3, 2019.

[121] For information on the detainees, see the following records in the Commission's Political Prisoner Database: 2020-00015 on Sodung, 2020-00016 on Jamtri, 2020-00017 on Ashol, 2020-00018 on Dosang, 2020-00019 on Wanggyal, 2020-00020 on Gyaltsen, 2020-00021 on Ngobe, 2020-00022 on Orgyen Tsering, and 2020-00023 on Wangchen.

[122] Tibet Watch, "Eight Tibetans Detained for 'Organising a Mob to Disturb Social Order,'" September 3, 2019.

[123] Free Tibet, "Tibetan Activist Handed Seven Year Prison Sentence," December 6, 2019; International Campaign for Tibet, "Tibetan Anti-Corruption Campaigner to Appeal 7-Year Prison Sentence," December 20, 2019.

VI. Developments in Hong Kong and Macau

Findings

• During the Commission's reporting year, a number of deeply troubling developments in Hong Kong undermined the "one country, two systems" governance framework, which led the U.S. Secretary of State to find that Hong Kong has not maintained a high degree of autonomy for the first time since the handover in July 1997.

• On June 30, 2020, the National People's Congress Standing Committee (NPCSC) passed the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law), bypassing Hong Kong's Legislative Council. To the extent that this law criminalizes secession, subversion, terrorist activities, and collusion with foreign states, this piece of legislation violates Hong Kong's Basic Law, which specifies that Hong Kong shall pass laws concerning national security. Additionally, the National Security Law raises human rights and rule of law concerns because it violates principles such as the presumption of innocence and because it contains vaguely defined criminal offenses that can be used to unduly restrict fundamental freedoms.

• The Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (PRC Liaison Office) declared in April 2020 that neither it nor the Hong Kong and Macao Affairs Office, both being State Council agencies, were subject to Article 22 of the Basic Law—a provision designed to protect Hong Kong's high degree of autonomy. The Hong Kong government had long interpreted the provision to cover the PRC Liaison Office, but it reversed itself overnight in an apparent attempt to conform its position to that of the central government. The PRC Liaison Office's interpretation, to the extent that it is treated as binding, contravenes the Basic Law provision vesting the power of interpretation in the NPCSC.

• In March 2020, the Chinese government expelled journalists of three major U.S. news organizations and permanently prohibited them from reporting in China, further extending the ban to cover Hong Kong. This decision disregarded Hong Kong's authority to exercise immigration control, thereby undermining Hong Kong's high degree of autonomy. At the same time, the Hong Kong government denied entry to individuals who had been critical of the Chinese government, particularly of its human rights practices.

• Prompted by an extradition bill that could expose people in Hong Kong to arbitrary detention by Chinese authorities, Hong Kong residents held over 900 protests beginning in March 2019. While protesters who resorted to vandalism and violence remained in the minority, Hong Kong police employed crowd-control measures in ways that effectively denied the majority their right to participate in peaceful assemblies and processions. Police used excessive force and misused crowd-control projectiles and chemical irritants, but the government refused to form an independent investigative body and chose instead to

let the police investigate themselves. Police on occasion refused to issue permits for assemblies or revoked such permits shortly after the scheduled start time, allowing them to make arrests under the charge of "unauthorized assembly."

• Many protesters detained by police were denied the right to legal counsel, and some were abused while they were in custody. Several protesters who spent time in prison revealed that prison officials repeatedly abused them and other protesters; one inmate attempted suicide to escape torture.

• The Hong Kong government exhibited a pattern of selective enforcement when it emphatically prosecuted protesters and democracy advocates but did not match the same level of commitment when addressing misconduct by police and people hostile to protesters. For example, during the July 21, 2019, incident in which a mob attacked people at a subway station in Yuen Long, police arrived at the scene 45 minutes later despite numerous emergency calls and made no arrests. In contrast, police arrested many prominent democracy advocates for unauthorized assembly although they had not engaged in any violent acts.

• In Macau, police broke up a rally intended to show support for protesters in Hong Kong, and border officials denied entry to journalists entering Macau ahead of a visit by Chinese Communist Party General Secretary and President Xi Jinping.

Recommendations

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

○ Continue to advocate for Hong Kong pro-democracy advocates who have been charged, detained, or imprisoned for political reasons. Call on the Hong Kong government to drop all charges against **Joshua Wong Chi-fung, Agnes Chow Ting, Andy Chan Ho-tin, Althea Suen, Rick Hui, Cheng Chung-tai, Jeremy Tam Man-ho, Jimmy Lai, Lee Cheuk-yan, Yeung Sum, Martin Lee Chu-ming, Albert Ho Chun-yan, Margaret Ng Ngoi-yee, Sin Chung-kai, Leung Kwok-hung, Au Nok-hin, Cyd Ho Sau-lan, Figo Chan Ho-wun, Raphael Wong Ho-ming, Avery Ng Man-yuen,** and **Richard Tsoi Yiu-cheong.**

○ Urge Hong Kong government officials to establish a genuinely independent entity to investigate allegations of police brutality and other misconduct and abide by the recommendations of such entity.

○ 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.

○ Pass legislation to provide refugee status or parole for Hong Kong pro-democracy advocates based on the most appropriate provisions included in the Hong Kong Safe Harbor Act (H.R. 7415/S. 4110) and the Hong Kong People's Freedom and Choice Act (H.R. 8428/S. 4229).

Hong Kong's Autonomy: Legal Framework and China's Position

The Hong Kong Special Administrative Region (SAR) was established on July 1, 1997, when the United Kingdom restored Hong Kong to China pursuant to the 1984 Sino-British Joint Declaration (Joint Declaration).[1] At the same time, the Basic Law of the Hong Kong Special Administrative Region (Basic Law) became effective.[2] Under the Basic Law, Hong Kong may "exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power" except in foreign affairs and defense.[3] According to "the principle of 'one country, two systems,' the socialist system and policies shall not be practised in [Hong Kong]."[4] Beginning in 2014, Chinese authorities—while continuing to restate the "one country, two systems" principle—have asserted a full right of governance (*quanmian guanzhi quan*) over Hong Kong and have unilaterally declared the Joint Declaration to have been void since the handover.[5]

Official Actions Affecting Hong Kong's Autonomy

National People's Congress Standing Committee Passed National Security Law, Bypassing Hong Kong's Legislature

On June 30, 2020, the National People's Congress Standing Committee (NPCSC) unanimously passed the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law), effective on the same day.[6] To be incorporated in Annex III of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong's Basic Law),[7] the new law is designed to "safeguard national security" and criminalizes "secession," "subversion," "terrorist activities," and "collusion with a foreign country or with external elements to endanger national security."[8] The law requires Hong Kong's Chief Executive to handpick judges in national security cases,[9] confers jurisdiction to the central government under some circumstances,[10] and orders the Hong Kong government to "strengthen propaganda, guidance, supervision, and administration" over "schools, social groups, media, and the internet."[11]

Given the nature of the conduct being prohibited, the National Security Law violates Hong Kong's Basic Law. Article 18 of the Basic Law provides that laws includable in Annex III are "confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law."[12] Article 23 in turn specifies that "[Hong Kong] shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government . . .."[13] Furthermore, the NPCSC reserved to itself exclusive jurisdiction to interpret the National Security Law,[14] which is inconsistent with Articles 19 and 158 of the Basic Law granting Hong Kong courts the authority to adjudicate cases and interpret the Basic Law within the limits of Hong Kong's autonomy.[15]

National People's Congress Standing Committee Passed National Security Law, Bypassing Hong Kong's Legislature—Continued

After passage of the law, political groups including Demosistō, Hong Kong National Front, and Studentlocalism, announced their decisions to disband.[16] In discussing the new law, Joshua Wong of Demosistō, who has testified at a hearing held by the U.S. Congressional-Executive Commission on China, expressed concern over lengthy prison terms and the possibility of extradition to mainland China.[17]

The National Security Law was enacted one day before July 1, the anniversary of the handover of Hong Kong when, each year, large numbers of Hong Kong residents join marches demanding political reform and universal suffrage.[18] This year, however, Hong Kong police denied applications filed by social groups to hold marches, citing the possibility of violence and public health concerns relating to the coronavirus disease 2019 (COVID–19) pandemic.[19] Despite the denials, Hong Kong residents joined marches on July 1, 2020, but the number of participants dropped significantly compared to prior years.[20] Among the approximately 370 people arrested that day, 10 were charged under the National Security Law.[21]

Drafted behind closed doors, the National Security Law employs vague terms and may be used to unduly restrict fundamental freedoms, according to some analyses.[22] Specific provisions raising human rights and rule of law concerns include the following:

- The law establishes the Hong Kong SAR National Security Protection Commission, which is supervised by the central government and is not subject to checks by any Hong Kong government agency or judicial review.[23]
- The law specifies that the PRC Office for Safeguarding National Security is supervised by the central government, and it further deprives the Hong Kong government of jurisdiction over them.[24] These provisions place the PRC Office for Safeguarding National Security outside the scope of Article 22 of the Basic Law, which requires central government officials to abide by the laws of Hong Kong.[25]
- Article 42 of the National Security Law—which prohibits bail unless the judge is satisfied that the defendant will not continue to commit offending acts—presumes the defendant's guilt and is inconsistent with the presumption of innocence principle.[26]
- The definition of "subversion" includes a catch-all category of "any unlawful means" used to subvert the state's power by "seriously interfering in, disrupting, or undermining" the performance of duties by the central government or the Hong Kong SAR government.[27] The central government has a long track record of punishing individuals for advocating human rights and democracy under "subversion" charges.[28]
- The definition of "terrorist activities" includes a broad description of "other dangerous activities which seriously jeopardise public health, safety or security," which can be extended to prohibit public gatherings.[29]

National People's Congress Standing Committee Passed National Security Law, Bypassing Hong Kong's Legislature—Continued

- The offense of "collusion with a foreign country or with external elements to endanger national security" can adversely impact non-governmental organizations that directly or indirectly receive funding from foreign sources.[30] Before the National Security Law was enacted, the central government arrested at least two individuals on allegations of funding protests in Hong Kong in November 2019.[31]
- The law is applicable to people who are not Hong Kong residents, as well as to any conduct having an impact in Hong Kong even if it took place outside of Hong Kong.[32] Amnesty International expressed concerns over the expansive application of the provision: "This means anyone on Earth, regardless of nationality or location, can technically be deemed to have violated this law and face arrest and prosecution if they are in a Chinese jurisdiction, even for transit."[33]
- Cases in which the central government exercises jurisdiction are subject to the PRC Criminal Procedure Law,[34] which provides for a form of detention known as "residential surveillance at a designated location" (RSDL) applicable to crimes involving "endangering state security" and "terrorism."[35] The UN Committee against Torture observed that this form of detention "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment,"[36] and multiple individuals have suffered abuse while being detained under RSDL.[37]

CENTRAL GOVERNMENT OFFICES ASSERTED SUPERVISORY AUTHORITY OVER HONG KONG AFFAIRS

The Hong Kong government declared that a Chinese government office was not bound by a provision in the Basic Law that prohibited it from interfering in Hong Kong affairs, essentially reversing its longstanding position on this issue. In a statement issued on April 19, 2020, the Hong Kong government reversed its longstanding position that the Liaison Office of the Central People's Government in Hong Kong (PRC Liaison Office) was bound by Article 22 of the Basic Law, which prohibits all departments of the central government from interfering in Hong Kong affairs.[38] The statement was issued shortly after a PRC Liaison Office spokesperson said that neither the PRC Liaison Office nor the Hong Kong and Macao Affairs Office were subject to Article 22; the spokesperson declared that the two offices had supervisory authority because they were specifically tasked with handling Hong Kong affairs.[39] However, official documents describing the duties of the two offices do not indicate that they had supervisory authority.[40] Twenty-two Legislative Council members criticized the Hong Kong government for having given in to the PRC Liaison Office's distorted interpretation of the Basic Law.[41] The Hong Kong Bar Association likewise explained that nothing in the Basic Law supports the interpretation that the two offices had supervisory authority to interfere in Hong Kong affairs.[42]

JOURNALISTS BANNED FROM REPORTING IN HONG KONG

The Chinese government's journalist ban that extended to Hong Kong and Macau directly infringed on Hong Kong's autonomy. In March 2020, the Chinese government ordered journalists from three U.S. news organizations working in China to surrender their press cards within 10 days and permanently banned them from reporting in China, including Hong Kong and Macau.[43] The announcement said the measure was retaliation of equal force against the United States' restrictions on Chinese journalists.[44] Earlier in March, the U.S. Government limited the number of Chinese staff working for five state- or Chinese Communist Party-run media organizations in the United States.[45]

Following the order, the Hong Kong Journalists Association issued a statement noting that "[i]mmigration control falls within the scope of [Hong Kong's] autonomy" and that restricting "normal reporting activities of foreign media . . . will raise doubts about whether Hong Kong is still a free and open society."[46] The Foreign Correspondents' Club (FCC) of Hong Kong likewise issued an open letter and a statement asking whether Hong Kong's immigration department was acting under the central government's guidance when issuing journalist visas, and saying that "China is overtly [attempting] to influence overseas news coverage . . .."[47] The Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong dismissed the FCC's statements as "irresponsible talk" and asked it to "study the Basic Law."[48] [For more information on press freedom in China, see Section II—Freedom of Expression.]

POLITICAL PRESSURE ON THE JUDICIARY

In November 2019, Chinese officials publicly criticized a Hong Kong SAR High Court decision, prompting concerns over loss of judicial independence. At issue in the court decision was an October 2019 regulation made by the Hong Kong government "to ban the use of facial covering in public meetings and processions" on "public danger grounds" in light of recent protests.[49] A group of Legislative Council (LegCo) members sought judicial review of the ban's constitutionality and its authorizing legislation, the Emergency Regulations Ordinance (ERO).[50] In November 2019, the High Court found that the relevant part of the ERO was incompatible with the Basic Law because it had the effect of conferring on the Hong Kong government legislative power, a function that the Basic Law reserves for the Legislative Council.[51]

One day after the judgment was issued, both the Commission for Legislative Affairs of the National People's Congress Standing Committee (NPCSC) and the Hong Kong and Macao Affairs Office criticized the court judgment, with the former saying that the NPCSC had exclusive jurisdiction over questions of constitutionality of Hong Kong ordinances,[52] and the latter calling it "a blatant challenge of the NPCSC's authority and the Chief Executive's lawful power to govern."[53] Later in April 2020, when the Court of Appeal reversed the High Court's judgment and affirmed the Chief Executive's rulemaking authority,[54] the Hong Kong and Macao Affairs Office expressed support and did not contest the court's jurisdiction.[55]

The Hong Kong Bar Association disagreed with the conclusion made by the NPCSC Commission for Legislative Affairs, explaining that Article 160 of the Basic Law provides that laws found to be unconstitutional "shall be amended or cease to have force in accordance with the procedure as prescribed by this Law."[56] It further pointed out that Hong Kong courts are granted independent judicial power and final adjudication power under Articles 19 and 85 of the Basic Law.[57] Legal expert Martin Lee, who participated in the drafting of the Basic Law,[58] interpreted the Chinese government's reaction as an express intention to remove judicial independence from Hong Kong, and former LegCo member Albert Ho pointed out that in a previous court case, the Chinese government did not contest Hong Kong courts' jurisdiction when the outcome was consistent with its interests, calling into question whether Hong Kong continues to have judicial independence.[59]

In April 2020, Chief Justice of the Court of Final Appeal Geoffrey Ma issued a statement saying that he "[had] not at any stage encountered or experienced any form of interference by mainland authorities with judicial independence in Hong Kong, including the appointment of judges."[60] Previously, Reuters reported that while Chinese judges and officials did not meddle in individual cases in Hong Kong, they "constantly [sought] to push Beijing's 'patriotic' agenda by stressing the importance of the judiciary in defending China's sovereignty and national security."[61]

CRITICS OF CHINESE AUTHORITIES DENIED ENTRY TO HONG KONG

Hong Kong authorities denied at least three individuals entry to Hong Kong, apparently based on their critical speech about the Chinese government and Party. They were photographer and academic **Dan Garrett,** who testified at a hearing held by the Commission concerning diminishing autonomy and decreasing freedoms in Hong Kong;[62] journalist **Michael Yon,** who openly supported the protesters and had criticized the Chinese Communist Party;[63] and executive director of Human Rights Watch **Kenneth Roth,** who planned to launch a report containing critical comments about China's human rights practices.[64] Human Rights Watch was one of five non-governmental organizations subjected to unspecified sanctions announced by the PRC Ministry of Foreign Affairs in December 2019 as retaliation against the passage of the Hong Kong Human Rights and Democracy Act of 2019 by the U.S. Congress.[65] One scholar observed that the exclusion of critics indicated that the Hong Kong government was more inclined to follow central authorities' instructions than to preserve its autonomy.[66]

Arbitrary Detention by Chinese Authorities

Two recent examples of arbitrary detention deepened concern about Chinese authorities' ability to seize individuals on Hong Kong soil and their propensity to punish activities carried out in Hong Kong.

Simon Cheng: On August 8, 2019, Chinese officials took Simon Cheng Man-kit into custody in Hong Kong and detained him in mainland China for 15 days.[67] A UK consulate employee, Cheng was returning to Hong Kong from a business trip to mainland China using the Guangzhou-Shenzhen-Hong Kong Express Rail Link.[68] He was stopped at the West Kowloon high-speed rail link station,[69] which is physically located in Hong Kong but has a designated section within which mainland law enforcement can operate under a relatively new "co-location" arrangement.[70]

Chinese officials transported Cheng to Shenzhen municipality, Guangdong province, and detained him at various detention facilities.[71] They reportedly tortured Cheng and interrogated him about the UK's role in the Hong Kong protests,[72] releasing him on August 24 after he recorded a "confession" admitting to soliciting prostitution.[73]

Gui Minhai: On February 24, 2020, the Ningbo Municipal Intermediate People's Court in Zhejiang province sentenced Swedish citizen Gui Minhai to 10 years in prison for "illegally providing intelligence abroad."[74] At a press conference, a spokesperson for the PRC Ministry of Foreign Affairs did not describe or outline the nature of the intelligence that Gui allegedly leaked.[75] Gui, whose detention began when he was abducted from a vacation home in Thailand in October 2015, was one of five individuals who owned a bookstore in Hong Kong and had "published books critical of the Chinese leadership."[76] Amnesty International observed that Gui's case had a "chilling effect on the climate for freedom of expression and publishing in Hong Kong . . .."[77]

Ongoing Protests

Prompted by the introduction of an extradition bill[78] that could compromise the rule of law in Hong Kong and subject people to arbitrary detention by Chinese authorities,[79] a series of large-scale protests took place in Hong Kong beginning in late March 2019.[80] According to one count, there were at least 973 protests between June 2019 and February 2020.[81] The largely leaderless movement initially asked for the extradition bill's withdrawal, but as the movement grew in size and as clashes with police escalated around June,[82] protesters broadened their demands to cover other issues including universal suffrage and investigation into police misconduct.[83] The Hong Kong government eventually withdrew the bill in October 2019,[84] but protesters continued to call for democracy and freedom.[85] The frequency and intensity of the protests eased in December 2019 and January 2020, following a successful District Council election by the pan-democracy camp in November 2019, which has been sympathetic to the protests.[86] Beginning in February 2020, as smaller scale protests continued to demand political reform,[87] some protests were directed against the government's public health policies during the COVID–19 outbreak.[88] Larger scale protests involving thousands of people resumed in May 2020, as Hong Kong residents reacted to the National People's

Congress's resolution to impose national security laws on Hong Kong.[89]

While most protesters adhered to the "peaceful, rational and nonviolent" principle,[90] some of them resorted to vandalism and violence.[91] The police's handling of the protests and the government's response to complaints of police misconduct have given rise to a number of human rights and rule of law issues; they will be discussed in more detail below.

Police Misconduct

TORTURE AND USE OF EXCESSIVE FORCE

Actions of the Hong Kong Police Force this past year repeatedly violated international standards on the use of force. While Hong Kong police cited protesters' violent confrontations as justification for using force,[92] some officers reportedly "attempted to incite violent reactions from the crowd."[93] Observers have described the police's use of force as excessive,[94] with Amnesty International documenting some cases involving custodial abuses that amounted to torture.[95] The UN Office of the High Commissioner for Human Rights likewise observed that the police's actions may not conform to international standards.[96] International standards provide that police should use force only when necessary and to the extent required to achieve a legitimate objective.[97] Below are some examples of excessive use of force by police:[98]

- On August 31, 2019, police raided the Prince Edward Subway Station in a manner that some legal professionals described as indiscriminate and unnecessary.[99] The subway corporation, a public company with minority private investors,[100] refused to release the full closed-circuit video footage covering the incident,[101] highlighting the fact that the Hong Kong legal system did not recognize an enforceable right to access information, a possible violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR).[102]
- On September 21, 2019, video footage showed a man lying on the ground being kicked by one of the over 20 police officers surrounding him.[103] The victim, charged with assaulting a police officer, was later identified as a member of the "Protect the Children" volunteer group that aimed to deescalate clashes between police and protesters.[104]
- The first injury by a live round occurred one day after amended police guidelines took effect removing the advisement that officers would be held accountable for their actions.[105] On October 1, 2019, a police officer shot an 18-year-old at close range without prior warning.[106] The teenager was holding a pool kickboard as a shield and a white pipe when he and other protesters were clashing with the police.[107] A video clip showed that when officers were gathering around the fallen teenager, one officer handed a longer and darker pipe to another officer, who took it and held it with the pool kickboard, leading to speculation of evidence planting.[108]
- On November 11, 2019, a police officer who was dispersing a crowd at an intersection shot and critically injured an un-

armed man without giving any warning.[109] Between June and November, police fired a total of 19 live rounds.[110]

- Throughout the protests, police beat unarmed protesters, journalists, and residents, which included direct hits to the head with batons, a violation of police guidelines.[111]
- Multiple reports of torture emerged this past year. Amnesty International reported that police in one case forced open a detainee's eye and shined a laser pen into it; in another case, police beat up a detainee in a police station "severely enough that the person was hospitalized for several days."[112]
- In an interview released in May 2020, several protesters who were previously imprisoned recounted their experience of being abused by prison officials, which included being beaten, slapped, and ordered to assume stress positions.[113] One of them told of an event in which a protester attempted suicide to escape torture and was slapped by a prison official after he was stopped.[114]
- The Commission also observed instances of police misconduct in settings unrelated to the protests. In June 2019, three officers tied an elderly man to a stretcher in a hospital room and subjected him to over 20 minutes of abuse that caused a broken finger, bruises, and pain in his groin.[115]
- In September 2019, four police officers reportedly gang-raped a teenage girl and caused her to become pregnant.[116] According to her lawyers, police sought to seize her private medical records and released supposed details of the investigation, along with adverse comments on the evidence, intended to discredit her.[117]

MISUSE OF CROWD-CONTROL PROJECTILES

During the protests, police misused crowd-control projectiles and chemical irritants in ways that caused unnecessary injuries and environmental and health hazards. Between June and December 2019, police fired approximately 16,000 tear gas canisters, 10,000 rubber bullets, 2,000 bean bag rounds, and 1,850 sponge grenades.[118] These crowd-control projectiles can kill or cause serious injury if used incorrectly.[119] A UN guideline requires that officials be held accountable for their decision to use force and provides that crowd-control weapons be used only as a last resort while taking care to distinguish violent individuals from other assembly participants.[120] Examples of misuse of crowd-control projectiles include the following:

- On August 11, 2019, a bean bag-looking projectile hit a paramedic in the face, rupturing her eye and shattering her eye socket.[121] The police disputed the origin of the projectile and obtained the woman's medical records over her objections due to privacy concerns.[122] There was no indication that the woman was engaging in violent acts.
- On September 8, 2019, an officer threw a tear gas canister at a journalist wearing a press vest, hitting the journalist's helmet.[123] Video footage documenting the incident did not show the journalist or anyone in the vicinity engaging in violent acts.[124] In a similar incident on October 20, 2019, an officer threw a tear gas canister at a group of journalists and imme-

diately left the scene in a police vehicle.[125] The canister exploded a few feet above the journalists, who did not show any sign of aggression.[126] An engineer explained that the explosion from a tear gas canister can reach a temperature high enough to damage concrete.[127]

- On September 29, 2019, police fired a rubber bullet at an Indonesian journalist wearing a press helmet, permanently blinding her.[128] The video footage documenting the incident did not show the journalist or people around her engaging in violent acts.[129]

Besides the possibility of causing physical harm, the misuse or mishandling of chemical irritants can lead to public health hazards. Despite public concerns about potential long-term health issues, Hong Kong police repeatedly declined to disclose the chemical composition of the tear gas that they used.[130] In January 2020, two UN special rapporteurs wrote an open letter stating that they "have reasons to believe that tear gas, pepper spray and other chemical agents have been used indiscriminately, unnecessarily and disproportionately," also citing reports indicating that the use of chemical agents in densely populated urban areas had "significantly affected the health and wellbeing of the population and especially vulnerable groups, including children, infants, the elderly in care homes and hospitalized persons."[131]

MISTREATMENT OF MEDICAL PROFESSIONALS

Between November 11 and November 29, 2019, protesters' calls for a general strike developed into the occupation of multiple university campuses.[132] During the confrontations, Hong Kong police fired thousands of tear gas canisters, rubber bullets, bean bag rounds, and sponge grenades, while protesters responded with Molotov cocktails, bricks, and in some cases bows and arrows.[133]

Protesters began to occupy the Polytechnic University on November 13.[134] Police warned that anyone who remained on the campus would be charged with rioting (a crime carrying a maximum sentence of 10 years in prison)[135] unless they left the campus through a designated exit.[136] Police also arrested those who complied with the order to leave.[137]

Among those arrested were doctors, nurses, and paramedics wearing high-visibility outfits.[138] Police held them for over 24 hours, citing a need to verify their professional credentials, but all doctors were confirmed to have been carrying their medical council registration details and identity cards.[139] A professor said that the Hong Kong police's detention of medical professionals constituted a violation of people's right to receive immediate medical attention.[140] A doctor likewise noted that the police's actions fell "far below accepted international norms for the handling of volunteer emergency medical providers."[141]

In February 2020, four UN special rapporteurs issued a letter expressing concern over this and other instances of mistreatment of healthcare workers, including impersonating first-aiders in order to arrest injured protesters, using special codes at public hospitals to track individuals, and transporting personnel and equipment in ambulances, exploiting the goodwill of protesters who allowed these vehicles to pass through the crowds.[142]

HOSTILITY TOWARD JOURNALISTS

Hong Kong police displayed sustained and targeted efforts to undermine the press throughout the protests. To disrupt news reporting, police shined high-powered strobe flashlights at photo- and videographers, pushed journalists away during arrest, detained them,[143] and used other tactics of intimidation such as the following:

- In October 2019, after a driver of Now News fell to the ground after being hit by a projectile, a group of police officers, having been told the driver's occupation, brought him to the police station for two hours, during which they beat him on the head and limbs using batons, fracturing his jaw and causing other injuries.[144]
- During two December 2019 clashes with protesters, police dispersed reporters at the scene, pepper spraying, beating, and arresting some of them.[145] The Hong Kong Journalists Association condemned the police's assaults on members of the press and demanded disciplinary action by the Hong Kong government.[146]
- In two incidents in December 2019 and January 2020, police demanded and took the identification cards of Stand News reporters who were broadcasting live with their cellphones.[147] The officers then displayed the identification cards in front of the camera in an apparent attempt to prevent them from broadcasting.[148]

Disqualification of Candidate in Election

While Hong Kong residents were able to participate in a citywide election despite ongoing civil unrest, authorities disqualified one candidate for possible political reasons in violation of the principle of equal participation in political and public affairs.[149] In October 2019, the Electoral Affairs Commission demanded that five candidates in the District Council election clarify their political stance.[150] The commission ultimately disqualified one of them, Joshua Wong, on the grounds that he had not genuinely abandoned advocacy for Hong Kong's independence despite his statements to the contrary.[151] Wong argued that the disqualification was politically motivated and sought judicial review of the decision, asserting that authorities had violated his freedom of speech and the right to stand for election.[152]

The District Council election,[153] widely viewed as a referendum on the ongoing protests, concluded in November 2019, with candidates supportive of the protests winning 87 percent of the 452 total contested seats.[154]

Violation of Procedural Rights of Detainees

Reports emerged that police had violated protesters' due process rights. Between June 9, 2019, and February 29, 2020, Hong Kong police arrested 7,613 persons, of which 52 were convicted, 512 were unconditionally released, and, as of April 2020, 5,860 continued to be under investigation.[155] Lawyers reported that police had obstructed detainees from seeking legal counsel.[156] A detainee said

that police held him in a parking lot without booking him and later transferred him to another police station, preventing his lawyer from locating him.[157] According to another account, police required a detainee to take a photograph with protest gear on as a condition for a lawyer meeting, although some of the gear did not belong to the detainee.[158] Many detainees reportedly provided statements or agreed to have their homes searched without having first talked to a lawyer.[159]

Lack of Effective Investigation Into Police Misconduct

The existing institution that receives complaints of police misconduct reportedly is inadequate, but the government rejected reform proposals. Complaints about Hong Kong police are internally handled by the Complaints and Internal Investigations Branch (C&IIB), subject to review by the Independent Police Complaints Council (IPCC), whose members are appointed by the Hong Kong Chief Executive.[160] In August 2019, the IPCC formed the five-member International Expert Panel (IEP) to assess and make recommendations on allegations of police misconduct during the protests.[161] In December, however, the IEP decided to "stand aside from its role," after it sought unsuccessfully to broaden the scope of the IPCC's power in order to "establish a coherent and representative body of evidence."[162] Some observers more specifically cited the IPCC's biased composition and its lack of power to summon witnesses and carry out investigations.[163] Hong Kong residents' ability to hold police accountable is further frustrated by police officers' refusal to display identifying numbers or present warrant cards upon request,[164] in violation of Police General Orders.[165]

Different sectors of Hong Kong society called for the establishment of a Commission of Inquiry (COI),[166] a statutory body empowered to compel testimony and documents in the course of its investigation.[167] Chief Executive Carrie Lam, however, rejected the idea, saying she did not feel the need to "subject [Hong Kong police] to another sort of investigation" given the existing mechanisms.[168]

The IPCC, after reviewing the police's handling of the protests, released a report in May 2020 recommending improvements to police guidelines for the use of force and tear gas, but it found no serious wrongdoing by police.[169] However, the Washington Post noted that such findings were inconsistent with significant evidence to the contrary, and the Wall Street Journal observed that the report did not "include substantial statements from witnesses or participants."[170]

Selective Enforcement

The Hong Kong government prosecuted protesters and democracy advocates with diligence but did not match the same level of commitment when addressing misconduct by police and people hostile to protesters.[171]

- According to a New York-based writer, as of November 2019, "[t]he only office facing consequences thus far is one who . . . repeatedly drove a motorcycle into a small crowd of protesters," although a volunteer group had documented hundreds of alleged cases of police using excessive force, improperly using

weapons, and engaging in other kinds of misconduct in connection with the protests.[172]

• On July 21, 2019, a mob armed with wooden poles, rattan sticks, and metal pipes attacked people at the Yuen Long MTR subway station.[173] Some reports described the attack as indiscriminate, but others said it was targeted at people in black outfits, a color chosen by protesters to show unity and determination.[174] The attack resulted in 45 people needing hospital treatment.[175] Police officers did not arrive on scene until around 45 minutes after the attack, despite numerous emergency calls, and did not make any arrests, which prompted accusations of police apathy and collusion with the attackers.[176] In reviewing the incident, the IPCC in May 2020 described the attack as one that "actually started off as a gang fight" and faulted the police for not having better managed public perception.[177]

• Hong Kong police targeted prominent participants or supporters of the pro-democracy protests.[178] Within a 24-hour period in August 2019, police arrested a number of democracy advocates, including **Joshua Wong Chi-fung, Agnes Chow Ting, Andy Chan Ho-tin, Althea Suen, Rick Hui, Cheng Chung-tai, Au Nok-hin,** and **Jeremy Tam Man-ho** in connection with their participation in the ongoing protests.[179] Au and Tam said their arrests were politically motivated and were intended to deter protesters.[180] Chinese official news outlets covering the arrests of Wong, Chan, and Chow described them as "Hong Kong independence" organization leaders,[181] a characterization that Wong and his group denied.[182]

• In February 2020, police arrested newspaper founder **Jimmy Lai,** and democracy advocates **Lee Cheuk-yan** and **Yeung Sum** for participating in an unauthorized assembly in August 2019, additionally charging Lai with "criminal intimidation" based on a 2017 verbal altercation in which Lai used foul language.[183]

• In April 2020, police arrested 15 democracy advocates for organizing and participating in "unauthorized assembly" in August and October 2019: **Jimmy Lai, Lee Cheuk-yan, Yeung Sum, Martin Lee Chu-ming, Albert Ho Chun-yan, Margaret Ng Ngoi-yee, Sin Chung-kai, Leung Kwok-hung, Au Nok-hin, Cyd Ho Sau-lan, Figo Chan Ho-wun, Raphael Wong Ho-ming, Avery Ng Man-yuen, Richard Tsoi Yiu-cheong,** and **Leung Yiu-chung.**[184] United Kingdom-based rights monitor group Hong Kong Watch called the arrests politically motivated and observed that arbitrarily declaring protests as unlawful would constitute a breach of human rights.[185]

• Police arrested District Councillor and pro-democracy politician **Cheng Lai-king** on suspicion of "sedition" in March 2020 after she forwarded a social media post calling for retribution that contained the name and identification number of an officer said to have shot and blinded an Indonesian journalist in one eye.[186] The United Nations previously expressed concerns over the broadly defined offense of sedition, and Cheng's col-

leagues called the arrest a retaliation against those who monitor police misconduct.[187]

- In May 2020, a police officer posted an Apple Daily journalist's photograph on social media despite a court injunction enjoining the disclosure of personal information including photographs of the newspaper's employees.[188] As of June 2020, the Commission had not observed any reports that the police had taken any action against the police officer involved. The journalist was part of a team responsible for exposing the officer's possible unlawful use of her apartment.[189] Days earlier in April, police arrested two Next Magazine reporters for loitering when they were covering the story near the property.[190] **Jimmy Lai** is the majority owner of the company that publishes Next Magazine and Apple Daily.[191]

Labor Abuse

During the COVID–19 outbreak, Correctional Services Industries (CSI) of the Hong Kong SAR government reportedly used coercive and discriminatory means to facilitate increased face mask production. Beginning in February 2020, the CSI began an around-the-clock face mask production operation, extending the regular five-hour work shift by three hours and adding two shifts, including an overnight shift.[192] Officials ignored expressed health concerns raised by inmates working overnight shifts and tended to give undesirable assignments to older inmates, those who did not speak Cantonese or Mandarin, and those from countries with a weaker diplomatic presence in Hong Kong.[193] Officials threatened inmates who declined their request with assignment to more physically demanding duties or with solitary confinement.[194]

Macau

Macau's Basic Law guarantees a "high degree of autonomy" and protects internationally recognized rights and freedoms,[195] including the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage . . .." The Commission did not observe progress toward universal suffrage during the 2020 reporting year. The sole candidate, Ho Iat-seng, was elected Macau's Chief Executive (CE) on August 25, 2019, having received 392 out of 400 possible votes from CE Election Committee members, many of whom were considered to be supporters of the central government.[196] Two weeks before he was elected, Ho met with a group of democracy advocates, saying that "universal suffrage [would] not be ruled out in his tenure" but "perhaps political reform would be proposed or initiated by the younger generations."[197] The meeting took place shortly after the group launched an informal poll, in response to which 94 percent of 5,698 Macau residents surveyed said the CE should be elected by universal suffrage.[198] The poll was cut short after the group's members endured insults, physical attacks, and threats from unknown individuals, and their website experienced unspecified abnormalities.[199] Other incidents of concern include the following:

- In August 2019, police broke up a rally intended to show support for the ongoing protests in Hong Kong, searching doz-

ens of people and detaining seven.[200] Citing security concerns, police previously had denied permission for the gathering, a move that the South China Morning Post characterized as rare.[201]

• In December 2019, ahead of Chinese President and Communist Party General Secretary Xi Jinping's visit to Macau, Radio Free Asia reported that many journalists had been harassed by unknown people believed to be from mainland China.[202] Some journalists were asked by their superiors to leave Macau.[203] Some were warned that their families' safety would be jeopardized if they were "reckless" in their reporting.[204]

• Also ahead of Xi's December visit, border officials separately denied entry to at least two business representatives, five journalists, and six activists, citing "internal security" as grounds for denial.[205] The Macau Portuguese and English Press Association called on the Macau government to respect press freedom.[206]

• In May 2020, the Municipal Affairs Bureau revoked authorization for a photo exhibition commemorating the violent suppression of the 1989 Tiananmen protests, departing from its past practice of authorizing the exhibition every year.[207]

• The South China Morning Post published an investigative report this past year documenting commercial establishments providing sex services.[208] Some of the employees came from economically impoverished areas of China under the belief that they would find jobs other than sex work.[209] Macau authorities reportedly investigated only a few sex trafficking cases in 2017.[210] [For more information on human trafficking in China, see Section II—Human Trafficking.]

Notes to Section VI—Developments in Hong Kong and Macau

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[10] Ibid., arts. 55–56.

[11] Ibid., art. 9.

[12] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, art. 18.

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