

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2016

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

OCTOBER 6, 2016

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



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I. Executive Summary

INTRODUCTION

December 2016 will mark 15 years since China's accession to the World Trade Organization (WTO). At that time, the Chinese government made commitments that were important not only for China's commercial development in the international marketplace, but also for its development of the rule of law domestically. China—now ranking as the world's second largest economy—has benefited greatly from the international rules-based system in driving its economic transformation and growth, but the Chinese Communist Party has continued to reject the notion that the rule of law should supersede the Party's role in guiding the functions of the state, impeding China's ability to honor its WTO obligations. As such, China has largely failed to implement the substantive legal reforms anticipated 15 years ago and has persisted in violating international human rights standards and its own domestic laws with lasting harm to both U.S. interests and the Chinese people.

The Congressional-Executive Commission on China (Commission), established by the U.S.-China Relations Act of 2000, which also extended Permanent Normal Trade Relations (PNTR) to China, is mandated to monitor human rights and rule of law developments in China. Since October 2002, the Commission has issued an Annual Report each year, providing a summary of key developments over a range of issues, identifying new trends, and highlighting cases of political prisoners and rights advocates. As the Commission's 15th Annual Report demonstrates, it serves the need to monitor the Chinese government's repression of the Chinese people and continues to be a vital source of accurate information.

During the Commission's 2016 reporting year, the Chinese Communist Party and government further restricted the limited space for peaceful expression, religious activity, and assembly with harsh consequences for rights advocates, lawyers, and civil society, and continued to implement the world's most sophisticated system of Internet control and press censorship, affecting both domestic and foreign journalists. For the first time since 2012, the Chinese government expelled a foreign journalist, in this case, for criticizing the government's ethnic policies in the Xinjiang Uyghur Autonomous Region (XUAR). The government routinely denied medical treatment to imprisoned activists, targeted family members and associates of rights advocates, including those overseas, with harassment and retribution, and became more brazen in exerting its extraterritorial reach. The government also continued harsh security measures that disregarded the protection of human rights in ethnic minority regions including Tibetan autonomous areas and the XUAR. Underscoring the severity of conditions in China, 12 countries, led by the United States, expressed serious concerns about human rights abuses in China at the March 2016 gathering of the UN Human Rights Council, the first such collective statement on China in the history of the Council. The group specifically noted "arrests and ongoing detention of rights activists, civil society leaders, and lawyers" as well as "unexplained recent disappearances and apparent coerced returns of Chinese and foreign citizens from outside mainland China."

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Legislative and policy developments during this past year included further reforms to the household registration (*hukou*) system and passage, after years of advocacy, of the PRC Anti-Domestic Violence Law and the PRC Charity Law. Yet these efforts were overshadowed by the apparent distrust and sometimes hostility with which the Chinese government continues to view its citizens and by the lackluster implementation and enforcement of laws and regulations meant to protect China's most vulnerable citizens and stem the degradation of its polluted physical environment.

Faced with a rapidly aging population, a shrinking labor pool, and high levels of public dissatisfaction, central Party authorities announced in October 2015 a decision to adopt a universal two-child policy. Nevertheless, authorities maintained that population control policies will continue to be the long-term "basic national policy," without any noticeable reduction to the vast infrastructure of government officials who implement coercive population control policies in violation of international standards. The revision of birth limits may never fully address China's sex ratio imbalance. As of 2015, there were reportedly approximately 34 million more men than women in China. Furthermore, according to a 2010 estimate, there were 62 million "missing women and girls," due in part to a cultural preference for sons exacerbated by decades of coercive population control policies. The sex ratio imbalance has led to a demand for marriageable women, which is a factor that may contribute to human trafficking for forced marriage and commercial sexual exploitation.

While official statements in 2012 at the start of Xi Jinping's tenure as Chinese Communist Party General Secretary and in 2013 as President of China seemed to indicate that he was open to political reforms and limits on the power of public officials; in fact, Xi has overseen a deterioration in human rights and rule of law conditions in China marked by greater consolidation of his own power—leading some analysts to draw comparisons to Mao Zedong—through forced ideological conformity and the systematic persecution of human rights lawyers and defenders. Xi, referred to this year by several provincial and local Party leaders as the "core" (*hexin*) leader, continued to head at least six Party "leading small groups" (*lingdao xiaozu*) that guide policy in vital areas including the economy, domestic reform, and national defense. Xi's leadership style has led some experts to question whether he will adhere to Party precedent whereby promotions to the most senior positions are based on inner Party negotiations and consensus, when the appointment of cadres to the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) occurs at the 19th Party Congress in 2017, at which time five of its seven members are expected to retire. The anticorruption campaign against Party officials, an ongoing feature of Xi's domestic policy, has led to accusations of torture and coerced confessions and even a spate of suicides by those who reportedly were to undergo Party disciplinary investigations. A former energy administration official asserted during his trial in February 2016 that authorities had employed torture to force him to sign a confession. Moreover, some have argued that Xi has used the anticorruption campaign to eliminate political rivals, as demonstrated by life sentences imposed on

former Chongqing municipality Party Secretary Bo Xilai in 2014, former Politburo Standing Committee member and Minister of Public Security Zhou Yongkang in 2015, and in 2016, to Ling Jihua, senior aide to former President and Party General Secretary Hu Jintao.

Under Xi's leadership, both the Party and government continued to invoke nationalist rhetoric featuring a "Chinese dream" to spur "the great rejuvenation of the Chinese nation." Central to that vision is the rejection of so-called Western or universal values that the current Party leadership has labeled as "foreign" or "hostile" forces. Such rhetoric is used to delegitimize calls for political reform and various forms of social organization viewed as threats to the Party. In April 2016, Xi addressed senior Communist Party and government leaders at a rare national conference on religious work, the highest level meeting on religious work since 2001, and warned that China must be vigilant in guarding "against overseas infiltration via religious means," while underscoring the importance of the "sinicization" of religion. The Party increasingly promoted the notion that civil society, including religious groups, was especially susceptible to "foreign influence" and "infiltration" and promulgated legislation, such as the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, to counter this perceived threat. Chinese authorities continued to impose controls on religion and civil society in ethnic minority areas. In March 2016, a senior Tibet Autonomous Region Party official highlighted deeply entrenched hostility toward the Dalai Lama, Tibetan Buddhism's best known teacher, by declaring that he is "no longer a religious leader after he defected [from] his country and betrayed its people." In a June 2016 white paper regarding religion in the Xinjiang Uyghur Autonomous Region, where millions of Muslims live, Chinese authorities warned that they would "never allow any foreign organization or individual to interfere with China's religious affairs."

In the face of increasing repression, well-known advocates like lawyer Gao Zhisheng, Mongol rights advocate Hada, and rights defender Guo Feixiong continued to speak out about the abuses they have suffered at the hands of their government. Although Gao and Hada are no longer physically imprisoned, authorities persist in monitoring their activities; in November 2015, authorities in Guangdong province sentenced Guo to a six-year prison term in connection with his advocacy of press freedom. As of August 2016, Guo reportedly had been on a hunger strike for three months to protest his treatment in prison. These cases and more than 1,300 other current political prisoner cases are documented in the Commission's Political Prisoner Database. Family members of those unjustly imprisoned engaged in bold advocacy on behalf of their loved ones, including the wives of some of the lawyers and rights defenders detained during the crackdown that began in and around July 2015 (July 2015 crackdown) and later charged with crimes of "endangering state security."

Also noteworthy during this reporting year were the anger and discontent expressed by Chinese citizens calling for government accountability, transparency, and justice with respect to issues including food and drug safety, access to medical care, pollution, and

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official misconduct. Public dismay was apparent in the uproar over tainted vaccines and in the public response to the suspicious death of Lei Yang, a 29-year-old environmentalist and new father, while in police custody in May 2016. An open letter by Lei's fellow alumni of Renmin University described his death as "the random, willful killing of an ordinary, urban, middle-class person." The letter concluded with a remarkable statement:

The death of Lei Yang is not an accident, but a structural tragedy . . . We must have the most basic, dependable safety, civil rights, and urban order. Short of this, we, who are not too old to give up on the future, will not let the issue go. We won't tolerate evil indefinitely.

OVERVIEW

Over the Commission's 2016 reporting year, the following general themes and key developments emerged:

1. **Ideological conformity** and claiming the primacy of the Communist Party remain of paramount importance as does reigning in independent thought.
2. **Civil society** increasingly is viewed by the Party and government as a security threat and is subject to expanding control.
3. **Rule by law** has taken deeper root as the Party and government use the law to repress and control China's citizenry, yet disregard the law when it does not serve their priorities.
4. **The economic slowdown and labor unrest** are sources of insecurity for the Party and government.
5. **"One Country, Two Systems"** has been compromised while basic freedoms erode in Hong Kong.

Ideological Conformity and the Primacy of the Party

The Communist Party's determination to rein in independent thought, ensure ideological conformity within its own ranks and beyond, and guarantee its primacy remained evident across Chinese society during this reporting year. Party disciplinary and surveillance measures and demands for "loyalty" were aimed at bolstering Xi's political power. In October 2015, the Party issued a rule against the "improper discussion" of central Party policies. In February 2016, Xi reiterated the Party's dominance over the media in China during widely publicized visits to Xinhua, People's Daily, and China Central Television (CCTV)—the three flagship state and Party media outlets. In a speech on media policy at a Party forum the same day, Xi reportedly declared that the media "must be sur-named Party" (*bixu xing dang*) and called for "absolute loyalty" to the Party from official media outlets and personnel.

Government and Party authorities placed greater pressure on national propaganda makers to promote the Party's ideology. In June 2016, for example, the Party's discipline arm published a critical report on the work of the Central Propaganda Department. The report criticized "ineffective" news propaganda and weak management of social media, and called for stronger coordination of ideological work in higher education.

The intensification of ideological conformity met with criticism even within Party ranks. In early February 2016, the chief editor of the Party-run Global Times, Hu Xijin, received media attention for a post on his microblog account urging that "China should open up more channels for criticism and suggestions . . ." When influential retired real estate mogul and Party member Ren Zhiqiang questioned Xi's demand for loyalty, his microblog accounts were shut down and his Party membership suspended. A March 2016 open letter—posted online by authors who identified themselves as "loyal Communist Party members"—called for Xi's resignation. The Chinese government responded swiftly and harshly by detaining more than a dozen people, including the family members of exiled writers who denied any involvement.

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Civil Society as Security Threat

With the passage in April 2016 of a widely criticized law governing overseas NGO activity in China, the government codified an approach to civil society that treats many groups and individuals operating in this space as security threats rather than important contributors to Chinese society. One of the law's new provisions prohibits foreign NGO activities in mainland China that officials deem "endanger China's national unity, security, [or] ethnic unity" or "harm China's national interests and the public interest . . .," giving the government an overly broad level of discretion in violation of international standards. The legislation also designates the Ministry of Public Security and provincial-level public security agencies as the registration authorities for foreign NGOs. The full implications of the new law, which will take effect on January 1, 2017, are not yet clear, but its passage is widely viewed as a major blow to Chinese civil society. The broad range of organizations covered under the law, such as industry and trade associations, chambers of commerce, and development- and rights-based entities, is likely to have a chilling effect on innovation, exchanges, and cooperative projects.

Individuals and entities previously regarded as working in areas deemed acceptable by the government increasingly found that this is no longer the case. After more than 20 years of distinguished work in areas including anti-domestic violence litigation and the protection of rural women's land rights, the Beijing Zhongze Women's Legal Counseling and Service Center ceased operations in February 2016, reportedly in response to a government directive. In addition, labor rights advocate He Xiaobo and his organization Nan Fei Yan Social Work Services Center previously received recognition and funding from the government for providing services to migrant workers, but in December 2015, authorities detained He, along with over a dozen other labor rights advocates, and charged him with "embezzlement" before releasing him on bail. While unregistered religious groups, including Christian house churches, have long faced government harassment and worse for worshipping outside of state-approved parameters, this reporting year Pastor Gu Yue-se (Joseph Gu), a senior official in both the Three-Self Patriotic Movement and the China Christian Council—the two state-sanctioned Protestant Christian associations in China—was fired and then detained and arrested following his public condemnation of authorities' cross removal campaign in Zhejiang province. Although Zhejiang authorities reportedly released him on bail in March 2016, his movement and communications were restricted. These and similar developments raise concerns that domestic civil society and religious groups, even those that previously have had limited space to operate, are under increasing threat of government pressure, harassment, and closure.

Rule by Law

The Chinese government and Party continued to embrace rule by law—that is, using the law as a means to expand control over Chinese society while disregarding the law when it does not accommodate Party imperatives or advance Party objectives. Chinese law-

yers and advocates at the vanguard of pressing for human rights and access to justice continued to find themselves targeted under the Chinese government and Party's abusive rule *by law*. As of May 2016, authorities had formally arrested at least 20 individuals in connection with the crackdown on lawyers and rights advocates that began in and around July 2015, 16 of them on charges that fall under the category of "endangering state security," which can lead to lengthy sentences. In August 2016, four of these individuals reportedly pleaded guilty to subversion charges, following hearings in a Tianjin court at which their family members were reportedly barred from attending. Zhou Shifeng, director of the Fengrui Law Firm at the center of the July 2015 crackdown, was sentenced to 7 years in prison, and Hu Shigen, a long-time rights advocate and house church leader, was sentenced to 7 years and 6 months. Shortly before these hearings, authorities said detained rights lawyer Wang Yu and legal assistant Zhao Wei were released on bail, but as of early August, neither had been seen publicly. Additionally, family members of those who run afoul of the Chinese government are increasingly at risk of collective punishment. For example, authorities placed Bao Zhuoxuan, the teenage son of Wang Yu and Bao Longjun, under strict surveillance and monitoring at the home of his grandparents and prevented him from seeking legal counsel or talking to journalists.

During this reporting year, Chinese authorities continued to use "black jails" and other forms of extralegal and extrajudicial detention to suppress individuals such as those petitioning the government over grievances, Falun Gong practitioners, and rights advocates. Even though China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, the UN Committee against Torture concluded in late 2015 that China has failed to eliminate torture, enforced disappearances, deaths in custody, and numerous other forms of ill-treatment in detention.

Chinese authorities' ongoing broadcasts on state television of prerecorded confessions of individuals who have yet to be formally charged with crimes or whose cases have not been sent to trial are serious violations of international standards with regard to the right to due process, a fair trial, and the right against self-incrimination. Not only did Chinese authorities broadcast "confessions" of Chinese citizens, such as Zhang Kai, a rights lawyer who worked with Christian congregations in Wenzhou municipality, Zhejiang, to prevent the local government from removing crosses from their places of worship, they aired the "confessions" of two Swedish citizens—Peter Dahlin, the cofounder of a legal advocacy NGO in Beijing municipality, and Gui Minhai, the co-owner of a publishing company in Hong Kong. In testimony presented at a Commission hearing in May 2016, Gui's daughter, Angela, asserted her father's confession was "staged," stating that the Chinese government authorities "felt they needed to fabricate a justification" for his illegal detention.

The Chinese government continued to obstruct access to legal counsel for individuals detained in politically sensitive cases, including many of the legal professionals rounded up during the crackdown that began in and around July 2015, as well as elected

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Wukan village Party committee chief Lin Zulian in Guangdong province. The UN Working Group on Arbitrary Detention released an opinion in June 2016 finding that American citizen Sandy Phan-Gillis, detained by Chinese authorities since March 2015, had been, among other things, denied access to legal counsel. The opinion marked the first time the Working Group had determined that the Chinese government arbitrarily detained an American citizen.

Authorities in Tibetan autonomous areas and the XUAR continued to implement policies that further threaten culture, language, and religion, as well as prevent the effective exercise of local “autonomous” governance enshrined in China’s Constitution. Additionally, on December 27, 2015, the National People’s Congress adopted the PRC Counterterrorism Law, which contains provisions that expand police authority, raising concerns among human rights organizations that criticized the law as repressive and expressed fears that it would further empower officials to punish peaceful activities and target ethnic minorities.

Economic Insecurity and Labor Unrest

Party legitimacy over the last three decades has been inextricably linked to economic growth and improving the lives of the Chinese people. But this legitimacy could face challenges as economic growth slows to the weakest annual rate in 25 years and economic liberalization stalls. President Xi’s emphasis on the media’s role in “tell[ing] China’s stories well” extended to economic reporting. Chinese journalists covering the stock market reported being instructed to focus on official statements issued by the China Securities Regulatory Commission, which offers a decidedly positive outlook on the state of the economy. At the same time, the websites of many U.S. media companies remained blocked in China, including the New York Times, Bloomberg News, and the Wall Street Journal.

The Commission observed growing labor unrest, especially in the manufacturing and construction sectors, as well as a government crackdown on labor advocacy. A labor rights group based in Hong Kong recorded over 2,700 strikes and protests in China in 2015, more than double the number recorded in 2014. The Chinese government prevents workers from organizing independent unions in part because the Party still regards organized labor as it regards citizen activism in other public spheres: a threat to the Party’s hold on power. While wages in China continued to rise, workers faced slower wage growth, and disputes over unpaid wages increased. In December 2015, public security officials in Guangdong province, a manufacturing hub home to many of China’s labor NGOs, detained at least 18 labor rights advocates affiliated with labor NGOs. As of July 2016, two remained in detention. Such economic insecurity and labor unrest is set against the backdrop of China’s efforts to gain market economy status in the United States based on its WTO accession protocol.

Erosion of Hong Kong’s High Degree of Autonomy

This past year, developments indicated that Hong Kong’s “high degree of autonomy,” guaranteed under the “one country, two sys-

tems” principle enshrined in the Basic Law, faced renewed threat of interference from mainland China. The disappearance, alleged abduction, and detention in mainland China of five Hong Kong-based booksellers (Swedish citizen Gui Minhai, British citizen and Hong Kong resident Lee Bo, and Hong Kong residents Lui Bo, Cheung Chi-ping, and Lam Wing-kei) in October and December 2015 and the televised “confessions” of four of the men in January and February 2016 were condemned internationally. British Foreign Secretary Philip Hammond declared Lee’s abduction from Hong Kong a “serious breach” of the Sino-British Joint Declaration that assures Hong Kong residents “the protection of the Hong Kong legal system.” In its Hong Kong Policy Act report to Congress, the U.S. Department of State emphasized these concerns, noting that the cases of the booksellers “raised serious concerns in Hong Kong and represent what appears to be the most significant breach of the ‘one country, two systems’ policy since 1997” (the year of the British handover of Hong Kong). Upon his return to Hong Kong in June 2016, Lam Wing-kei publicly revealed details of his and the other booksellers’ abductions and detentions, including their forced confessions. Notably, Lam alleged that the abductions and detentions were directed by central government officials in Beijing.

Underscoring the threat to freedom of expression, Hong Kong journalists and media organizations reported a continuing decline in press freedom in Hong Kong, citing government restrictions, violence against journalists, and pressure on reporters and editors from media ownership, including owners with financial ties to mainland China. The purchase of the South China Morning Post by Chinese online commerce company Alibaba Group raised concerns that Hong Kong media could face even greater pressure to self-censor or avoid reporting on topics deemed sensitive. After acquiring the paper, Alibaba’s executive vice chairman said the firm aimed to counter negative coverage of China.

In the face of increasing pressure from mainland China, divisions emerged among pro-democracy activists in Hong Kong, often along generational lines. After the “Umbrella Movement” protests in 2014, pro-democracy activists launched several new political parties that reflected general dissatisfaction with the existing political landscape, including the lack of democratic concessions from the Chinese government. Many of the new parties promote self-determination for Hong Kong, as opposed to democracy in mainland China. Others pressed for outright independence amid burgeoning localist sentiment. The Hong Kong government required prospective candidates for office in the September 2016 Legislative Council elections to sign a loyalty pledge affirming that Hong Kong is an “inalienable” part of China—several who refused to do so, or who did so unconvincingly, were disqualified. Despite central government warnings that promoting democratic self-determination for Hong Kong “endangers state sovereignty and security,” Hong Kong voters elected 6 localist candidates; altogether, opposition parties won 30 out of 70 total seats.

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RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

- **Developing a “Whole-of-Government” Human Rights Action Plan.** The Administration and Congress should work together to develop an action plan on the role of human rights in U.S.-China relations, detailing specific ways to implement a coordinated inter-agency approach that integrates human rights issues across the full spectrum of bilateral issues. A “whole-of-government” human rights diplomacy prepares all agencies interacting with Chinese government counterparts to discuss relevant human rights and rule of law issues and to articulate the link between human rights improvements in China and U.S. economic, security, and diplomatic interests. In addition, Congress and the Administration should work together to consider whether legislation or other measures are needed to implement interagency coordination on human rights in China, including by providing targeted talking points and prisoner lists to all U.S. Government delegations visiting China as well as support for the growing number of regular bilateral “dialogues” and various “People-to-People” and multitrack diplomatic efforts that include both governmental and non-governmental actors.

- **Strengthening the “Rebalance” to Asia.** The Administration and Congress should work together and with regional allies and policy specialists, on ways to bring China into an economic and security cooperation system in Asia that includes upholding international standards on human rights and the rule of law. The Administration and Congress should work together to ensure that sufficient resources and executive authority are granted to advance human rights and the rule of law as critical national interests, pursued in tandem with U.S. diplomatic, economic, political, and security priorities in the Asia-Pacific region.

- **Strategic Use of Visa Policy and Other Diplomatic Measures.** Congress and the Administration should work together to better implement existing laws that restrict visa access for individuals responsible for severe human rights violations and ensure that U.S. consular officials know how to apply such laws consistently, including Section 604 of the International Religious Freedom Act, Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, and the relevant parts of Section 212 of the Immigration and Nationality Act. Congress should consider whether additional legislation is needed to address ongoing human rights challenges in China, including such issues as restrictions on the free flow of news and information, visa delays or denials for journalists and scholars, allegations of organ harvesting, mistreatment or forced repatriation of asylum-seekers, and egregious discrimination and violence in ethnic minority areas.

Congress should consider allocating resources to compile, document, and identify individuals and Chinese government officials responsible for severe human rights violations.

The Administration should consider seeking revisions to the U.S.-China Consular Convention to clarify that Americans detained in China should be allowed to meet with a lawyer and discuss the details of their case with U.S. consular officials.

- **Engaging in Multilateral Action.** The Administration should continue coordinating with like-minded partners on moni-

toring human rights concerns in China and encouraging Chinese officials to fulfill their commitments in accordance with international standards. The Administration should lead, as circumstances on the ground dictate, initiatives that highlight human rights concerns in China at the UN Human Rights Council and other multilateral forums where the United States and China are members.

- **Individual Political Prisoner Cases.** In meetings with Chinese officials, the President, Cabinet Secretaries, other administration officials, and Congressional leaders should raise relevant cases, both publicly and privately, of individual victims of religious or political repression. U.S. Embassy and consular officials, including the Ambassador, should regularly seek visits and engagements with relevant Chinese authorities to raise the cases of prominent prisoners and should maintain contact with family members and associates of those unjustly detained or imprisoned.

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database for credible information on individual prisoners or groups of prisoners.

- **Internet Freedom.** The Administration and Congress should continue to work together to support a consistent and coordinated policy approach to Internet governance that counters efforts by the Chinese government to promote "Internet sovereignty."

Congress should consider expanding Internet freedom programs that track, preserve, and recirculate media and Internet content produced within China that is deleted by government censors.

Congress should consider allocating funds for programs that help Chinese human rights advocates and civil society organizations circumvent Internet restrictions and enhance digital security training and capacity building. In addition, Members of Congress should urge the Broadcasting Board of Governors to use all allocated Internet freedom funds to support technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other forms of censorship.

- **Press Freedom.** The Administration should consider giving greater priority to the Chinese government's harassment of foreign journalists, blocking of news media websites, and limiting of press freedom. During regular diplomatic interactions, a diverse range of U.S. officials should promote freedom of the press and freedom of expression as vital foundations of an innovative economy, a vibrant civil society, and the rule of law, all of which contribute to sustainable prosperity for modern nations.

Congress should consider whether legislation or other measures are needed to address potential trade barriers in China, including the ongoing and persistent restrictions on the free flow of news and information which affect foreign media companies attempting to access the Chinese market and investors seeking uncensored information about China's political and business climate.

Congress should consider whether additional legislation is needed to protect foreign journalists, including the possibility of limiting the number of visas allowed to executives or administrative personnel from Chinese state-owned media enterprises operating in the United States if foreign journalists continue to face visa restric-

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tions, police harassment and surveillance, censorship, or other egregious constraints.

- **Ending China’s Population Control Policies.** The Administration should integrate the provisions of the Girls Count Act (Public Law No. 114–24) into foreign assistance programs and consider appointing a Special Advisor at the U.S. Department of State to oversee the creation and coordination of technical assistance and capacity-building projects. Projects should seek to strengthen property and inheritance rights for Chinese women and girls and protect women and their families from the most coercive aspects of China’s population control policies.

The Administration should discuss problems linked to the Chinese government’s population control policies and dramatic sex ratio imbalance as part of security, legal, trafficking, human rights, medical, public health, and “People-to-People” dialogues.

The Administration and Congress should work together with intergovernmental organizations and non-governmental organizations (NGOs) to develop cooperative programs to address the demographic problem of China’s “missing women,” and seek ways to support and bolster China’s own efforts.

Congress should continue to consider prohibition of U.S. contributions to the UN Population Fund (UNFPA) for use in China until all birth limitation and coercive population control policies are rescinded.

- **North Korean Refugees.** Congress should reauthorize the North Korean Human Rights Act for fiscal year 2018.

The Administration should consider incorporating human rights into its broader sanctioning authority by using the existing U.S. Department of State designations of both North Korea and China as a “Country of Particular Concern” for international religious freedom as well as the trafficking-in-persons designations of “Tier 3” for North Korea and “Tier 2 Watchlist” for China.

Congress and the Administration should work to establish regional multilateral “First Asylum” arrangements for North Korean refugees and seek unfettered access to North Korean asylum-seekers in China for the Office of the UN High Commissioner for Refugees and humanitarian organizations.

- **Human Trafficking, Forced Labor, and Child Labor.** Congress and the Administration should work together to ensure that the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons and the U.S. Department of Labor’s Bureau of International Labor Affairs have sufficient resources and status within their departments to effectively combat human trafficking and accurately report on current conditions.

The Administration and Congress should work together to ensure that expanded powers given to the U.S. Customs and Border Protection agency are used to prevent the import of goods suspected of being made with forced or prison labor.

Congress should consider whether additional legislation or other measures are needed to prevent human trafficking in the supply chains of businesses with U.S. Government procurement contracts and to enforce existing laws prohibiting the procurement of goods made with forced labor, prison labor, or child labor from China.

Congress should consider legislation that improves U.S. Government data collection and reporting on the issue of human trafficking for the purpose of organ removal, globally and in China. To reduce demand for organs obtained through force or coercion, such legislation should also focus U.S. diplomatic resources toward the creation of international legal norms that promote the establishment of voluntary organ donation systems with effective enforcement mechanisms.

- **Ethnic Minorities.** The Administration should consider raising issues of human rights in China's ethnic minority areas in bilateral and multilateral dialogues on security, legal, and counterterrorism issues with Chinese military, public security, or government officials.

The Administration and Congress should work together to press for unrestricted access to ethnic minority regions and to facilitate implementation of the Tibetan Policy Act of 2002, including establishing a diplomatic office in Lhasa, encouraging development projects that comply with the Tibet Project Principles, and urging renewed dialogue between Chinese government officials and the Dalai Lama's representatives.

The Administration should instruct the U.S. executive director of each international financial institution to oppose the financing of projects in Tibetan autonomous areas, the Xinjiang Uyghur Autonomous Region, and other ethnic minority areas if such projects have the anticipated effect of facilitating large-scale migrations into ethnic minority areas, fail to promote economic self-sufficiency of ethnic minorities, or do not respect their culture, religion, or traditions.

Congress should continue to allocate funding for democratic leadership training for Tibetans, and Members of Congress and their staff should seek inter-parliamentary dialogues with Tibetan legislators to raise the profile, professionalism, and capacity of the Tibetan government-in-exile.

- **Commercial Rule of Law.** The Administration should continue to designate China as a non-market economy until the Chinese government makes concrete improvements to policies detailed in this report that violate China's existing international trade obligations. Congress should consider legislation requiring that both the House and Senate consent to any changes made to China's designation.

The Administration should work through the World Trade Organization (WTO) and its member states to encourage and enforce the elimination of China's barriers to the free flow of news and information to facilitate market growth, including by considering initiation of additional WTO disputes that seek the elimination of trade-restrictive Internet censorship and other restrictions to market access online.

The Administration should ensure that the objectives of non-discrimination, fairness, and transparency are incorporated into the Bilateral Investment Treaty (BIT) negotiations, and that any BIT with China is a mutually beneficial and high-standard agreement that effectively facilitates and enables market access and market operation, and that represents on each side an open and liberalized investment regime.

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Congress should consider whether legislation or other measures are needed to require that market access for Chinese investors in news, online media, and the entertainment sectors is conditioned on a reciprocal basis in order to provide a level playing field for U.S. investors. In addition, Members of Congress should press for the protection of U.S. companies investing in these sectors during BIT negotiations.

- **Technical Assistance Programs.** The Administration should look for creative ways to continue existing aid and grant programs to individuals and civil society groups working to encourage human rights improvements, genuine democratic governance, and the rule of law, and work with foreign NGOs, the United Nations, and other countries on a unified response to the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the PRC Charity Law, and other legislation drafted or enacted in the past year.

The Administration and Congress should look to expand technical assistance and capacity-building programs in areas where Chinese officials have made commitments, such as curbing torture and wrongful convictions and implementing the PRC Anti-Domestic Violence Law.

Congress should consider requesting briefings or a one-time report from the Administration to review U.S.-funded rule-of-law programs in China to determine their effectiveness, the pressures faced during operations in China, and whether new guidelines or resources are needed to advance U.S. interests in the development of rule of law in China.

- **Hong Kong.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992, subject to Congressional directives.

The Administration and Congress should work together to determine whether legislation or other measures are needed to revise the Hong Kong Policy Act if Hong Kong's autonomy and rule of law continue to be threatened.

Congress should consider ways to express through public statements, official visits, and resolutions the important connection between maintaining a free press, a vibrant civil society, an independent judiciary, and transparent governance in Hong Kong and the mutual interests shared by the United States and China in maintaining Hong Kong as a center of business and finance in Asia.

- **Developing a More Robust Parliamentary Diplomacy.** Congress should foster cooperation among parliamentarians and legislators committed to advancing the rule of law and the rights enumerated in the Universal Declaration of Human Rights by participating in existing institutions such as the International Panel of Parliamentarians for Freedom of Religion and the Parliamentary Friends of Tibet or by working with relevant NGOs to convene a global parliamentarians group on human rights in China.

- **Encouraging the Protection of Academic Freedom.** The Administration should assist American universities and educational institutions in negotiations of memoranda of understanding and contracts with Chinese government entities to ensure that they include protections for academic freedom; the universally

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recognized rights of faculty, students, and staff; intellectual property rights; and Internet freedom.

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, 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 21 to 0.[†]

[†] Voted to adopt: Representatives Smith, Pittenger, Franks, Hultgren, Black, Walz, Kaptur, Honda, and Lieu; Senators Rubio, Lankford, Cotton, Daines, Sasse, Feinstein, Merkley, and Peters; and Deputy Secretary Lu, Under Secretary Sewall, Assistant Secretary Russel, and Assistant Secretary Malinowski.

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SPECIFIC FINDINGS AND RECOMMENDATIONS

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

FREEDOM OF EXPRESSION

Findings

- During the Commission's 2016 reporting year, the Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. While such standards permit states in limited circumstances to restrict expression to protect interests such as national security and public order, official Chinese restrictions covered a broader range of activity, including peaceful dissent and expression critical of the government and Party.
- Government and Party control of the press continued to violate international press standards with censorship and propaganda instructions to limit the scope of news content. In a February 2016 speech, President and Party General Secretary Xi Jinping declared that the media "must be surnamed Party" (*bixu xing dang*) and called for "absolute loyalty" to the Party from official media outlets and personnel.
- Chinese authorities continued to broadcast prerecorded confessions on state-run television. Chinese Human Rights Defenders said that the government used televised confessions on state media "to denounce individuals or groups," "control public narratives about government-perceived 'political threats,'" and retaliate against government critics. Authorities also countered criticism by shutting down microblog accounts, and by harassing and detaining media professionals and several China-based family members of Chinese journalists and bloggers living overseas.
- Chinese citizens and journalists challenged the Party's control of news media and propaganda work, some specifically in response to Xi's February speech. Family members of rights defenders, labor groups, and lawyers brought, or planned to bring, defamation suits against official media outlets.
- In May 2016, China was one of 10 countries to vote against the Committee to Protect Journalists (CPJ) receiving accreditation for non-consultative status at the United Nations. CPJ is a prominent international advocacy group for press freedom and the rights of journalists and maintains a list of imprisoned Chinese journalists and bloggers. Chinese authorities targeted citizen journalists from the human rights website 64 Tianwang for harassment and detention, including Wang Jing, Sun Enwei, and Huang Qi. In addition, authorities did not grant

permission to elderly journalist Gao Yu to travel abroad for medical treatment, instead harassing her and restricting her movements while she serves a five-year sentence on medical parole in Beijing municipality.

- The scale of Internet and social media use continued to grow in spite of government and Party censorship. There were 710 million Internet users in China at the end of June 2016, including 656 million who accessed the Internet from mobile devices. A European scholar observed that the government and Party brought Internet governance “into the cent[er] of political decision-making” in recent years.

Recommendations

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

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists, the denial, threat of denial, or delay of visas for foreign journalists, and the censoring or blockage of foreign media websites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and act as a trade barrier for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during future rounds of the Strategic and Economic Dialogue. Assess the extent to which China’s treatment of foreign journalists contravenes its WTO or other obligations.
- Sustain, and where appropriate expand, programs that develop and distribute widely 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 at the U.S. Department of State and the Broadcasting Board of Governors for China to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and Internet freedom activists in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the costs to U.S.-China relations and to the Chinese public’s confidence in government institutions that occur when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions exceed international standards for the restrictions on free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government in-

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stitutions. Submit questions for China's next UN Human Rights Council Universal Periodic Review, asking China to explain what steps it will take to ensure its restrictions on free expression conform to international standards.

○ Urge Chinese officials to end unlawful detention and official harassment of Chinese activists, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to end the illegal home confinement of individuals such as Liu Xia; and release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Liu Xiaobo, Zhang Haitao, Drukar Gyal (Shogjang), Gao Zhisheng, Xie Wenfei, and Wang Mo. Raise this issue in bilateral dialogues, such as the U.S.-China Human Rights Dialogue, U.S.-China Legal Experts Dialogue, and Strategic and Economic Dialogue, as well as through multilateral institutions, such as China's UN Human Rights Council Universal Periodic Review and the UN Human Rights Council Working Group on Arbitrary Detention.

WORKER RIGHTS

Findings

- During the Commission's 2016 reporting year, the All-China Federation of Trade Unions (ACFTU) remained the only trade union organization permitted under Chinese law, and leading union officials held concurrent positions in the Communist Party and government. Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO), Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights.
- Workers' right to collective bargaining remains limited in law and in practice, violating China's obligations as a member of the ILO. Chinese laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers, but the ACFTU and its lower level branches reportedly more often represented the interests of government or enterprises. At the enterprise level, union leaders were often company managers.
- In 2015, China's economy grew at its slowest rate in 25 years. Major steel and coal enterprises announced plans for layoffs, and some workers in these industries had reportedly already lost their jobs in recent years. Employment in manufacturing reportedly had declined for 25 consecutive months as of late 2015. Service sector jobs increased in 2015, but these jobs reportedly paid less on average than manufacturing jobs. Wages continued to rise overall in China, though workers faced slower wage growth, and in some cases stagnant or reduced wages.
- Chinese government officials and international observers reported a significant increase in worker actions such as strikes and protests. Although some of the observed increase may have been due to better data collection, China Labour Bulletin docu-

mented 2,773 worker actions in 2015, more than double the total from 2014. The majority of workers' actions involved disputes over wage arrears.

- The situation of labor rights advocates and non-governmental organizations (NGOs) has worsened in recent years. On December 3, 2015, public security officials in Guangzhou and Foshan municipalities, Guangdong province, detained at least 18 labor rights advocates affiliated with several labor NGOs. As of January 8, procuratorates in Foshan and Panyu district, Guangzhou, had approved the arrests of Zeng Feiyang, Zhu Xiaomei, He Xiaobo, and Meng Han, releasing Zhu on bail on February 1 and He on bail on April 7. In June, the Panyu district procuratorate reportedly began reviewing the cases of Zeng, Zhu, Meng, and also Tang Jian in preparation for a possible trial. According to Chinese and international observers, authorities targeted these individuals due to their labor rights advocacy and ties to NGOs.

- This past year, the Commission continued to observe reports of the use of child labor in China, including a 14-year-old factory worker in Guangdong province who reportedly died in his sleep and a case in Zhejiang province of at least eight children forced to work for years making socks. The ILO Country Office for China and Mongolia noted that the Chinese government has not released official statistics on child labor in China nor has it reported any cases to the ILO.

- The Commission continued to observe reports of the over-reliance on and misuse of dispatch and intern labor during the reporting year, in violation of domestic laws and regulations meant to prevent such abuses. Workers above the legal retirement age continued to enjoy fewer legal protections than other workers under Chinese law. Workers above the retirement age reportedly faced difficulties obtaining compensation and other benefits.

- Chinese government data showed continued declines in workplace accidents and deaths, while reported cases of occupational illness, particularly pneumoconiosis, increased. Workers reportedly faced difficulties obtaining compensation for workplace illnesses. Despite relevant laws and regulations, international observers continued to express concern regarding workplace safety in China.

Recommendations

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

- Call on the Chinese government to release labor rights advocates Zeng Feiyang and Meng Han. Raise their cases in public and in private meetings with Chinese officials. Urge authorities to drop all charges against those labor NGO staff detained in December 2015 and subsequently released on bail.
- Condemn the crackdown on labor advocacy NGOs in China, and call on Guangdong provincial authorities in particular to end the harassment of labor NGO staff. Encourage authorities to cooperate with labor NGOs, noting the positive role such or-

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ganizations play in encouraging workers to address their grievances peacefully and through legal channels.

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

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

- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as collective bargaining, employment discrimination, and occupational health and safety, including, particularly, prevention of pneumoconiosis. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations involved in defending the rights of workers.

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

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

CRIMINAL JUSTICE

Findings

- During the 2016 reporting year, the Commission observed continued reports of the Chinese government using “black jails” and other forms of extralegal and extrajudicial measures to arbitrarily detain targeted individuals. In particular, a “black jail” in Heilongjiang province, which was closed around April 2014, reportedly resumed operation during the past year. A China-based human rights monitoring group also reported increased use of involuntary commitment to psychiatric hospitals as a political tool.

- After the reeducation through labor system was abolished in 2013, Chinese officials reportedly continued to use “black jails”—detention sites that operate outside of China’s judicial and administrative detention systems—to suppress individuals such as petitioners, rights advocates, and religious practitioners.
- The Chinese government continued to apply broadly defined criminal provisions such as “picking quarrels and provoking trouble” and “gathering a crowd to disturb order in a public place” to punish rights advocates, petitioners, lawyers, dissidents, and ethnic minorities.
- Some provisions in the Ninth Amendment to the PRC Criminal Law, which became effective on November 1, 2015, may have a negative impact on human rights conditions in China in areas such as freedom of speech, freedom of the press, freedom of assembly, freedom of religion, access to justice, and rights advocacy.
- The UN Committee against Torture issued its concluding observations on China’s compliance with and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee called on China to abolish the coercive detention measure “residential surveillance at a designated location” and censured the Chinese government for failing to provide disaggregated information about torture, criminal justice, and related issues.
- The Chinese government used charges of “endangering state security” crimes in its crackdown against rights lawyers and advocates, a category of crimes that carry heavy penalties. The PRC Criminal Procedure Law permitted the use of “residential surveillance at a designated location” against those accused of “endangering state security” crimes. The UN Committee against Torture criticized this coercive measure because it may amount to incommunicado detention that puts detainees at a high risk of torture or ill-treatment.
- Despite legislative and regulatory enactments by the Chinese government, the Commission continued to observe cases of coerced confession. The Commission also observed the Chinese government broadcasting prerecorded “confessions,” a practice that could violate international human rights standards.
- In the past year, individuals died in detention under circumstances that raised concerns regarding abuse and torture. Officials reportedly denied adequate medical care to detainees. In the case of imprisoned rights advocate Yang Maodong, better known as Guo Feixiong, officials reportedly arranged a rectal examination that officials recorded and threatened to post online.
- The Ninth Amendment to the PRC Criminal Law reduced the number of capital crimes, but the number of executions in China remained high. One human rights group estimated the number of executions in 2015 to be in the thousands. The Chinese government’s continued withholding of statistical data on executions may impede monitoring of Chinese authorities’ com-

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pliance with international standards on the use of capital punishment.

Recommendations

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

- Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR), which the Chinese government signed in 1998 but has not yet ratified.
- Urge Chinese officials to end all forms of extrajudicial detention—such as “custody and education,” confinement in drug detoxification centers, and extralegal home confinement—that are imposed without meeting the standards for a fair trial as set forth in the ICCPR and other international human rights instruments.
- Raise with Chinese officials, during all appropriate bilateral discussions, individual cases where the investigation of allegedly criminal activity has been used to target government critics and rights advocates.
- Publicly convey support for human rights advocates who have been deprived of liberty on unsubstantiated criminal charges and for political or religious reasons.
- Encourage Chinese officials to adopt the recommendations made by the UN Committee against Torture in relation to China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, such as the call to repeal the provisions allowing “residential surveillance at a designated location.” Further encourage Chinese officials to extend invitations to all UN special rapporteurs and other special procedures that have requested to visit China.
- Stress to the Chinese government the need for greater transparency on the number and circumstances of executions, and urge Chinese officials to further limit the crimes to which the death penalty is applicable.
- Continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) in hopes of drawing on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform China as it charts a path toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

FREEDOM OF RELIGION

Findings

- In both law and practice, the Chinese government continued to violate the rights of its citizens to religious freedom, violating both the Chinese government’s international obligations

and the standards set by China's Constitution. Chinese Communist Party and government officials have broad discretion over religious practice, internal affairs, and interpretations of faith, which is often exercised based on Party and government policy interests.

- Government and Party officials convened the first National Conference on Religious Work in 15 years in April 2016, signaling that officials aim to prioritize religious affairs. Chinese President and Communist Party General Secretary Xi Jinping declared religious affairs to be an area of “special importance” and directed government and Party authorities to ensure that religious believers are “patriotic, preserve national unity, and serve the overall interests of the Chinese nation.” Xi emphasized the Party view that religious groups are a “bridge” connecting the Party and government to religious believers and that groups must therefore support the “leadership of the Party” and the Chinese political system.
- Chinese authorities deny members of various religious communities the right to practice their faith freely and without fear of government reprisal. The 2005 Regulations on Religious Affairs continue to require religious groups to register with the government and report on their religious activities. Registration is a significant obstacle for some groups: officials may deny registration applications of groups they believe to be adverse to Party and government interests, and some groups refuse to register because they believe that the conditions associated with registration compromise principles of their faith. Official recognition of groups falling outside the “main” religions—Buddhism, Catholicism, Islam, Taoism, and Protestantism—is limited. Unregistered religious and spiritual communities are especially vulnerable to government harassment, detention, and other abuses, but groups may be sanctioned regardless of registration status when authorities view them as posing a challenge to official authority. The government has also continued to ban some belief systems outright.
- The government and Party continued to exert political influence over the activities of Buddhist and Taoist religious groups. As in past years, this influence manifested in extensive government regulation and sponsorship of religious activity.
- The government and Party continued efforts to control Chinese Catholic leadership and religious practice. The government continued to deny Catholics in China the freedom to be ministered to by bishops independently approved by the Holy See, instead continuing to require Catholic bishops to be selected and ordained by state-controlled organizations without Holy See approval. The government also continued to harass, detain, or hold incommunicado certain Catholic leaders.
- The government and Party continued a campaign initiated in 1999 of extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong.
- The government and Party continued to enforce regulations controlling the religious activities of Muslim believers. Officials and state-sponsored scholars also made a number of state-

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ments against the popularization of practices and symbols associated with Islam. Concurrent with these statements, experts noted significant online commentary hostile to Islam, raising concerns about rising anti-Muslim sentiment in China.

- Chinese authorities continued to prevent many Protestant Christians from worshiping freely, taking a range of actions that experts believe are connected to the national-level “sinicization” campaign. In particular, authorities in Zhejiang province continued to target Protestants with harassment and close monitoring in the past reporting year, for example, by continuing to implement a campaign launched in 2014 that has resulted in the removal of an estimated 1,500 church crosses from state-sanctioned churches, and in more than 20 cases, the complete demolition of churches. Some Protestant leaders have been sentenced to prison terms, and officials also detained those providing legal assistance to churches facing forced cross removal. In other regions of China, government officials detained Protestant believers and conducted raids on church buildings and gatherings, with churches in Guangdong province hit especially hard. In Guizhou province, the Guiyang municipal government designated the Living Stone Church an “illegal social group.”

- Religious communities that do not fall within China’s five “main” religions continue to exist within China, some practicing openly and with tacit government approval, while others, such as the local Jewish community in Kaifeng municipality, Henan province, have reportedly begun to experience government restrictions on religious activity.

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 China’s international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt beliefs and practice religious activities without government interference, particularly interference based on political goals.
- Stress to the Chinese government that the right to freedom of religion includes, but is not limited to: the right of Buddhists and Taoists to carry out activities in temples and select monastic teachers independent of state controls over religion; the right of Catholics to recognize the authority of the Holy See in matters relating to the practice of their faith, including to make bishop appointments; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimage, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to worship free from state controls over doctrine and worship, and to be free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses;

and the right of members of other religious communities, such as Judaism, to be free of state control and harassment.

- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as people confined, detained, or imprisoned in connection to their association with them. Such prisoners include Bishop Thaddeus Ma Daqin, who has been under extralegal confinement since July 2012 for renouncing his affiliation with the Chinese Catholic Patriotic Association; Pastors Bao Guohua and Xing Wenxiang of Jinhua municipality, Zhejiang province; those affiliated with the Living Stone Church in Guizhou province, including its pastor, Li Guozhi (also known as Yang Hua); and other prisoners mentioned in this report and in the Commission's Political Prisoner Database.

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

- Call on China 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 stipulates detention or fines for organizing or inciting others to engage in “cult” activities and for using “cults” or the “guise of religion” to disturb social order or to harm others’ health.

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

ETHNIC MINORITY RIGHTS

Findings

- During the 2016 reporting year, central government officials in China continued to stress the importance of “ethnic unity” and of ethnic minorities’ identification with “the motherland” and “Chinese culture.” An Australian scholar outlined concerns regarding the impact of assimilation on ethnic minorities’ cultures and languages.

- For a third consecutive year, Xinjiang Uyghur Autonomous Region (XUAR) authorities implemented a “mass line” campaign, which promotes “ethnic unity” and requires officials working at the grassroots level to monitor and control Muslim residents’ religious practices.

- In addition to projects aimed at integrating Han majority and ethnic minority populations, central government officials pushed both development and securitization in places such as

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Tibetan autonomous areas and the XUAR, in an effort to maintain “stability.”

- As in past reporting years, Inner Mongolia Autonomous Region (IMAR) authorities detained herders who engaged in peaceful protests related to grasslands, including herders who reportedly used online forums or spoke to foreign journalists about their grievances.
- As in past reporting years, authorities in the IMAR continued to harass Mongol rights advocate Hada and his family. IMAR officials imprisoned Hada for 15 years beginning in 1995, and subsequently extralegally detained him for an additional 4 years, after he organized peaceful protests for Mongol rights and for his role in founding the banned Southern Mongolian Democratic Alliance. According to Hada and his wife, Xinna, as of October 2015, public security personnel have maintained a constant presence in their apartment building in order to surveil Hada’s activities at home, and have followed him whenever he has gone out. In addition, in October 2015, public security authorities in Qingshan district, Baotou municipality, IMAR, detained Hada and Xinna’s son Uiles for 10 days on the charge of “obstructing official business.”

Recommendations

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

- Continue to build the capacity of Mongol, Uyghur, and Tibetan groups working to advance human rights, environmental protection, economic development, and rule of law in China through U.S. foreign assistance funding and by encouraging additional support from both UN and non-governmental sources.
- Convey to the Chinese government the importance of respecting and protecting ethnic minority cultures and languages. Urge Chinese officials to provide ethnic minority students and parents a choice of what language or languages of instruction should be used at schools they attend in accordance with the PRC Regional Ethnic Autonomy Law.
- Support rule of law programs and exchange programs that raise awareness among Chinese leaders of different models for governance that protect ethnic minorities’ rights and allow them to exercise meaningful autonomy over their affairs, in line with both Chinese law and international human rights standards.
- Call on the Chinese government to allow Mongol herders to exercise their fundamental rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention.
- Urge Chinese authorities to end restrictions on the freedom of movement and other unlawful restrictions against Hada, his wife, Xinna, and their son, Uiles. The Universal Declaration of Human Rights grants “everyone . . . the right to freedom of movement and residence within the borders of each state.”

POPULATION CONTROL

Findings

- Chinese authorities continue to actively promote and implement coercive population planning policies that violate international standards, including the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development. Controls imposed on Chinese women and their families, and additional abuses engendered by the system, including coerced abortion and discriminatory policies against “out-of-plan” children, also violate standards set forth in the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. China is a State Party to these treaties and has committed to upholding their terms. The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, which include an aging population, diminishing workforce, and sex ratio imbalance.
- In November 2015, the UN Committee against Torture conducted its fifth periodic review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its concluding observations, the Committee stated its concerns about China’s coercive implementation of the population policy, such as coerced sterilization and forced abortion, and the lack of information on investigations into such allegations.
- As the November 2013 policy revision of allowing couples to bear a second child if one parent is an only child (*dandu erhai* policy) failed to meet the intended birth target, and amid demographic and economic concerns voiced by population experts and research institutions, central Party authorities issued a decision in October 2015 to adopt a “universal two-child policy” (*quanmian erhai*) at the Fifth Plenum of the 18th Communist Party Central Committee, allowing all married couples to have two children.
- Central government authorities stated that the universal two-child policy is the Party’s “major initiative” to “promote balanced population development” and to address demographic concerns China currently faces. Central government officials emphasized repeatedly that family planning will remain the long-term “basic national policy.” On December 27, 2015, the Standing Committee of the National People’s Congress amended the PRC Population and Family Planning Law, which became effective nationwide on January 1, 2016. As of August 2016, at least 29 provincial-level jurisdictions reportedly had revised their population and family planning regulations in accordance with the amended national law. Human rights advocates, demographic experts, and others, however, expressed concerns that coercive implementation of family planning measures and human rights abuses will persist despite the adoption of the universal two-child policy.
- The National Health and Family Planning Commission predicted that the universal two-child policy, if fully implemented, will result in population growth. Population experts, citing the

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tepid response to the previous policy revision, suggested that the universal two-child policy likely will not lead to significant population growth in the long term. Experts urged central government authorities to introduce supporting policy measures that will further encourage couples to have two children. Central government authorities pledged to promote “family planning service management reform” and to introduce “supporting policy measures” to help implement the universal two-child policy. This past year, government authorities also took steps to further relax the birth registration system, allowing married couples to register their first two children without going through a complicated approval or application process.

- The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies. Some provincial population planning regulations continued to explicitly instruct officials to implement abortions for “out-of-plan” pregnancies, often referred to as a “remedial measure.” Local authorities continued to promote “family planning work” that entailed harsh and invasive family planning measures.

- Officials employed various methods of punishment to enforce family planning policies, including levying heavy fines, job termination, arbitrary detention, and coerced abortion. Authorities in some localities denied household registration (*hukou*) to children whose parents violated local family planning requirements. People who lack *hukou* in China face considerable difficulties accessing social benefits compared to registered citizens.

- During this reporting year, central Party and government authorities took steps to address the issue of 13 million “illegal residents” (*heihu*), that is, those without *hukou*, in China. In January 2016, the State Council issued the Opinion on Resolving Issues of Hukou Registration for Individuals Without Hukou, which specified eight types of “illegal residents” newly eligible to register for *hukou* without preconditions. Unregistered individuals whose parents failed to pay “social compensation fees,” however, were not included in this list. Some parents, fearing that authorities might forcibly collect social compensation fees from them retroactively, remain deterred from registering their children born in violation of family planning policies.

- This past year, international media reports continued to suggest a link between China’s large number of “surplus males” and the trafficking of foreign women into China for forced marriage or commercial sexual exploitation. Reports also indicate that China’s population planning policies have contributed to illegal adoptions, as a traditional preference for sons combined with birth limits is thought to encourage a black market for illegal adoptions.

Recommendations

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

- Press Chinese government officials to bring the PRC Population and Family Planning Law into conformance with international standards set forth in international agreements, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. Urge the Chinese government to address the concerns the UN Committee against Torture raised in its concluding observations on the fifth periodic review of China’s compliance with the Convention against Torture.
- Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—including a rapidly aging population, shrinking workforce, and sex ratio imbalance. Urge the Chinese government to take the new universal two-child policy further and heed the recommendations of domestic and international demographic experts by ending all birth restrictions on families and abolishing “social compensation fees.”
- Urge the Chinese government to expand its existing efforts to register all children to include those whose parents failed to pay the “social compensation fees” associated with their births. In line with the Girls Count Act of 2015, the U.S. State Department and the U.S. Agency for International Development should support training and programs that contribute to improvements in the registration of girls, in order to increase rights and opportunities for women and girls in China.
- Call on China’s central and local governments to vigorously enforce provisions of Chinese law that provide for punishment of officials and other individuals who violate the rights of citizens when implementing population planning policies, and to clearly define what these rights entail. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals found to have committed abuses such as coercive abortion and sterilization.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China’s population planning policies with potential regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral dialogues.

FREEDOM OF RESIDENCE AND MOVEMENT

Findings

- The Chinese government continued use of the household registration (*hukou*) system established in 1958. The *hukou* system limits the right of Chinese citizens to freely choose their place of residence. The *hukou* system classifies Chinese citizens as either rural or urban, conferring legal rights and access to public services based on their classification. Implementation of *hukou* regulations discriminates against rural *hukou* holders and migrants to urban areas by denying them equitable access

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to public benefits and services enjoyed by registered urban residents. The *hukou* system conflicts with international human rights standards guaranteeing freedom of residence and prohibiting discrimination on the basis of “national or social origin, . . . birth or other status.”

- The Chinese central government and provincial and municipal authorities continued to implement reforms to the *hukou* system. As of August 2016, at least 29 province-level jurisdictions had issued implementing proposals governing local *hukou* reform planning. Local governments’ reform plans did not generally remove the link between residence and provision of public benefits.

- After issuing draft measures on residence permits in December 2014, in November 2015, the State Council issued provisional regulations on residence permits. The provisional regulations are intended to “fully cover basic public services and benefits” for urban residents, but the provisional regulations extend fewer benefits to permit holders than the 2014 draft measures would have, and contain restrictive conditions on who may apply for residence permits.

- Chinese authorities continued to deny some Chinese citizens who criticize the government their internationally recognized right to leave the country. Officials justified preventing some rights lawyers and their family members from leaving China by saying their leaving the country “could endanger state security.” Chinese officials prevented at least seven individuals from traveling to Geneva in November 2015 to take part in the UN Committee against Torture’s review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Chinese authorities refused to allow disabled former lawyer and housing rights advocate Ni Yulan to travel to the United States in March 2016 to receive a U.S. State Department award.

- The Commission continued to observe reports of Chinese government officials punishing rights advocates and their families and associates and targeting some members of ethnic minority groups by restricting their freedom of movement in violation of Article 12 of the International Covenant on Civil and Political Rights. Authorities increased restrictions on movement during politically sensitive periods, and placed particularly strict controls on Uyghurs and Tibetans, as well as residents of some ethnic minority areas.

Recommendations

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

- Call on Chinese authorities to accelerate reforms to the *hukou* system, including fully relaxing restrictions on migration to major cities and centers of economic opportunity; equalizing the level and quality of public benefits and services afforded by local *hukou* and residence permits; and implementing laws and regulations to provide equal treatment for all Chinese citizens, regardless of place of birth or residence.

- Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrants, in order to advance legal and anti-discrimination assistance for migrants and their families, and encourage policy debates aimed at eliminating inequality and discrimination connected to the *hukou* system.
- Emphasize in meetings with Chinese officials that the Chinese government's noncompliance with international standards on freedom of movement and travel diminishes confidence in the Chinese government's commitment to broader international standards. Call on the Chinese central government to combat local authorities' arbitrary and discriminatory restrictions on the ability of residents of some ethnic minority areas, particularly Uyghurs and Tibetans, to move freely inside China.
- Raise specifically Chinese authorities' restrictions on the freedom of movement and the right to leave the country of rights defenders, lawyers, critics of the government, and their family members and associates, including, among others: the son of rights lawyer Liu Xiaoyuan and the wife of detained lawyer Xie Yang; Yang Jisheng, a historian and former journalist; Gao Yu, a journalist serving a five-year prison sentence for "leaking state secrets"; and Ni Yulan, a disabled former lawyer and housing rights advocate.

STATUS OF WOMEN

Findings

- The Chinese government restricted many women's rights advocates from providing services and engaging in advocacy, violating China's obligations under international standards. For example, on February 1, 2016, the widely known and respected Beijing Zhongze Women's Legal Counseling and Service Center ceased operations after government authorities reportedly ordered the organization to shut down.
- The Chinese government continued to target individual women's rights advocates with criminal prosecution and other forms of harassment. Wang Yu—a high-profile human rights lawyer whom Beijing municipality security officials detained in July 2015 and Tianjin municipality authorities subsequently arrested on suspicion of "subversion of state power" in January 2016—reportedly was released on bail in August 2016 following the broadcast of a prerecorded confession that members of the Chinese human rights community believe was coerced. In April 2016, the Foshan Intermediate People's Court in Guangdong province put on trial women's rights and democracy activist Su Changlan on the charge of "inciting subversion of state power." As of August 2016, she remained in custody, awaiting a verdict. Police in Beijing lifted bail conditions for five women's rights advocates—referred to as the Feminist Five—who were detained and subsequently released in 2015 in connection with a planned anti-sexual harassment campaign. The women, however, are still considered suspects in an investigation for the crime of "gathering a crowd to disturb order in a public place."

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- Despite the legal framework prohibiting employment discrimination, employers in China continued to discriminate against women in recruiting, hiring, compensation, and other employment practices. A March 2016 article in Xinhua stated that “job discrimination against women still pervades Chinese society.” More women are suing employers, or prospective employers, for gender-based discrimination. Female plaintiffs prevailed in two separate employment discrimination cases, each claiming that a prospective employer refused to hire her because she was a woman.
- Employment discrimination against women based on pregnancy continues to be a serious problem, despite laws protecting the rights of pregnant workers. Results from a recent survey of nearly 1,000 female employees indicated that over 52 percent of the respondents experienced discrimination when they were pregnant, on maternity leave, or breastfeeding and, as a result, suffered pay cuts, forced transfers, lost promotion and training opportunities, or were pressured to resign.
- The PRC Anti-Domestic Violence Law became effective on March 1, 2016. The National People’s Congress passed the legislation in December 2015 after more than a decade of advocacy and organizing by women’s rights advocates and Chinese officials. Many women’s rights advocates hailed the application of the law to non-married, cohabiting partners and the fact that the definition of domestic violence specifies both physical and psychological abuse. Rights advocates, nevertheless, expressed concerns about the omission of sexual violence and economic coercion from the definition of domestic violence and about the law’s silence with respect to same-sex couples.
- Officials in China reportedly continued to use coercion and violence against women while implementing family planning policies, in contravention of international standards. The UN Committee against Torture, in its November 2015 review of China’s compliance with the Convention against Torture, expressed concern about reports of coerced sterilization and forced abortions, and noted the Chinese government’s failure to provide requested information on such reports and on redress provided to past victims.

Recommendations

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

- Publicly and privately urge the Chinese government to drop any and all remaining charges against the Feminist Five, release rights activist Su Changlan from detention, and clarify the status of rights lawyer Wang Yu whose whereabouts remain unknown despite her purported release on bail.
- Facilitate and support technical assistance programs that would assist law enforcement and judicial personnel as well as lawyers and women’s rights organizations in effectively enforcing the PRC Anti-Domestic Violence Law, including best practices for implementing protection orders and handling domestic violence cases in court.

- Support international exchanges among academics, legal advocates, non-governmental organizations, and others that focus on gender-based employment discrimination, including pregnancy-related discrimination.
- Call on the Chinese government to stop coercion and violence against women during population planning implementation and to provide the UN Committee against Torture with the information it requested on coerced sterilization and forced abortions and on redress to past victims.

HUMAN TRAFFICKING

Findings

- During the Commission's 2016 reporting year, China remained a country of origin and destination for the trafficking of men, women, and children, as defined under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol). In addition to domestic human trafficking, criminal networks reportedly drove an increase in human trafficking of Chinese nationals to Southeast Asia, Europe, and Africa. Women from Southeast Asia and Nepal reportedly were trafficked to China for forced marriage or sexual exploitation.
- The Commission observed reports of North Korean laborers in China working under conditions experts described as forced or slave labor. These workers earned income for the North Korean government and reportedly worked long hours in substandard conditions for little or no pay. The U.S. State Department and the UN TIP Protocol include forced labor in their respective definitions of human trafficking.
- Although the Chinese government abolished the reeducation through labor system in 2013, authorities continue the use of similar forms of arbitrary detention, including "custody and education" and compulsory drug detoxification, in which detainees perform forced labor.
- China's ongoing human trafficking problem stems from a variety of social, economic, and political factors. Within China, internal migrant workers were vulnerable to being trafficked for forced labor, and their children reportedly were at risk for forced labor, forced marriage, and sexual exploitation. Individuals with disabilities were at risk for forced labor and forced begging. Poverty and political instability contributed to trafficking from Southeast Asia into China. North Korean refugees in China remained at risk for human trafficking. China's sex ratio imbalance created a demand for marriageable women that may contribute to human trafficking for forced marriage. Experts disagreed over the extent to which the new universal two-child policy would affect the sex ratio imbalance.
- In March 2016, the Supreme People's Court reported an almost 56-percent decline in the number of human trafficking cases handled in Chinese courts and a nearly 63-percent decline in the number of convictions in 2015 compared to 2010.
- The PRC Criminal Law prohibits human trafficking, but China's domestic legislation remains inconsistent with UN TIP

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Protocol standards. The current definition of trafficking under Chinese law does not clearly cover offenses against male victims. Chinese law identifies illegal adoptions as human trafficking, which under the UN TIP Protocol are considered trafficking only if the end purpose is exploitation.

- During the reporting year, Hong Kong was a destination for human trafficking, with migrant workers particularly at risk of exploitation for forced labor. One alleged victim of human trafficking challenged the Hong Kong government in court, arguing that Hong Kong's Bill of Rights Ordinance requires the Hong Kong government to enact stronger anti-trafficking legislation.

Recommendations

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

- Urge the Chinese government to abide by its commitments under the UN TIP Protocol and to bring anti-trafficking legislation into alignment with international standards, specifically with regard to China's legal definition of human trafficking. Call on the Chinese government to extend coverage of the UN TIP Protocol to include Hong Kong. Urge the Chinese government to end its policy of forcibly repatriating undocumented North Korean migrants.
- Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to encourage and support the collection of more accurate data in order to better assess the scale and root causes of human trafficking in Asia and monitor the effectiveness of anti-trafficking measures.
- Encourage and engage in continued regional cooperation to combat human trafficking through multilateral agreements and meetings such as the Coordinated Mekong Ministerial Initiative Against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Such regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalances, and other risk factors that contribute to human trafficking.
- Pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation. Facilitate international exchanges among civil society groups and industry associations to raise awareness of best practices for identifying and combating human trafficking in supply chains. Support NGOs working on anti-trafficking education and victims' services throughout Asia.
- Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.

NORTH KOREAN REFUGEES IN CHINA

Findings

- During the Commission’s 2016 reporting year, the Chinese government’s policy of detaining North Korean refugees and repatriating them to the Democratic People’s Republic of Korea (DPRK) remained in place, in violation of its obligations under international human rights and refugee law.
- In November 2015, the UN Committee against Torture (Committee) conducted its fifth periodic review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its concluding observations, the Committee stated its concerns about China’s lack of “national asylum legislation and administrative procedures” for determining refugee status and China’s “rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons.” The Committee also urged China to adopt measures to address these concerns.
- Heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face. The number of refugees who reached South Korea decreased from 1,397 in 2014 to 1,277 in 2015, continuing the trend of a significant decline in the number of refugees entering South Korea since 2011.
- Chinese authorities continued to crack down on organizations and individuals that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK, including Canadian citizen Kevin Garratt who was reportedly involved in assisting North Korean refugees.
- The Commission observed reports of North Korean laborers in China working under exploitative conditions. According to one expert, the DPRK government subjected these workers to “very harsh conditions of work” that “amount to forced labor.” This past year, some North Korean restaurant workers escaped to South Korea from their work sites in China.
- North Korean women who enter China illegally remained particularly vulnerable to human trafficking. The majority of North Korean refugees leaving the DPRK are women, many of whom are trafficked from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.
- Many children born to Chinese fathers and North Korean mothers remained deprived of basic rights to education and other public services owing to a lack of legal resident status in China, contravening China’s obligations under international law.

Recommendations

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

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- Consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the repatriation of North Korean refugees, and press for increased international monitoring of and accountability for China's treatment of refugees.
- Call on the Chinese government to address the concerns of the UN Committee against Torture by incorporating the principle of non-refoulement into domestic legislation and allowing UN High Commissioner for Refugees personnel unimpeded access to North Korean refugees in China.
- Urge Chinese officials to abide by China's obligations under international human rights instruments and to prosecute human traffickers operating in China and along the China-North Korea border.
- Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards.
- Ask the U.S. Special Envoy on North Korean Human Rights Issues to work with South Korean counterparts—including the newly established South Korean Ambassador for International Cooperation on North Korean Human Rights at the Ministry of Foreign Affairs and the North Korean Human Rights Foundation under the Ministry of Unification—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 Act.

PUBLIC HEALTH

Findings

- The Chinese government and Communist Party advanced health care reform priorities with a merger of two of China's three health insurance schemes announced in January 2016. The merger will affect health insurance coverage for more than 1 billion Chinese citizens. The government also sought to address the ongoing problem of “commotions at hospitals” (*yi'nao*) related to patient-doctor disputes with measures to improve security for hospital staff and a revision to the PRC Criminal Law that imposes harsher penalties for “social order” disturbances at hospitals.
- The Party propaganda department issued censorship directives to prohibit or limit news about public health matters deemed politically sensitive, including news stories about patient-doctor disputes, challenges in accessing medical care, and apparently contaminated pharmaceutical products. Parents who advocated for government accountability over harm to their children's health and well-being through public protests and filing lawsuits encountered a range of official responses, including detention.
- Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) as a “form of retaliation

and punishment by Chinese authorities against activists and government critics” reportedly remains a serious problem in China despite the PRC Mental Health Law’s (MHL) prohibition of such abuse. The Commission observed reports during the past year on the forcible institutionalization of individuals including Xing Shiku, Xia Funian, Wang Hedi, Xu Dajin, Wang Shou’an, and Zhang Wenhe.

- Chinese officials and domestic and international experts have observed a range of challenges in the implementation of the MHL since it took effect in 2013. During the reporting year, localities issued plans to implement the National Mental Health Work Plan (2015–2020), including pilot projects to provide more rehabilitation services for individuals with psychosocial disorders. A focus on individuals with severe mental disorders deemed at risk of violent behavior is evident in national policy and local mental health work agendas.

- Provisions on anti-employment discrimination and the right to work in the PRC Law on the Protection of the Rights of Persons with Disabilities were cited in a model case featuring the protection of the rights of persons with disabilities published by the Supreme People’s Court in May 2016. In addition, in May, a court in Guizhou province awarded financial compensation to the plaintiff in a case that legal experts noted was the first in which a court found in favor of a plaintiff claiming employment discrimination due to HIV/AIDS. Persons with disabilities and health-related conditions in China, nevertheless, continued to face obstacles in attaining equal access to employment and education. In July and August 2016, official media reported on two cases in which individuals with visual impairments were denied university enrollment and government employment based on physical eligibility standards.

Recommendations

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

- Call on the Chinese government to strengthen implementation of the PRC Mental Health Law (MHL) and stop using forcible psychiatric commitment to retaliate against and silence persons with grievances against the government or persons with dissenting opinions and preferences. Urge the Chinese government to establish panels made up of legal, medical, and security professionals from within and outside the government to monitor and report on implementation of the MHL and initiatives planned under the National Mental Health Work Plan (2015–2020) to ensure that local implementation consistently meets standards of care and rights protection stipulated in the MHL, the PRC Law on the Protection of the Rights of Persons with Disabilities, and international standards.
- Continue to support technical assistance and exchange programs in the area of public health, including but not limited to cardiac care and breast cancer prevention that were identified during the seventh annual U.S.-China Consultation on People-to-People Exchange in June 2016. Require that U.S.-

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China cooperative programs include the participation of U.S. and Chinese non-governmental organizations.

○ Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, including revision of the national physical eligibility standards for civil servants and teachers that discriminate against persons with health conditions. Where appropriate, share the United States' ongoing experience with and efforts to promote the rights of persons with disabilities in education, employment, and public life, through non-governmental advocacy and services, and legal and regulatory means.

THE ENVIRONMENT

Findings

- During the 2016 reporting year, reports indicated the severity of China's air, water, and soil pollution, and scientists published new research linking air pollution to 1.6 million premature deaths per year. Chinese authorities continued to censor and control media reporting on the environment, including on environmental emergencies, such as the August 2015 explosion in Tianjin municipality, the December 2015 landslide in Shenzhen municipality, and the summer 2016 floods and their aftermath.
- The non-transparent and extralegal detention of Chinese government officials handling environmental matters and data raised concerns about China's commitments to transparency and the rule of law in environmental protection. Significant cases of concern during the reporting year included the reported torture of Xu Yongsheng, the former director of the National Energy Administration; the detention of Zhang Lijun, a retired vice minister of the Ministry of Environmental Protection (MEP); and the detention of Wang Bao'an, the director of the National Bureau of Statistics of China.
- Since the revised PRC Environmental Protection Law took effect in January 2015, official government and media reports indicated that there have been some improvements in public participation and an increase in the number of environment-related public interest lawsuits. During 2015, Chinese courts reportedly accepted 53 public interest lawsuits.
- The PRC Air Pollution Prevention and Control Law passed in August 2015 and took effect on January 1, 2016. The MEP continued to implement 2015 revisions to the PRC Environmental Protection Law that allow for the imposition of daily fines for violating emissions standards; the MEP, however, reportedly only issued daily fines in a limited number of cases. The National People's Congress passed an amendment to the PRC Wild Animal Protection Law in July 2016, and central government officials reportedly have plans to draft a PRC Soil Pollution Law and revise the PRC Environmental Impact Assessment Law.
- During the reporting year, Chinese authorities continued to harass and detain environmental advocates. In April 2016, a

court in Liaoning province reportedly accepted a retrial request after a November 2015 judgment that imposed a 12-year prison sentence on environmentalist Tian Jiguang for “extortion,” “embezzlement,” and “misappropriation of funds,” although the retrial decision did not suspend the initial judgment. Tian founded a non-governmental organization to protect spotted seals, and Chinese authorities reportedly detained him in connection with a blog post criticizing water pollution by a state-owned enterprise.

- During the reporting year, China remained the largest emitter of carbon dioxide in the world. The United States and China continued many dialogues and exchanges related to the environment and climate change. In April 2016, China signed the Paris Agreement under the United Nations Framework Convention on Climate Change, affirming its June 2015 commitment to lower carbon dioxide emissions per unit of GDP by 60 to 65 percent from the 2005 level by 2030.

Recommendations

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

- Continue to support U.S.-China technical and legal collaboration on environmental protection. U.S.-China cooperation should focus on programs aimed at increasing media freedom; improving transparency and the rule of law; reducing air, water, and soil contamination; and improving government accountability. Raise concerns regarding the censorship of the documentary “Under the Dome” and transparency surrounding important environmental data.
- Raise questions with Chinese officials about the lack of transparency and due process in the detentions of energy, environmental, and statistics bureau officials, including Xu Yongsheng, Zhang Lijun, and Wang Bao’an.
- Urge Chinese authorities to fully implement provisions in Chinese law providing for public participation in environmental policy and project decisions. Support programs intended to increase the scientific, technical, legal, and operational capacity of Chinese environmental non-governmental organizations (NGOs), including programs that assist NGOs in taking full advantage of opportunities to file environmental public interest lawsuits and submit open government information requests. Raise the detention of Tian Jiguang in meetings with Chinese officials.
- Support efforts by Chinese and U.S. groups working to expand awareness of citizens’ environmental rights in China and the protection of those rights. Include environmental law and transparency issues in bilateral human rights and legal expert dialogues. Include discussion of human rights dimensions of climate change in the U.S.-China Climate Change Working Group.

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CIVIL SOCIETY

Findings

- During the Commission's 2016 reporting year, the Chinese government and Communist Party continued to deepen a crackdown that began in 2013 against non-governmental organizations (NGOs) and civil society advocates. Targets of the crackdown included staff from the Panyu Workers' Services Center and other labor rights NGOs and the Beijing Zhongze Women's Legal Counseling and Service Center. An international rights NGO reported that authorities detained 22 human rights defenders in 2015 on suspicion of "inciting subversion of state power," equal to the recorded total for the three previous years combined under the same charge. These detentions, some of which are linked to the government's "unprecedented attack" beginning in and around July 2015 against rights lawyers and advocates, reportedly have contributed to a "chilling effect" on civil society in China.
- Chinese authorities also targeted an international staff member of a legal rights advocacy group during this reporting year. Authorities detained Peter Dahlin, a Swedish rights advocate who cofounded the Chinese Urgent Action Working Group, an organization that trains and supports Chinese rights defenders, for three weeks before expelling him from the country. On January 19, 2016, while Dahlin was still in detention, state television aired a prerecorded confession, which Dahlin later stated was scripted by Chinese authorities.
- The National People's Congress passed the PRC Law on the Management of Overseas NGO Activities in Mainland China in April 2016. The law covers a wide range of international NGOs (INGOs), grants authority over INGO registration to the Ministry of Public Security and provincial-level public security agencies, and restricts the activities of INGOs in China through registration and reporting requirements. International observers called on the Chinese government to repeal the legislation, and warned that the law could be used to intimidate and suppress dissenting views and to exert greater control over civil society.
- The National People's Congress passed the PRC Charity Law in March 2016. If fully implemented, the legislation paves the way for easier registration for qualifying charitable organizations, permits registered charities to engage in public fundraising, requires public disclosure of organizations' activities and use of funds, and forbids embezzlement and misuse of funds. Observers reported concerns over provisions in the law that allow authorities to prosecute and shut down groups deemed to "endanger state security," a vague charge that rights groups say authorities can use to crack down on human rights advocacy.
- During the past year, the central government released draft revisions to the three major regulations governing the registration and management of domestic civil society organizations. Following the February 2016 State Council administrative revision to the Regulations on the Registration and Management

of Social Organizations, the Ministry of Civil Affairs (MCA) released a revised draft for public comment in August 2016, which would permit direct registration for business associations, research organizations, charities, and service organizations. The MCA also released a revised draft for public comment of the Regulations on the Management of Non-Governmental, Non-Commercial Enterprises changing the name to the Regulations on the Management of Social Service Organization Registration, and renaming “non-governmental, non-commercial units” as “social service organizations.” Provisions in the draft Regulations on the Management of Foundations specify how charitable foundations should be classified and regulated.

- The regulatory environment for Chinese NGOs continued to be challenging to navigate. Authorities continued to require some NGOs to secure the sponsorship of a governmental or quasi-governmental organization in order to be eligible for registration. This “dual management system” subjects NGOs to differentiated treatment based on authorities’ perception of a group’s political sensitivity. Experts noted that NGOs without government affiliation are at a disadvantage compared to quasi-governmental or government-organized non-governmental organizations (GONGOs) with respect to public fundraising and government procurement.

Recommendations

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

- Urge the Chinese government to hasten the enactment of legal provisions pertaining to civil society that are consistent with China’s Constitution as well as China’s international obligations. Urge China to ratify the International Covenant on Civil and Political Rights (ICCPR). Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGO Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the ICCPR.
- Call on the Chinese government to cease harassment of civil society advocates and NGOs. Integrate civil society issues into bilateral discussions and agreements and strengthen U.S. Government-funded programs and exchanges in China.
- Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums, and support international training to build their leadership capacity in non-profit management and best practices, public policy advocacy, strategic planning, and media relations.
- Urge the Chinese government to establish a fair and transparent framework for the implementation and regulation of government procurement of social services from NGOs. Where appropriate, support civil society leaders and advocates in visiting other signatories to the World Trade Organization Agreement on Government Procurement in order to observe best practices in government procurement of services from NGOs.

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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

- This past year, the Chinese Communist Party continued to direct and influence politics and society at all levels, including in the military, economy, media, civil society, and family life. State media outlets reported that Chinese President and Party General Secretary Xi Jinping emphasized the Party's claims to wide-ranging leadership at a senior-level Party meeting in January 2016. The Party and government adopted the 13th Five-Year Plan (2016–2020) for economic and social development, which reiterates a vision to “spur a great rejuvenation of the Chinese nation” in line with the “Chinese dream.”
- The Commission observed a continued emphasis on Party General Secretary and President Xi Jinping's leading role in guiding decisionmaking in Party, government, and military affairs. Reports suggested that Xi used the ongoing anticorruption campaign, intensified Party disciplinary measures, promoted his speeches as ideological guidance, and continued his chairmanship of at least six leading small groups in the Party Central Committee to strengthen his power within the Party. Following central Party meetings that featured calls to strengthen the Party's role, several provincial and local Party leaders referred to Xi as the “core” (*hexin*) of Party leadership.
- This past year, Chinese officials' wide-reaching anti-corruption campaign to reduce graft and strengthen Party discipline continued snaring so-called “tigers” and “flies”—high- and low-level Party officials in the government, military, media, and business—in a manner that one scholar called selective in enforcement, non-transparent, and politicized. The Central Commission for Discipline Inspection targeted officials through use of the non-transparent and extralegal disciplinary process of *shuanggui*, about which the UN Committee against Torture expressed concern during its fifth periodic review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Chinese officials continued a broad ideological and political crackdown on the Party and bureaucracy, human rights lawyers, business leaders, and rights advocates. Some representative cases of advocates whom authorities targeted this past year included Qin Yongmin, Zhao Suli, Wang Su'e, Xu Qin, Yin Weihe, and Liu Shaoming. Authorities detained and in some cases sentenced individuals in connection with their commemoration of the violent suppression of the 1989 Tiananmen protests. Such individuals included Zhao Changqing, Zhang Baocheng, Xu Caihong, Li Wei, Ma Xinli, Liang Taiping, Fu Hailu, Tang Jingling, Yuan Chaoyang, Wang Qingying, and Pu Zhiqiang.
- This past year, central Party authorities did not undertake any substantial political liberalization, but instead pledged to continue improving China's “socialist political democratic consultative system” with the aim of strengthening Party leader-

ship. Sources from this past year highlighted several examples in which officials interfered with or inhibited meaningful public participation in local elections, undermining the ability of Chinese political institutions to meet the standards for “genuine” elections outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

- In June 2016, international and Chinese official media outlets reported a new round of protests in Wukan, a village in Donghai subdistrict, Lufeng city, Shanwei municipality, Guangdong province, over the detention of the village committee’s Party Secretary Lin Zulian. Media reports indicated that authorities detained Lin after he announced a public meeting to protest the lack of official progress in the government’s pledge to return farmland. On June 21, Shanwei officials released a prerecorded confession of Lin admitting to taking bribes, which local residents reportedly found unconvincing, and formally arrested him on July 21.

- Chinese authorities reiterated their intent to improve open government affairs and aim for a higher level of public information disclosure. The Party Central Committee and State Council issued an opinion in February 2016 to further strengthen work on the open government information system, stipulating that government agencies must effectively improve disclosure, civic participation, and public trust.

- The Chinese government continued plans to establish the national social credit system this past year. In June 2016, the State Council issued a guiding opinion on building the social credit system, directing national and provincial government agencies to construct an “interregional and cross-departmental mechanism for encouraging trustworthiness and punishing dishonesty.”

Recommendations

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

- Support U.S. research programs that seek to document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, legislative and judicial bodies, and non-governmental organizations.
- 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. Such political prisoners may include those who sought to hold memorials for victims of the violent suppression of the 1989 Tiananmen protests, those engaged in anticorruption advocacy, or other individuals mentioned in this report and in the Commission’s Political Prisoner Database.
- Support joint U.S.-China cooperative programs to develop independent village committee and people’s congress election monitoring systems and encourage central and local Party and

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government leaders to implement free and fair elections across China. Continue to support democracy promotion and rule of law programs that are adapted to China.

- Support organizations working in China that seek to work with local governments and non-governmental organizations to improve transparency, especially in efforts to expand and improve China's government information disclosure 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. Urge Chinese officials to strengthen and expand protections for corruption informants, investigate irregularities associated with corruption-related detentions, and release detained anti-corruption and democracy advocates.

COMMERCIAL RULE OF LAW

Findings

- As of December 11, 2016, China will have been a member of the World Trade Organization (WTO) for 15 years. The Chinese government, however, has failed to fulfill many of its WTO commitments, including its legal commitments related to the rule of law, market prices, transparency, non-discrimination against foreign companies, and preferential treatment and subsidies for state-owned enterprises. During the reporting year, the United States and Chinese governments' negotiation for a Bilateral Investment Treaty (BIT) continued, and the U.S. Government's objectives for the treaty included "non-discrimination, fairness and transparency."

- The Chinese government continued to impose restrictions on economic reporting and control access to commercial information. The websites of the New York Times, Bloomberg News, Wall Street Journal, and Reuters remained blocked in China. In March 2016, the Office of the U.S. Trade Representative listed Chinese Internet censorship as a trade barrier for the first time. As of August 2016, the Public Company Accounting Oversight Board, a non-profit corporation established by the U.S. Congress to oversee public company audits, reportedly remained unable to obtain legal and financial documents from China-based companies listed on U.S. stock exchanges. A report indicated that between January 2010 and November 2015, Chinese companies reportedly raised US\$36.7 billion from U.S. investors in initial public offerings.

- In August 2015, Chinese authorities detained Caijing financial reporter Wang Xiaolu after he reported that the Chinese government might reduce financial support for stabilizing stock prices. In or around February 2016, authorities reportedly released Wang from detention. In January 2016, authorities detained Wang Bao'an, director of the National Bureau of Statistics of China, hours after he had defended China's economic performance and official economic data at a news conference.

- In March 2015, American businesswoman Sandy Phan-Gillis disappeared as she was about to travel from Zhuhai municipi-

pality, Guangdong province, to Macau. In June 2016, the UN Working Group on Arbitrary Detention issued an opinion that Phan-Gillis's detention was arbitrary due to violations of her right to legal counsel and the lack of a prompt, independent review of her detention. In July 2016, international media reported that Phan-Gillis had been, or would soon be, indicted. According to the U.S. State Department, the Chinese government's restrictions on communication between U.S. consular officials and Phan-Gillis are "inconsistent" with China's obligations under the U.S.-China Consular Convention.

- During the reporting year, China remained a non-market economy. In 2015, China's 150,000 state-owned enterprises (SOEs) held over 100 trillion yuan (US\$16 trillion) in assets and employed more than 30 million people. "State-owned holding" enterprises accounted for the majority of the total equity of the Chinese stock market, and the Chinese government was reportedly a majority shareholder in 99 of the 100 largest publicly listed companies.

- Cyber theft of intellectual property supported by the Chinese government reportedly continued during the reporting year, despite President Barack Obama and President Xi Jinping's agreement in September 2015 that "neither country's government will conduct or knowingly support cyber-enabled theft of intellectual property with the intent of providing competitive advantages to companies or commercial sectors." Inadequate protection for intellectual property and discriminatory and non-transparent antimonopoly enforcement in China continued to negatively affect American companies, although there were some positive judicial and regulatory developments.

- Foreign investments by Chinese companies in the United States, with the support of the Chinese government and Chinese government-controlled financial institutions, continued to grow during the 2016 reporting year. In January 2016, the Asian Infrastructure Investment Bank, a multilateral development bank headquartered in Beijing municipality, formally opened.

- In November 2015, the International Monetary Fund (IMF) decided to include the yuan as part of the Special Drawing Rights, despite concerns over restrictions on convertibility of the yuan. In February 2016, the Wall Street Journal reported that the IMF was unsatisfied with the lack of economic information provided by the Chinese government. According to state-run news agency Xinhua, IMF officials later denied the report.

- In October 2015, the PRC Food Safety Law became effective; an American company, however, expressed concern with the Chinese government's enforcement processes. During the reporting year, a vaccine scandal involving the sale of improperly stored vaccines caused significant public concern.

Recommendations

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

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- Urge the Chinese government, in Bilateral Investment Treaty (BIT) negotiations and other forums, to stop blocking access to U.S. commercial and media companies in China, including the New York Times, Bloomberg News, and the Wall Street Journal. The Office of the U.S. Trade Representative should ensure that the BIT includes protection for investments in news agency services and online media, as well as protection for cross-border data flows that are at least as strong as those in the Trans-Pacific Partnership agreement. The Office of the U.S. Trade Representative should provide a list of U.S. commercial websites blocked in China in its annual Special 301 Report.
- Study ways to respond to the Chinese government's increased funding of international investment projects. The United States should consider approving the December 2010 International Monetary Fund (IMF) reform measures to increase IMF funding and increase representation of emerging economies.
- Consider revisions to the U.S.-China Consular Convention to ensure that Americans detained in China are allowed to discuss the details of their case with U.S. consular officials and meet with a lawyer. U.S. Government officials should raise the case of Sandy Phan-Gillis in meetings with Chinese officials. Provide additional support to U.S. companies facing criminal and administrative enforcement actions in China and litigating significant intellectual property cases.
- Increase reporting on intellectual property theft and cyber espionage from China. The U.S. Department of Justice should consider reporting intellectual property cases involving foreign companies and foreign nationals, including those originating from China, on an annual basis.
- The U.S. Securities and Exchange Commission should require full access to corporate documents for Chinese companies listed on U.S. stock exchanges, and raise challenges regarding corporate transparency in discussions with Chinese officials.

ACCESS TO JUSTICE

Findings

- During the Commission's 2016 reporting year, the Chinese government made some progress in implementing various judicial reforms but continued to fall short in meeting certain international human rights standards such as equal access to impartial tribunals.
- Despite purported efforts to shield courts from political influence, the Chinese government and Communist Party continued to exert influence over the judiciary. Although reports indicated that more citizens had their cases accepted by courts this past year, some courts continued to deny rights advocates access to the court system.
- The implementation of a trial-centered litigation system, which is aimed at ensuring the legality of evidence obtained during the pre-trial process, was at the planning stage during this reporting year. The effectiveness of this system, however,

may be hampered by the low rate of legal representation in criminal cases before courts of first instance, which dropped from 30 to 20 percent in the past two years.

- The Chinese court system continued to make judicial opinions available online and issue “guiding cases” toward the goal of promoting judicial transparency and uniformity in court judgments.

- In the past year, central and local government reports showed an overall increase in funding for and access to the legal aid system since 2010, and media reports illustrated progress and challenges in efforts toward further expansion.

- The Chinese government took steps to improve the overburdened petitioning system in part by requiring administrative agencies to specify petition subject matters within their respective jurisdictions, using the two newly established circuit tribunals to resolve petitioners’ grievances, and diverting some cases from the petitioning system to judicial and other administrative channels. Some believe, however, that these measures may not be able to effectively address issues that are traditionally handled by the petitioning system due to the costs and processing time involved. In the past year, petitioners continued to face reprisals for seeking redress from local governments, such as being prosecuted for extortion and other criminal charges.

- During the reporting year, the Chinese government continued to detain rights lawyers and advocates whom it targeted during a nationwide and coordinated crackdown that began in and around July 2015. Authorities denied many of the advocates access to counsel and did not inform their families about the detention location. Authorities also detained and harassed family members of the detained advocates.

- Authorities appeared to target non-governmental organizations (NGOs) and individuals whose legal aid work overlapped with rights advocacy.

Recommendations

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

- Urge the Chinese government to eliminate all forms of influence on the court system, including of the Communist Party and the central government.

- Raise concerns about the fact that some local courts, despite the new case filing system, refused to accept cases submitted by petitioners and rights advocates, thereby denying them equal access to justice.

- Encourage the Chinese government to improve legal representation of criminal defendants and to take substantive action to implement the trial-centered litigation system that is designed to ensure the legality of evidence obtained during the pre-trial process.

- Increase support for programs that promote dialogue between U.S. and Chinese legal experts regarding how China can structure and implement legal reforms. Concomitantly increase

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support for collaboration between U.S. and Chinese academic and non-governmental entities to foster programs that enhance the Chinese legal system's potential to be a vehicle for protecting citizens' rights.

○ Urge the Chinese government to stop all forms of persecution or prosecution of petitioners who use the petitioning system to seek redress for their grievances.

○ Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse, and to ensure that those responsible are brought to justice.

○ Urge the Chinese government to unconditionally release the rights lawyers and advocates detained during the crackdown that began in and around July 2015, to investigate allegations of sexual assault against Zhao Wei while in custody, and to vacate the convictions of the individuals already sentenced.

XINJIANG

Findings

• During the Commission's 2016 reporting year, central and regional authorities continued to implement repressive security measures targeting Uyghur communities in the Xinjiang Uyghur Autonomous Region (XUAR). Reports from international media and rights advocates documented arbitrary detentions, oppressive security checkpoints and patrols, the forcible return of Uyghurs to the XUAR from other provinces as part of heightened security measures, and forced labor as a means to "ensure stability." In addition, Meng Jianzhu, head of the Communist Party Central Committee Political and Legal Affairs Commission, repeatedly stressed the need for authorities to "eradicate extremism"—in particular, "religious extremism"—in the XUAR in conjunction with security measures. The U.S. Government and international observers have asserted that XUAR officials have justified limits on Uyghurs' religious freedom by equating them with efforts to combat extremism.

• The Commission observed fewer reports of violent incidents involving ethnic or political tensions in the XUAR in the 2016 reporting year than in previous reporting years, though it was unclear whether less violence occurred, or if Chinese authorities prevented public disclosure of the information. International media and rights advocates raised concerns about Chinese authorities' failure to report and attempts to suppress information regarding deadly clashes involving Uyghurs, including information about a September 2015 attack in Aksu prefecture.

• On December 27, 2015, the National People's Congress passed the PRC Counterterrorism Law. The legislation, which took effect on January 1, 2016, contains provisions that expand police authority, including the authority to use weapons. Human rights organizations and other observers criticized the law as repressive and expressed fears that it expanded offi-

cials' authority to punish peaceful activities and target ethnic minorities, including Uyghurs.

- On July 29, 2016, the XUAR People's Congress approved regional measures to implement the PRC Counterterrorism Law that contain more detailed definitions than the national legislation regarding terrorist activities and how to punish religious extremists. A human rights advocate cited in an international news report expressed concern that under the new regional measures, authorities could label Uyghurs' ordinary religious activities as extremism and terrorism.
- Uyghur political prisoners remaining in detention in the XUAR during the reporting year include Uyghur scholar Ilham Tohti; Tudaxun Hoshur, brother of Uyghur-American reporter Shohret Hoshur; and Uyghur-Canadian imam Huseyin Celil.
- During this reporting year, central and XUAR officials continued to focus on the role of economic growth and development initiatives in the XUAR in promoting stability. Through the "Silk Road" and "One Belt, One Road" development strategies introduced in recent years, government authorities sought to attract overseas investment and investment from other areas of China, and to develop the XUAR as a production and logistics hub. Critics of XUAR development strategies outlined authorities' failure to address persistent tensions involving socio-economic inequality, ethnic tension, and assimilation. In addition, an April 2016 Greenpeace briefing on air quality in China reported that the five cities with the highest average PM_{2.5} concentration were located in the XUAR—the result of the westward shift of industries such as coal-fired power plants.
- Following XUAR authorities' November 2014 amendment of regional regulations governing religious affairs, central and XUAR officials continued to use new legislation and other measures that narrowed the scope of Uyghur Muslims' ability to peacefully practice their religious faith and express their Muslim cultural identity. Authorities in locations throughout the XUAR also enforced controls on Uyghur Muslims in mosques and in their homes, and sought to restrict Islamic teaching outside of state control.
- During the reporting year, central and regional officials placed restrictions on journalists covering XUAR-related issues, detained Uyghurs who wrote for websites, enforced controls on online communications tools in the XUAR, and restricted public information on violent incidents in the XUAR. In one example of officials restricting news media from opposing the state's narrative on the XUAR and counterterrorism, in December 2015, authorities failed to renew the press credentials of Beijing municipality-based French reporter Ursula Gauthier, effectively expelling her from China. Gauthier, who had criticized Chinese counterterrorism policies, was the first foreign journalist Chinese authorities expelled since Al Jazeera reporter Melissa Chan in 2012.
- During the reporting year, XUAR authorities linked social policies in the areas of education and employment in the XUAR to political goals such as the "sinicization" of ethnic mi-

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nority populations. In November 2015, XUAR Party Secretary Zhang Chunxian noted the importance of “bilingual education” in the region, alongside “ethnic blending” and students’ acceptance of the “five identifies,” that is, identifying with the country, Chinese nationality, Chinese culture, the Chinese Communist Party, and “socialism with Chinese characteristics.” Reports indicated the existence of ethnic tensions amid an influx of Han Chinese workers in the XUAR, and in spite of some official efforts to create jobs for Uyghur residents of the XUAR, some government and private employers within the XUAR discriminated against non-Han job applicants.

Recommendations

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

- Support efforts to raise greater public awareness of human rights conditions in the XUAR, support initiatives to protect Uyghur culture, increase avenues for Uyghurs to protect their human rights, and undertake more frequent human rights-focused visits to the XUAR.
- Call on the Chinese government to allow diplomats, domestic and international journalists, and observers greater freedom to report on XUAR-related issues, and to allow domestic and international journalists to freely express their views on government policy in the XUAR, as provided for under Chinese and international law.
- Call on the Chinese government to adhere to domestic laws and regulations guaranteeing freedom of religious belief as well as international standards guaranteeing religious practice free from state restrictions.
- Call on the Chinese government to consult with non-Han Chinese parents, teachers, and students regarding which language or languages of instruction should be used in XUAR schools, from the preschool to the university level. Call on Chinese officials to provide parents and students a choice of instruction in the Uyghur language and other non-Chinese languages prevalent in the XUAR, as mandated in Article 4 of China’s Constitution and Article 10 of the PRC Regional Ethnic Autonomy Law.
- Encourage U.S. companies conducting business or investing in development initiatives in the XUAR to promote equal opportunity employment for ethnic minorities and to support development projects that incorporate consultation with ethnic minorities regarding the economic, political, and social impact of such projects. Encourage U.S. companies investing in XUAR business opportunities to actively recruit ethnic minority candidates for employment positions, implement mechanisms to eliminate hiring and workplace discrimination, and urge Chinese counterparts to provide equal opportunity employment to ethnic minorities.
- Encourage U.S. companies conducting business or investing in development initiatives in the XUAR to use environmentally friendly business practices in their operations and business

strategies, and to promote environmental preservation efforts in the region.

TIBET

Findings

- Formal dialogue between the Dalai Lama’s representatives and Chinese Communist Party and government officials has remained stalled since the January 2010 ninth round, the longest interval since such contacts resumed in 2002. The Commission observed no indication during the 2016 reporting year of official Chinese interest in resuming a dialogue that takes into account the concerns of Tibetans who live in the Tibetan autonomous areas of China.
- The frequency of Tibetan self-immolation reportedly focusing on political and religious issues during the 2016 reporting year declined substantially. The approximately seven-month period between monk Sonam Tobyal’s self-immolation in July 2015 and monk Kalsang Wangdu’s self-immolation in February 2016 is the longest since the period between the first two such self-immolations in February 2009 and March 2011. Government provisions imposing collective punishment on self-immolators’ family members or communities may have deterred potential self-immolators from putting persons close to them at risk.
- The Party and government rely on regulation of Tibetan Buddhism to compel its transformation into a state-managed institution. In November 2015, Zhu Weiqun, formerly a senior Party official and counterpart in dialogue with the Dalai Lama’s envoys, described reincarnation as “first and foremost an important political matter in Tibet and an important manifestation of the Chinese central government’s sovereignty over Tibet.” A senior Tibet Autonomous Region (TAR) Party official said in March 2016 that the Dalai Lama was “no longer a religious leader after he defected [from] his country and betrayed its people.”
- Tibetans continued to face Party and government pressure on Tibetan culture and language. Reports emerged showing that officials at times treated Tibetan efforts to sustain their culture and language as illegal or as a threat to social stability. Tibetans continued either to attempt to arrange for Tibetan language training—sometimes successfully—or to protest the lack of it. Security officials continued to detain Tibetans who advocated on behalf of Tibetan culture and language, or who sought to publish their views. President and Party General Secretary Xi Jinping stressed in the August 2015 Sixth Tibet Work Forum the requisite promotion of a common culture and identity that would serve “social stability.”
- The Commission observed no evidence during its 2002 to 2016 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in the Tibetan autonomous areas of China. TAR officials asserted that the Sichuan-Tibet railway, upon which construction began in December 2014, would bring “even more prosperity” and denied that it would result in envi-

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ronmental harm. Commission access this past year to Chinese 2010 ethnic census data showed a 50-percent increase in the Han population of Lhasa municipality from 2000 to 2010—a period that included the 2006 completion of the Qinghai-Tibet railway. TAR total population increased by about 15 percent, while its Han population increased by about 55 percent.

• As of August 1, 2016, the Commission’s Political Prisoner Database contained records of 650 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 640 are records of Tibetans detained on or after March 10, 2008; 43 percent of them are Tibetan Buddhist monks, nuns, teachers, or *trulkus*. Officials imprisoned or detained cultural advocates such as Tashi Wangchug and Drukar Gyal. The UN Committee against Torture released its Concluding Observations on the Fifth Periodic Report of China in February 2016. With respect to torture, and specifically to death believed to have resulted from abuse while detained or imprisoned, as of August 1, 2016, the PPD contained records of 23 Tibetans taken into police custody on or after March 10, 2008, who reportedly died as a result of such circumstances.

Recommendations

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

○ Urge the Chinese government to resume contact with the Dalai Lama or his representatives and engage in dialogue without preconditions. Such a dialogue should aim to protect the Tibetan culture, language, religion, and heritage within the Tibet Autonomous Region and the Tibetan autonomous prefectures and counties in Qinghai, Gansu, Sichuan, and Yunnan provinces. A Chinese government decision to engage in dialogue can result in a durable and mutually beneficial outcome for the government and Tibetans that will benefit local and regional security in coming decades.

○ Encourage the Chinese government to take fully into account the views and preferences of Tibetans when planning infrastructure, natural resource development, and settlement or resettlement projects in the Tibetan areas of China. Encourage the government to engage with appropriate experts in assessing the impact of projects and in advising the government on the implementation and progress of projects.

○ Urge the Chinese government to recognize the role of government regulatory measures and Party policies in Tibetan protests and self-immolations. Stress to Chinese officials that strengthening measures and policies that Tibetans resent is unlikely to promote “social stability” or a “harmonious society.” Urge the government to refrain from using security and judicial institutions to intimidate Tibetan communities by prosecuting and imprisoning Tibetans with alleged links to a self-immolator or other protesters, or for sharing information about protests.

○ Stress to Chinese officials that increasing pressure on Tibetan Buddhists by aggressive use of regulatory measures, “pa-

triotic” and “legal” education, and anti-Dalai Lama campaigns is likely to harm social stability, not protect it. Urge the government to cease treating the Dalai Lama as a security threat instead of as Tibetan Buddhism’s principal teacher. Urge the government to respect the right of Tibetan Buddhists to identify and educate religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist preferences and traditions.

- Stress to the Chinese government the importance of respecting and protecting the Tibetan culture and language. Stress the importance of respecting Tibetan wishes to maintain the role of both the Tibetan and Chinese languages in teaching modern subjects, and to refrain from criminalizing Tibetans’ passion for their language and culture. Urge Chinese officials to promote a vibrant Tibetan culture by honoring China’s Constitution’s reference to the freedoms of speech, association, assembly, and religion, and refrain from using the security establishment, courts, and law to infringe upon Tibetans’ exercise of such rights.

- Continue to condemn the use of security campaigns to suppress human rights. Request the government to provide complete details about Tibetans detained, charged, or sentenced for protest-related and self-immolation-related “crimes.” Continue to raise in meetings and correspondence with Chinese officials the cases of Tibetans who remain imprisoned as punishment for the peaceful exercise of human rights.

- Encourage the Chinese government to respect the right to freedom of movement of Tibetans who travel domestically, including for the purpose of visiting Tibetan economic, cultural, and religious centers, including Lhasa; to provide Tibetans with reasonable means to apply for and receive documents necessary for lawful international travel; to respect the right of Tibetan citizens of China to reenter China after traveling abroad; and to allow access to the Tibetan autonomous areas of China to international journalists, representatives of non-governmental organizations, representatives of the United Nations, and U.S. Government officials.

- Urge the Chinese government to invite a representative of an international organization to meet with Gedun Choekyi Nyima, the Panchen Lama whom the Dalai Lama recognized in 1995, so that he can express to the representative his wishes regarding privacy.

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

- The disappearance, alleged abduction, and detention in mainland China of five Hong Kong booksellers, including two foreign nationals, in October and December 2015 compromised the “one country, two systems” framework enshrined in the Basic Law, which prohibits mainland Chinese authorities from interfering in Hong Kong’s internal affairs, and raised concerns that Hong Kong’s rule of law and autonomy were increasingly threatened by Chinese authorities. International human rights

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groups and non-governmental organizations; Hong Kong activists, lawyers, and legislators; and foreign governments condemned the disappearances of Gui Minhai, Lee Bo, Lui Bo, Cheung Chi-ping, and Lam Wing-kei in October and December 2015 and the televised “confessions” of four of the men in January and February 2016. Lam Wing-kei alleged that central government officials had ordered the five men’s detentions.

- The Basic Laws of Hong Kong and Macau confirm the applicability of the International Covenant on Civil and Political Rights (ICCPR) to both territories, and guarantee both regions “a high degree of autonomy” from mainland China. The Basic Law of Hong Kong provides specifically for universal suffrage in electing the Chief Executive and Legislative Council, but Macau’s does not.

- Some political groups and activists in Hong Kong called for greater self-determination or independence for Hong Kong, due in part to perceptions that Chinese government control over Hong Kong and mainland Chinese economic and cultural influence in Hong Kong are increasing. Activists, students, and veterans of the 2014 pro-democracy demonstrations founded new political organizations that contested local elections.

- The Chinese central and Hong Kong governments expressed opposition to increasing calls for political self-determination in Hong Kong, including independence from China. Some Chinese and Hong Kong officials suggested that the act of advocating for Hong Kong’s independence violated Hong Kong criminal statutes and the Basic Law. Lawyers, political groups, and others criticized the Hong Kong government’s disqualification of six Legislative Council candidates for their pro-independence views, calling it “political censorship.”

- In Hong Kong’s September 4, 2016, Legislative Council election, opposition parties, including both pro-democrats and candidates seen as “localist” or supportive of self-determination for Hong Kong, won a total of 30 out of 70 seats. Localist candidates reportedly received 19 percent of the popular vote and won 6 seats.

- Hong Kong journalists and media organizations reported a continuing decline in press freedom in Hong Kong, citing government restrictions, violence against journalists, and pressure on reporters and editors from media ownership, including owners with financial ties to mainland China. According to a Hong Kong media non-governmental organization, 85 percent of Hong Kong reporters believed that press freedom had deteriorated in the past year. Concerns over editorial independence, journalistic integrity, and management decisions continued to grow during the past year, including at media companies with financial connections to mainland China. The purchase of the South China Morning Post (SCMP) by Chinese company Alibaba Group raised concerns that Hong Kong media could face increased pressure to self-censor or avoid reporting on topics deemed “sensitive.” SCMP was one of several Hong Kong media outlets to publish alleged interviews with individuals detained in mainland China or televise their “confessions” this past year.

- The Commission observed no progress in Macau toward “an electoral system based on universal and equal suffrage . . .” in line with provisions of the ICCPR, as recommended by the UN Human Rights Committee. Macau’s Legislative Assembly passed revisions to an electoral law that did not alter the composition of the Legislative Assembly or the methods for Chief Executive elections provided for in the Basic Law.
- Macau officials continued negotiations with Chinese authorities on an agreement governing extraditions to and from mainland China. The Macau and Hong Kong governments also pursued an interregional extradition agreement. Activists, lawyers, and the UN Committee against Torture cautioned against potential abuses under the proposed agreements. In May 2016, the Macau legislature rejected the government’s extradition bill.

Recommendations

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

- Call on the Chinese central government to ensure Hong Kong residents’ rights and to guarantee non-interference in Hong Kong’s affairs by Chinese officials or government entities. Raise issues relating to Hong Kong’s autonomy and freedom in meetings with central government officials.
- Raise specifically, in meetings with Chinese and Hong Kong officials, the cases of five Hong Kong residents detained, disappeared, or under investigation in mainland China: Gui Minhai, Lee Bo, Lui Bo, Cheung Chi-ping, and Lam Wing-kei. Inquire as to the charges against them and the legal basis for those charges. Inquire as to the legal status, condition, and whereabouts of Gui Minhai.
- 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 with a meaningful choice of candidates, in accordance with the aspirations of the Hong Kong people, provisions of the Basic Law, and the International Covenant on Civil and Political Rights (ICCPR).
- Urge the Chinese and Macau governments to set a timeline for implementing elections for Chief Executive and the Legislative Assembly by universal suffrage, as required by Article 25 of the ICCPR and repeatedly urged by the UN Human Rights Committee.
- Urge the Chinese, Hong Kong, and Macau governments to guarantee the rights of and protections for fugitives and offenders under proposed mutual extradition agreements. Urge the Hong Kong and Macau governments to specifically prohibit extradition to China of individuals likely to be subjected to torture or mistreatment in custody, and individuals likely to be subjected to political or religious detention or imprisonment.

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POLITICAL PRISONER DATABASE

Recommendations

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

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

A POWERFUL RESOURCE FOR ADVOCACY

The Commission's 2016 Annual Report provides information about Chinese political and religious prisoners¹ in the context of specific human rights and rule of law abuses. Many of the abuses result from the Chinese Communist Party's and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its own advocacy and research work, including the preparation of the Annual Report, and routinely uses the database to prepare summaries of information about political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the upgraded PPD at <http://ppdcecc.gov>. (Information about the PPD is available at <http://www.cecc.gov/resources/political-prisoner-database>.)

The PPD received approximately 139,300 online requests for prisoner information during the 12-month period ending July 31, 2016—an increase of approximately 19 percentage points over the 117,200 requests reported in the Commission's 2015 Annual Report for the 12-month period ending August 31, 2015.² During the 12-month period ending in July 2016, the United States returned to the position of being the country of origin for the largest share of requests for information, with approximately 39.0 percent of such requests. During the Commission's 2015 reporting year, China had been for the first time the country of origin of the largest share of requests for PPD information, with approximately 40.4 percent of such requests³—a 78-percent increase over the 22.7 percent of requests reported for China in the Commission's 2014 Annual Report.⁴ During the Commission's 2016 reporting year, however, China resumed the second position with approximately 25.4 per-

cent of such requests (a decrease of 15.0 percent compared to the 2015 reporting year),⁵ followed by Ukraine with 6.6 percent (an increase compared to 4.1 percent in the 2015 reporting period),⁶ Germany (3.2 percent), the United Kingdom (3.0 percent), the Russian Federation (3.0 percent), France (1.9 percent), Japan (1.6 percent), Poland (1.1 percent), and Canada (0.8 percent).

Worldwide commercial (.com) domains, which for the first time were the source of the largest share of online requests for information during the Commission's 2015 reporting year,⁷ retained that position this past year. Approximately 42.9 percent of the 139,300 requests for information during the 12-month period ending in July 2016 originated from .com domains—an increase compared to the 38.4 percent reported for such requests during the 2015 reporting year.⁸ Numerical Internet addresses that do not provide information about the name of the registrant or the type of domain were second with approximately 23.9 percent of requests for PPD information. That figure represents a decrease of 7.9 percentage points from the 31.8 percent reported for such addresses during the Commission's 2015 reporting year,⁹ and followed previous decreases of 6.6 percentage points reported for the Commission's 2014 reporting year¹⁰ and 18.4 points for the Commission's 2013 reporting year.¹¹

Worldwide network (.net) domains were third during the Commission's 2016 reporting year with approximately 11.9 percent of online requests for PPD information (an increase of 3.5 percentage points compared to the 2015 reporting year),¹² followed by U.S. Government (.gov) domains with 7.0 percent, then by domains in Germany (.de) with 2.4 percent, in Ukraine (.ua) with 2.2 percent, in the European Union (.eu) with 1.3 percent, in the United Kingdom (.uk) with 0.7 percent, and in Japan (.jp), in France (.fr), and educational domains (.edu) with approximately 0.6 percent each. Non-profit organization domains (.org) accounted for 0.4 percent of requests for PPD information. Domains in China (.cn) during the Commission's 2016 reporting year accounted for only 0.2 percent of online requests for PPD information compared to 5.9 percent of such requests during the 2015 reporting year¹³ and 19.5 percent during the 2014 reporting year.¹⁴

POLITICAL PRISONERS

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

As of August 1, 2016, the PPD contained information on 8,394 cases of political or religious imprisonment in China. Of those, 1,383 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 7,011 are cases of prisoners who are known or believed to have been released, or executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,383 cases of current political and religious imprisonment in

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China. The Commission staff works on an ongoing basis to add cases of political and religious imprisonment to the PPD.

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

MORE POWERFUL DATABASE TECHNOLOGY

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

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 free 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.

RECENT POLITICAL PRISONER DATABASE FEATURES

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

- The PPD full text search and the basic search both provide an option to return only records that either include or do not include an image of the prisoner.

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- PPD record short summaries accommodate more text as well as greater capacity to link to external websites.

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Notes to Section I—Political Prisoner Database

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

² CECC, 2015 Annual Report, 8 October 15, 61.

³ *Ibid.*, 61.

⁴ *Ibid.*, 61; CECC, 2014 Annual Report, 9 October 14, 58.

⁵ CECC, 2015 Annual Report, 8 October 15, 61.

⁶ *Ibid.*, 61.

⁷ *Ibid.*, 62.

⁸ *Ibid.*, 62.

⁹ *Ibid.*, 62.

¹⁰ CECC, 2014 Annual Report, 9 October 14, 59.

¹¹ CECC, 2013 Annual Report, 10 October 13, 55.

¹² CECC, 2015 Annual Report, 8 October 15, 62.

¹³ *Ibid.*, 62.

¹⁴ CECC, 2014 Annual Report, 9 October 14, 59.

II. Human Rights

FREEDOM OF EXPRESSION

International Standards on Freedom of Expression

The Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights.¹ According to the ICCPR—which China signed² but has not ratified³—and as reiterated by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, under Article 19(3), countries may impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the “rights or reputations of others” or protecting national security, public order, public health, or morals.⁴ An October 2009 UN Human Rights Council resolution, however, provides that restrictions on the “discussion of government policies and political debate,” “peaceful demonstrations or political activities, including for peace or democracy,” and “expression of opinion and dissent” are inconsistent with Article 19(3) of the ICCPR.⁵ The UN Human Rights Committee specified in a 2011 General Comment that restrictions on freedom of expression specified in Article 19(3) should be interpreted narrowly and that the restrictions “may not put in jeopardy the right itself.”⁶

Freedom of the Press

POLITICAL CONTROL OF THE NEWS MEDIA

International experts have cautioned that media serving “as government mouthpieces instead of as independent bodies operating in the public interest” are a major challenge to free expression.⁷ The Chinese Communist Party’s longstanding position that the media is a political tool—functioning as a “mouthpiece” for its official positions and in shaping public opinion⁸—received high-profile promotion⁹ during the Commission’s 2016 reporting year. President and Party General Secretary Xi Jinping reiterated the primacy of the Party’s control of the media in China during widely publicized visits on February 19, 2016, to Xinhua, People’s Daily, and China Central Television (CCTV)—the three flagship state and Party media outlets—and in a speech on media policy at a Party forum the same day.¹⁰ During the speech, Xi reportedly declared that the media “must be surnamed Party” (*bixu xing dang*)¹¹ and called for “absolute loyalty” to the Party from official media outlets and personnel.¹² The range of media outlets in Xi’s speech, according to some commentators, also extended to more market-oriented media in China, requiring that these media convey “positive” news about China in conformity with Party ideology.¹³

Although freedom of speech and the press are guaranteed in China’s Constitution,¹⁴ the legal parameters for the protection of the news media in gathering and reporting information are not clearly defined, particularly in the absence of a national press law.¹⁵ The Party and Chinese government continued to use complex and vague

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legal and regulatory provisions¹⁶ and a powerful propaganda system¹⁷ to exert political control over journalists and news coverage in China. Chinese and international media reports during the year indicated that government efforts since 2013 and the changing media marketplace have led to tightened management of the news industry¹⁸ and further decreased the space for investigative journalism.¹⁹ An amendment to the PRC Criminal Law that became effective in November 2015, moreover, may place journalists at risk of being criminally charged for “fabricating false reports”²⁰ in their coverage of “hazards, epidemics, disasters, and situations involving police.”²¹

The Party regularly issues propaganda directives to control news media through the Central Propaganda Department and its lower level bureaus.²² Experts at Freedom House, a U.S.-based organization that monitors press and Internet freedom, analyzed dozens of such directives from 2015 and found that topic areas were “far broader than mere criticism of the regime, dissident activities, or perennially censored issues . . .” such as Tibet, Taiwan, and Falun Gong.²³ These directives restricted information on public health and safety, economic policy, official wrongdoing, regulations on and instances of media censorship, civil society issues, and the Party’s reputation.²⁴ In March 2016, journalists also faced increased government censorship compared to previous years when covering the annual sessions of the National People’s Congress and its advisory body, the Chinese People’s Political Consultative Conference, as illustrated by a lengthy censorship directive²⁵ and limited access to delegates.²⁶ The establishment of “news ethics committees” during the reporting year highlighted the government’s intention to enhance official mechanisms to “maintain and intensify press censorship.”²⁷

Chinese Media’s “Supervision by Public Opinion”

Debate over the news media’s “supervision by public opinion” (*yulun jian du*)—an official term that affirms a role for the media to report critically in the public interest and to monitor those in power, which has been likened to investigative journalism²⁸—was featured in reports during the year about the detention of an investigative journalist and the resolution of a defamation litigation case.

In October 2015, authorities in Jiangxi province detained Liu Wei, an investigative journalist on assignment from Southern Metropolitan Daily, on suspicion of “obtaining state secrets,” for his coverage of the story of a local traditional healer allegedly involved in the death of a provincial legislator.²⁹ After public security authorities released Liu on bail following a “confession” televised on state-run China Central Television, fellow journalists reportedly stated that the “space for supervision by public opinion . . . was seriously constrained.”³⁰ Southern Metropolitan Daily editors reprinted a Xinhua editorial that contained Liu’s “confession,” but prefaced the editorial by discussing the difficulties journalists face in conducting their work: “[I]n-depth investigation is how the media gets at the truth of the matter, and it’s a necessary and effective practice. But news investigations, nevertheless, do not enjoy legal impunity . . .”³¹

Chinese Media’s “Supervision by Public Opinion”—Continued

Journalists and media companies have been frequent targets of defamation suits in China.³² One observer called the verdict in a defamation case adjudicated in November 2015 a “historic” judicial endorsement of media oversight.³³ A court in Beijing municipality reversed a verdict, on appeal, of two media companies accused of having harmed the reputation of a luxury goods business in articles published in 2012.³⁴ The verdict stated, “News media have a right and a responsibility to properly carry out critical supervision.”³⁵ In his work report to the National People’s Congress in March 2016, Supreme People’s Court President Zhou Qiang specifically raised this case, remarking that the court’s decision “in effect, protect[s] the rights [*quan*] of news media to supervise public opinion.”³⁶

CHALLENGES TO THE MEDIA’S “OFFICIAL” ROLE

Chinese citizens and journalists challenged the Party’s news media control and propaganda work during this reporting year, sometimes specifically in response to President Xi Jinping’s speech on Party primacy over news media. A prominent social media commentator³⁷ and the unknown authors of a letter to Xi who identified themselves as “loyal Party members,”³⁸ for example, criticized Xi’s February 2016 statements for devaluing the media’s responsibility to report on behalf of the public.³⁹ An editor at a market-oriented newspaper in Guangdong province quit his job, making note in his March 2016 resignation paperwork that he had “no way to go along with your surname,” in reference to Xi’s injunction to “follow the Party’s surname.”⁴⁰ Other challenges to censorship came from Caixin media,⁴¹ a Xinhua staff member,⁴² and a former deputy editor of People’s Daily.⁴³ Authorities countered criticism by shutting down microblog accounts,⁴⁴ removing critical content from the Internet and social media,⁴⁵ and detaining media professionals⁴⁶ and several China-based family members of Chinese journalists and bloggers living overseas.⁴⁷

Chinese authorities continued to broadcast prerecorded confessions on state-controlled media,⁴⁸ including those of a journalist,⁴⁹ at least two rights lawyers,⁵⁰ the Swedish cofounder of a legal advocacy group in Beijing municipality,⁵¹ and the co-owner of a Hong Kong publishing company.⁵² The international NGO Chinese Human Rights Defenders asserted that the government used the broadcast of confessions on state media outlets “to denounce individuals or groups,” “control public narratives about government-perceived ‘political threats,’” and retaliate against government critics.⁵³ Two Chinese officials publicly noted concerns of fairness and access to justice in cases of televised confessions prior to trial.⁵⁴ [For more information on televised confessions during the reporting year, see Section II—Criminal Justice.]

Family members of rights defenders, labor rights groups, and lawyers also brought, or planned to bring, lawsuits against official media outlets, with some claiming that the state-run media outlets’ defamatory statements in newspapers and television were politically motivated.⁵⁵ The mother of Zeng Feiyang—a labor rights advocate in Guangdong province detained in December 2015—report-

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edly withdrew a lawsuit against the state-run news service Xinhua after family members received threats that they would lose their jobs if the lawsuit went forward.⁵⁶ In December 2015, a court in Beijing municipality postponed holding the trial in former defense lawyer Li Zhuang's defamation lawsuit against the Party-run China Youth Daily (CYD),⁵⁷ reportedly due to the presiding judge's back injury.⁵⁸ Li's legal counsel in the case, Peking University law professor He Weifang, noted that Li wanted to bring legal proceedings against CYD in 2011 but was only able to file the case in June 2015 following reform of the judiciary's case filing system.⁵⁹ As of August 2016, the Commission had not observed reports that the case had come to trial.

HARASSMENT AND CRIMINAL PUNISHMENT OF DOMESTIC JOURNALISTS

The number of professional and citizen journalists detained in China increased in 2015,⁶⁰ making China “the world's worst jailer of the press” for the second year in a row, according to the international advocacy group Committee to Protect Journalists (CPJ).⁶¹ A significant percentage of individuals on CPJ's list were ethnic Tibetans and Uyghurs with backgrounds as freelance or citizen journalists and bloggers,⁶² but the number of imprisoned journalists from mainstream media also increased in 2015.⁶³ In May 2016, China was 1 of 10 countries to vote against CPJ's accreditation for non-governmental consultative status at the United Nations,⁶⁴ a move criticized by rights groups⁶⁵ and UN⁶⁶ and foreign government officials.⁶⁷ The international press freedom organization Reporters Without Borders ranked China 176th out of 180 countries in its 2016 World Press Freedom Index, which assesses the “independence of the media, quality of legislative framework and safety of journalists,” and also gave China the worst score under the category “abuse” of all 180 countries covered in the index.⁶⁸

The Chinese government used a variety of legal and extralegal measures to target journalists, editors, and bloggers who covered issues authorities deemed to be politically sensitive. The Commission observed reports of dismissal or disciplinary action over alleged criticism of government policy⁶⁹ and editorial “mistakes,”⁷⁰ official harassment,⁷¹ physical violence,⁷² detention,⁷³ and prison sentences.⁷⁴ [For information on media developments and cases in the Xinjiang Uyghur Autonomous Region and in Hong Kong, see Section IV—Xinjiang—Freedom of the Press and Section VI—Developments in Hong Kong and Macau—Press Freedom.] Selected cases of such harassment and detention included:

- **Gao Yu.** In November 2015, the Beijing High People's Court reduced the April 2015 sentence of Gao Yu—a 72-year-old journalist whose 2014 televised confession of “revealing state secrets” reportedly had been made under duress⁷⁵—from seven years to five years.⁷⁶ Although released on medical parole,⁷⁷ authorities continued to harass Gao, including by demolishing a small study in her garden and assaulting her son in March 2016,⁷⁸ forcing her to leave her home in Beijing municipality for a “vacation” during the annual meeting of the National People's Congress,⁷⁹ and not granting her permission to travel to Germany for medical treatment.⁸⁰

- **Li Xin.** In February 2016, the family of Li Xin, a former journalist with the Southern Metropolitan Daily, learned that Li was at an unidentified detention site in China after going missing from Thailand in January.⁸¹ Thai authorities reportedly stated that they had a record of Li's entry into Thailand, but not his exit.⁸² Li left China in October 2015, alleging public security bureau officials pressured him to inform on fellow journalists and rights advocates.⁸³ Li also provided details on how media censorship operates in China in a November 2015 interview with Radio Free Asia.⁸⁴
- **Wang Jing and 64 Tianwang citizen journalists.** In April 2016, authorities in Jilin province sentenced Wang Jing to 4 years and 10 months in prison for her volunteer reporting for the human rights news website 64 Tianwang,⁸⁵ including a report on a self-immolation protest in Tiananmen Square in 2014.⁸⁶ Chinese authorities also continued to harass and detain other 64 Tianwang contributors⁸⁷ during this reporting year. In September 2015, authorities in Zhejiang province arrested Sun Enwei, who had reported on inadequate pension benefits for demobilized soldiers.⁸⁸ Authorities in Sichuan province reportedly harassed Huang Qi, 64 Tianwang's founder, after he accompanied two Japanese journalists to report on sites in Sichuan province affected by the 2008 earthquake.⁸⁹

HARASSMENT OF FOREIGN JOURNALISTS AND NEWS MEDIA

The Chinese government and Communist Party continued to use a range of methods to restrict and harass foreign journalists and news media outlets reporting in China. According to the Foreign Correspondents' Club of China's (FCCC) most recent annual report (2015) on working conditions for foreign reporters in China,⁹⁰ these methods included official harassment of reporters,⁹¹ news assistants, and sources;⁹² attempts to block coverage of issues that authorities deemed sensitive; restrictions on travel to areas along China's border and ethnic minority regions; visa renewal delays and denials; and blocking foreign media outlets' websites⁹³ and journalists' social media accounts in China.⁹⁴ Examples of harassment during the reporting year included:

- **October 2015.** Plainclothes police in Ulanhot city, Hinggan (Xing'an) League, Inner Mongolia Autonomous Region, forced journalists from Australian and Japanese news publications to stay at a local public security bureau for hours to verify their press credentials.⁹⁵ The journalists had planned, but were unable, to interview Bao Zhuoxuan,⁹⁶ the son of detained human rights lawyers Wang Yu⁹⁷ and Bao Longjun,⁹⁸ at his grandmother's home in Ulanhot.⁹⁹
- **December 2015.** Security agents reportedly assaulted foreign journalists on assignment outside a court in Beijing municipality who were reporting on the trial of public interest lawyer Pu Zhiqiang.¹⁰⁰
- **February and April 2016.** Authorities in Sichuan province prevented Japanese journalists from the Asahi Shimbun from investigating conditions in areas affected by the 2008 earthquake.¹⁰¹ Unidentified individuals temporarily detained the journalists during the February incident.¹⁰²

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Based on the FCCC's annual survey on foreign journalists' experiences obtaining press credentials and work visas, the processing time for annual renewals of press cards (through the Ministry of Foreign Affairs) and residence visas (through public security bureaus) was shorter in 2015 compared to prior years and a relatively small percentage of correspondents reported problems with their visa renewals.¹⁰³ The FCCC, however, emphasized that authorities continued to use visa applications and renewals as a political tool against foreign journalists,¹⁰⁴ illustrated during this reporting year by the Chinese government's effective expulsion of French journalist Ursula Gauthier by not renewing her visa in December 2015.¹⁰⁵ In a November 2015 article, Gauthier had criticized the government's counterterrorism policy in the Xinjiang Uyghur Autonomous Region.¹⁰⁶

Internet and Social Media Communications

The scale of Internet and social media use continued to grow in China during this reporting year, while the government and Party continued to expand censorship of content. According to the China Internet Network Information Center, there were 710 million Internet users in China by June 2016,¹⁰⁷ 656 million of whom accessed the Internet from mobile phones.¹⁰⁸ As of April 2016, WeChat, an instant messaging platform, reportedly had more than 700 million monthly active users.¹⁰⁹ Sina Weibo, a microblogging platform similar to Twitter, reportedly had 400 million monthly active users.¹¹⁰ One scholarly assessment found that government efforts to control social media and telecommunications have resulted in "an exodus from public microblogging platforms to private messaging apps."¹¹¹

GOVERNMENT AND PARTY CONTROL

The Chinese government and Communist Party further entrenched institutional oversight and regulatory mechanisms to control Internet governance in China, and reiterated an Internet policy based on China's claims of "Internet sovereignty."¹¹² According to scholar Rogier Creemers, under President and Party General Secretary Xi Jinping, government and Party leaders have shifted responsibility for Internet governance away from "technocratic" state entities and brought Internet governance "into the cent[er] of political decision-making."¹¹³

Cyberspace Administration of China

The expanding influence of the Cyberspace Administration of China (CAC), designated by the State Council in 2014 as the agency responsible for the "governance of all online content" in China, illustrates the government and Party's shifting priorities in Internet governance.¹¹⁴ Formerly known as the State Internet Information Office, the CAC is subordinate to the State Council but is directly supervised by the Central Leading Group for Cybersecurity and Informatization, a combined government and Party leadership group headed by Xi Jinping.¹¹⁵

Cyberspace Administration of China—Continued

Draft revisions of regulations managing Internet news services issued in January 2016¹¹⁶ appear to grant responsibility to the CAC for all news-related online content and supervision of news websites' licensing, editorial liability, and disciplinary decisions.¹¹⁷ The definition of "Internet news information" in the draft revisions encompasses reporting and commentary on public affairs, including politics, economics, military affairs, and diplomacy, as well as reporting and commentary on emergent or "sudden social incidents" (*shehui tufa shijian*).¹¹⁸ The scope of the draft revisions, moreover, extends beyond news websites to include "applications, discussion forums, blogs, microblogs, instant messaging tools, search engines, and other applications that contain news, public opinion, or social mobilization functions."¹¹⁹ At least one Chinese source described the draft revisions as the "toughest" ever, aimed at further restricting the space for the public to discuss the news.¹²⁰ In July, the Beijing branch of the CAC reportedly directed domestic Internet companies, including Sohu, Sina, and Netease, to discontinue online news programs producing original content that violated a provision in the 2005 version of the regulations on Internet news services' management that limits the reposting or republishing of news from "central news units" and those directly under the central government.¹²¹ In March 2016, Caixin, a market-oriented media outlet known for its investigative work, reportedly referred to the CAC as "a government censorship organ," following the deletion of an article that discussed restrictions on airing opinions during the annual meetings of China's legislature and its advisory entity.¹²² The CAC, moreover, moved to impose "eight requirements" to further online news control, including 24-hour monitoring of online news content and holding editors-in-chief responsible for content.¹²³ The "eight requirements" were imparted at an August 2016 meeting attended by representatives from official media outlets as well as commercial websites such as Tencent and Baidu.¹²⁴

In June 2016, CAC's prominent director Lu Wei stepped down from his position as China's "Internet czar," though he still held a senior position at the Party's Central Propaganda Department.¹²⁵ An August 2016 report in Hong Kong's South China Morning Post speculated that Lu Wei's departure "came after a spate of errors about politically sensitive topics made their way online . . ."¹²⁶

Punishing Citizens' Free Expression

The Chinese government and Communist Party continued to violate the international standards noted at the beginning of this section as well as to exploit vague provisions in Chinese law to prosecute citizens for exercising their right to freedom of speech.¹²⁷ Human Rights Watch, for example, asserted that official statistics from the Supreme People's Court on prosecutions on state security and terrorism charges in 2015 signaled that the government had intensified efforts to "smother peaceful dissent."¹²⁸ During the UN Committee against Torture's review in November 2015 of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a member of the official Chinese delegation claimed that "[t]he efforts of the Chinese

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judicial authorities were aimed at fighting criminal behaviour that truly undermined national security, not at criminalizing free speech exercised in accordance with the law.”¹²⁹ Contrary to this claim, Chinese authorities put individuals on trial during this reporting year who had been detained over the past three years for peaceful assembly and online advocacy for a range of issues such as press freedom, commemorating the violent suppression of the 1989 Tiananmen protests, officials’ financial disclosure, the ratification of the International Covenant on Civil and Political Rights (ICCPR), support for the 2014 pro-democracy protests in Hong Kong, and discussing ethnic minority rights and policy. Many of these individuals spent months in pre-trial detention without access to lawyers and reported suffering abuse and maltreatment while in custody,¹³⁰ in violation of rights accorded in the ICCPR and Chinese law.¹³¹ Examples included the following cases.

- **Beijing municipality.** In December 2015, the Beijing No. 2 Intermediate People’s Court sentenced lawyer Pu Zhiqiang to three years’ imprisonment, suspended for three years, on the charges of “inciting ethnic hatred” and “picking quarrels and provoking trouble” based on seven microblog posts that criticized government officials and China’s ethnic policy.¹³² Beijing authorities took Pu into custody following his attendance at an event in May 2014 to commemorate the 25th anniversary of the Tiananmen protests and their violent suppression.¹³³ The conditions of Pu’s suspended sentence included restrictions on his activities.¹³⁴ In addition, in April 2016, the Beijing municipal justice bureau reportedly sent written notification to Pu on his permanent disbarment from legal practice, a consequence of the criminal conviction.¹³⁵

- **Guangdong province.** Authorities in Guangdong imposed prison sentences on Yang Maodong (commonly known as Guo Feixiong) (six years),¹³⁶ Sun Desheng (two years and six months),¹³⁷ Liu Yuandong (three years),¹³⁸ Wang Mo (four years and six months),¹³⁹ Xie Wenfei (four years and six months),¹⁴⁰ and Liang Qinhui (one year and six months).¹⁴¹ Authorities charged Guo, Sun, and Liu with “gathering a crowd to disturb order in a public place.”¹⁴² The judge in Guo’s case added the charge of “picking quarrels and provoking trouble” while sentencing Guo on November 27, 2015.¹⁴³ Security officials in Guangzhou municipality had detained Guo, Sun, and Liu in 2013 in connection with their protests against press censorship,¹⁴⁴ and also for Guo and Sun’s advocacy of government officials’ asset disclosure and China’s ratification of the ICCPR.¹⁴⁵ Authorities charged Wang, Xie, and Liang with “inciting subversion of state power,” a crime of “endangering state security” in the PRC Criminal Law.¹⁴⁶ Although Wang also reportedly was involved in the protests against press censorship in 2013, authorities detained him and other mainland Chinese advocates—including Xie—for their support of the pro-democracy protests in Hong Kong in October of that year.¹⁴⁷ Liang, an online commentator, shared his critiques of Chinese President and Communist Party General Secretary Xi Jinping on the social media network QQ prior to his detention.¹⁴⁸

- **Qinghai province.** In February 2016, authorities in Qinghai sentenced Tibetan writer Drukar Gyal (also known as Druglo and by the pen name Shogjang) to three years in prison on the charge of “inciting separatism.”¹⁴⁹ Shogjang had written a blog post about security force deployments in Tongren (Rebgong) county, Huangnan (Malho) Tibetan Autonomous Prefecture, Qinghai, in the days prior to his detention in March 2015.¹⁵⁰ According to the Tibetan Buddhist monk Jigme Gyatso (also known as Golog Jigme), Shogjang also wrote about the corporal punishment of students in Haibei (Tsojang) Tibetan Autonomous Prefecture, Qinghai.¹⁵¹

- **Xinjiang Uyghur Autonomous Region (XUAR).** In January 2016, the Urumqi Intermediate People’s Court in Urumqi municipality, XUAR, sentenced Zhang Haitao, an electronics tradesman and rights defender, to serve a total of 19 years in prison for “inciting subversion of state power”¹⁵² and “stealing, spying, buying and illegally supplying state secrets or intelligence for an overseas entity”¹⁵³ for more than 200 microblog posts and content he provided to allegedly “hostile” overseas media outlets.¹⁵⁴ In his appeal, Zhang argued that the court verdict had unreasonably equated dissent with spreading rumors and peaceful expression with serious social harm.¹⁵⁵

Nobel Peace Prize laureate Liu Xiaobo remained in prison, serving year 7 of his 11-year sentence on the charge of “inciting subversion of state power” for several of his essays and his co-authorship of Charter 08, a treatise advocating political reform and human rights that was circulated online.¹⁵⁶ Advocacy organizations continued to call for his release from prison¹⁵⁷ and for the release of his wife, poet and artist Liu Xia,¹⁵⁸ whom authorities have detained under extralegal detention at the couple’s home in Beijing since October 2010.¹⁵⁹

Notes to Section II—Freedom of Expression

¹International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 19.

²United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 26 July 16. China signed the covenant on October 5, 1998.

³State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in Xinhua, 14 May 13, sec. 6; State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in Xinhua, 8 June 15. According to the 2012 white paper on human rights, the Chinese government “actively works for approval of the International Covenant of Civil and Political Rights.” The State Council, however, did not mention the International Covenant on Civil and Political Rights in its 2014 human rights white paper.

⁴International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19(3); UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, A/HRC/17/27, 16 May 11, para. 24.

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

⁶UN Human Rights Committee, General Comment No. 34, Article 19, Freedom of Opinion and Expression, CCPR/C/GC/34, 12 September 11, para. 21.

⁷UN Human Rights Council, Tenth Anniversary Joint Declaration: Ten Key Challenges to Freedom of Expression in the Next Decade, Addendum to Report of the Special Rapporteur on the Promotion and Protection of the Rights to Freedom of Opinion and Expression, A/HRC/14/23/Add.2, 25 March 10, art. 1(a).

⁸David Schlesinger et al., “How To Read China’s New Press Restrictions,” Asia Society, ChinaFile (blog), 17 July 14; David Bandurski, “Mirror, Mirror on the Wall,” University of Hong Kong, China Media Project, 22 February 16; Jun Mai, “Communist Party Warns of Gap Between ‘Public and Official Opinion,’” South China Morning Post, 21 February 16. Bandurski, for example, points to former Chinese Communist Party leaders’ pronouncements, such as Mao Zedong’s injunction that “politicians run the newspapers,” Jiang Zemin’s “guidance of public opinion,” and Hu Jintao’s “channeling of public opinion,” to illustrate the Party’s expectation that the media serve as its “mouthpiece” and shaper of public opinion.

⁹“Xi Jinping’s View on News and Public Opinion” [Xi jinping de xinwen yulun guan], People’s Daily, 25 February 16; “Party Principle Guides Media Innovation,” Global Times, 22 February 16; “Xi’s Speech on News Reporting Resonates With Domestic Outlets,” Xinhua, 22 February 16; “People’s Daily Chief Yang Zhenwu: Properly Grasp the Needs in the Current Age for Government Officials Running Newspapers” [Renmin ribao she shezhang yang zhenwu: bawo hao zhengzhijia banbao de shidai yaoqiu], People’s Daily, 21 March 16. See also Edward Wong, “Xi Jinping’s News Alert: Chinese Media Must Serve the Party,” New York Times, 22 February 16; China Digital Times, “Xi’s State Media Tour: ‘News Must Speak for the Party,’” 19 February 16.

¹⁰“Xi Jinping’s View on News and Public Opinion” [Xi jinping de xinwen yulun guan], People’s Daily, 25 February 16; “Xi’s Speech on News Reporting Resonates With Domestic Outlets,” Xinhua, 22 February 16; China Digital Times, “Xi’s State Media Tour: ‘News Must Speak for the Party,’” 19 February 16.

¹¹“Xi Jinping’s View on News and Public Opinion” [Xi jinping de xinwen yulun guan], People’s Daily, 25 February 16; Zeng Xiangming, “How To Grasp Three Key Points of ‘Party Media Are Surnamed Party’” [Ruhe bawo “dangmei xing dang” san ge guanjian], People’s Daily, 9 March 16; David Bandurski, “How Xi Jinping Views the News,” University of Hong Kong, China Media Project, 3 March 16.

¹²“Xi Jinping’s View on News and Public Opinion” [Xi jinping de xinwen yulun guan], People’s Daily, 25 February 16; “Xi’s Speech on News Reporting Resonates With Domestic Outlets,” Xinhua, 22 February 16; “Xi Jinping Asks for ‘Absolute Loyalty’ From Chinese State Media,” Associated Press, reprinted in Guardian, 19 February 16.

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WORKER RIGHTS

Introduction

During the Commission's 2016 reporting year, Chinese law continued to restrict workers' rights to freely establish and join independent trade unions. Workers' right to collective bargaining remained limited, and Chinese law did not protect workers' right to strike. In the face of slowing economic growth, Chinese firms and government officials warned of impending layoffs in troubled sectors. Wages continued to rise in China, but workers faced slower wage growth. Chinese government officials and international observers reported a significant increase in worker actions such as strikes and protests, and the majority of these actions involved disputes over wage arrears. The situation of labor rights advocates and non-governmental organizations (NGOs) has worsened in recent years, particularly in Guangdong province, where authorities detained over a dozen labor rights advocates and NGO staff, arresting four. Labor abuses related to dispatch and intern labor, as well as workers above the retirement age, continued. According to government data, workplace accidents and deaths continued to decline, while reported cases of occupational illness increased. International observers continued to express concern regarding workplace safety in China.

Trade Unions

ALL-CHINA FEDERATION OF TRADE UNIONS

The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.¹ The ACFTU constitution describes the ACFTU as a "mass organization"² under the leadership of the Chinese Communist Party and "an important social pillar of state power."³ This past year, leading union officials held concurrent positions in the Communist Party and government.⁴ For example, Li Jianguo, Chairman of the ACFTU, was also Vice Chairman of the National People's Congress Standing Committee and a member of the Communist Party Central Committee Political Bureau.⁵ Chinese labor advocates reported that local trade unions rarely stood up for workers' rights and interests.⁶ During the reporting year, investigations by international NGOs into 10 Chinese factories in Guangdong province found that many workers did not know whether or not their factory had a union.⁷ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),⁸ Universal Declaration of Human Rights,⁹ International Covenant on Civil and Political Rights,¹⁰ and International Covenant on Economic, Social and Cultural Rights.¹¹

COLLECTIVE BARGAINING

Workers' right to collective bargaining remains limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹² but these laws designate the

Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹³ The PRC Trade Union Law requires trade unions to “whole-heartedly serve workers”;¹⁴ in practice, however, the ACFTU and its lower level branches reportedly more often represented the interests of government or enterprises.¹⁵ At the enterprise level, union leaders were often company managers.¹⁶ One commentator at the ACFTU-affiliated Henan Workers’ Daily noted that many workers were indifferent to collective negotiations because they felt enterprise bosses ultimately determined the outcome.¹⁷ Restrictions on collective bargaining violate China’s obligations as a member of the ILO.¹⁸

Impact of Slower Economic Growth on China’s Workers

In 2015, China’s economy grew at its slowest rate in 25 years.¹⁹ According to the National Bureau of Statistics of China, China’s rate of GDP growth was 6.9 percent in 2015, compared to 7.4 percent in 2014 and 7.7 percent in 2013.²⁰ Some economists and other observers raised doubts regarding the accuracy of China’s economic data, suggesting GDP growth in 2015 may have been even slower.²¹ Slower growth has affected sectors of the economy unevenly,²² but economic indicators in 2016 suggested a declining growth rate overall.²³

UNEMPLOYMENT

In the face of slowing economic growth, Chinese firms and government officials warned of impending layoffs. At a February 2016 press conference, Minister of Human Resources and Social Security Yin Weimin predicted firms would need to lay off workers in the coming year due to overcapacity, saying that the coal and steel industries would likely lay off 1.8 million workers.²⁴ The director of China’s Employment Research Institute, Zeng Xiangquan, and others warned of additional layoffs, particularly in state-owned enterprises.²⁵ Major steel and coal enterprises announced plans for layoffs, and some workers in these industries had reportedly already lost their jobs in recent years.²⁶ Employment in manufacturing reportedly had declined for 25 consecutive months as of late 2015, with factories closing or relocating due to slowing economic growth and rising wages.²⁷ Service sector jobs increased in 2015, but these jobs reportedly paid less on average than manufacturing jobs.²⁸ In the annual work report to the National People’s Congress in March, Premier Li Keqiang pledged 100 billion yuan (US\$15 billion) in “rewards and subsidies” to assist workers laid off due to economic restructuring.²⁹ Some observers attributed government inaction on economic reforms to concerns that unemployment could contribute to instability.³⁰

Although the official urban unemployment rate at the end of 2015 was 4.05 percent,³¹ scholars and economists cautioned that official unemployment statistics did not accurately reflect realities in the labor market, arguing that the true unemployment rate was likely higher than the official figure.³² Yu Jianrong, Director of the Rural Development Institute of the Chinese Academy of Social Sciences, warned of “hidden unemployment,” meaning that many of

China's nominally employed workers were in reality unemployed or underemployed.³³ The 2010 PRC Social Insurance Law stipulated that workers and employers contribute to an unemployment insurance fund;³⁴ the National Bureau of Statistics of China, however, reported that as of late 2015, only around 22 percent of workers had unemployment insurance.³⁵

WAGES

Wages reportedly continued to rise overall during the reporting year, though workers faced slower wage growth, and in some cases stagnant or reduced wages. Average overall wage growth in 2015 reportedly was 8.4 percent, down from a peak of 11.6 percent in 2011.³⁶ In 2015, 27 provincial-level regions and the Shenzhen Special Economic Zone raised minimum wages, with an average increase of 14 percent.³⁷ This represented a smaller increase than the four previous years.³⁸ The government of Guangdong province, an industrial hub, announced it would not raise its minimum wage in 2016 or 2017.³⁹ Some workers in the steel and manufacturing sectors reported receiving lower wages.⁴⁰ The Ministry of Labor and the Vice President of the China Association for Labor Studies, Su Hainan, reportedly warned local governments to be cautious in raising minimum wages.⁴¹ In February 2015, Finance Minister Lou Jiwei argued that in recent years China's wages had grown faster than workers' productivity, making Chinese enterprises less competitive.⁴² Su Hainan responded in March that while wages had increased quickly in recent years, 10 to 20 years ago wage growth was slower than productivity growth.⁴³ National People's Congress delegate Zhang Xiaoqing argued that migrant workers' wages should increase further, saying recent increases had not kept up with rising prices.⁴⁴

SOCIAL INSURANCE

During the reporting year, workers' rates of social insurance coverage remained low,⁴⁵ and the central government called for lowering mandatory contribution rates for employers.⁴⁶ According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁴⁷ Under the law, employers and workers are required to contribute to basic pension, medical, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.⁴⁸ According to statistics from the Ministry of Human Resources and Social Security (MOHRSS), while workers' insurance coverage rates increased in 2015, they remained low, particularly among migrant workers.⁴⁹ For example, MOHRSS figures showed employment-based pension insurance coverage rates of approximately 46 percent for all workers, and 20 percent for migrant workers.⁵⁰ For work-related injury insurance, coverage rates were 28 percent for all workers and 3 percent for migrant workers.⁵¹ In addition to low levels of coverage, experts also noted that many migrants face difficulties transferring their social insurance benefits after moving to new jurisdictions.⁵² During the reporting year, the central government called on local governments to reduce social insurance costs

Worker Rights

for employers by gradually lowering contribution rates,⁵³ and as of June 2016, at least 16 province-level jurisdictions reportedly had done so.⁵⁴

Worker Actions

Chinese government officials and international observers reported a significant increase in worker actions such as strikes and protests during the reporting year.⁵⁵ In a December 2015 article in the Party-run People's Daily, Minister of Human Resources and Social Security Yin Weimin wrote that labor relations conflicts had become more prominent and more frequent.⁵⁶ The Hong Kong-based non-profit organization China Labour Bulletin (CLB),⁵⁷ which compiles data on worker actions gathered from traditional and social media,⁵⁸ reported increasing numbers of worker strikes and protests in 2015.⁵⁹ Although some of the observed increase may have been due to better data collection,⁶⁰ CLB documented 2,773 worker actions in 2015, more than double the total from 2014.⁶¹

During 2015, a majority of worker actions reportedly involved disputes over wage arrears. According to CLB data, wage arrears-related worker actions accounted for 76 percent of all strikes and protests in 2015, compared to 52 percent in 2014 and 25 percent in 2013.⁶² People's Daily reported 11,007 "sudden incidents" (*tufa shijian*)⁶³ regarding migrant workers' wage arrears in the third quarter of 2015, a 34-percent increase from the third quarter of 2014.⁶⁴ The Wickedonna blog, which, until authorities detained its administrators, collected information on protests in China,⁶⁵ documented 9,107 wage arrears-related protests—the single biggest cause of protests in China in 2015—accounting for 31.5 percent of all protests documented on their website.⁶⁶ According to commentary in People's Daily, wage arrears were a common problem for migrant workers.⁶⁷

According to CLB, worker actions related to layoffs, though far fewer, reportedly increased in 2015, accounting for 6 percent of worker actions, compared to 3 percent in 2014 and 1 percent in 2013.⁶⁸ The proportion of worker actions over unpaid social insurance contributions decreased slightly in 2015, accounting for 6 percent of worker actions compared to 8 percent in 2014 and 7 percent in 2013.⁶⁹ The Wickedonna blog documented 193 protests demanding unemployment compensation and 101 protests over unpaid social insurance benefits.⁷⁰

CLB data showed that the proportion of worker actions in the manufacturing sector decreased in 2015 compared to previous years, while the proportion of worker actions in construction increased significantly in both 2014 and 2015.⁷¹ The Wickedonna blog similarly reported that construction workers' protests accounted for the largest number of worker protests.⁷² According to the State Council, wage arrears are a notable problem within the construction sector.⁷³

WORKER STRIKES AND PROTESTS, 2013 TO 2015⁷⁴

Year	Total	Involving Wage Arrears	Involving Layoffs	Involving Social Insurance	Manufacturing Sector	Construction Sector
2013	656	161 (25%)	8 (1%)	49 (8%)	280 (43%)	20 (3%)
2014	1,379	719 (52%)	47 (3%)	110 (8%)	559 (41%)	256 (19%)
2015	2,773	2,108 (76%)	153 (6%)	158 (6%)	885 (32%)	993 (36%)

Source: China Labour Bulletin as of June 2016. Note that percentages indicate percentage of total worker actions for that year.

Government responses to worker strikes and protests were mixed. In some cases, worker actions resulted in local branches of the All-China Federation of Trade Unions (ACFTU) and governments offering support, compensation, or concessions to workers.⁷⁵ In other cases, however, local governments reportedly responded to worker actions by sending police, detaining protesters, and physically assaulting workers.⁷⁶ In one instance in March 2016, a court in Langzhong city, Nanchong municipality, Sichuan province, held a public sentencing “rally” for eight workers.⁷⁷ The court sentenced them to six to eight months in prison for their role in a protest over unpaid wages.⁷⁸ According to CLB data, in 2015, police responded to about 30 percent of all worker actions, and authorities detained participants in about 7 percent of all worker actions.⁷⁹ Chinese law does not protect workers’ right to strike, in violation of the International Covenant on Economic, Social and Cultural Rights.⁸⁰

Selected worker actions this past year included the following:

- **Shenzhen Special Economic Zone, Guangdong province.** In October 2015, the Shenzhen Fu Chang Electronic Technology Company (Fu Chang) shut down.⁸¹ Fu Chang issued a statement to workers and suppliers announcing its closure and citing legal and financial troubles but did not offer severance pay to laid-off workers.⁸² For several days, over 1,000 workers and suppliers reportedly gathered outside Fu Chang’s gates demanding compensation.⁸³ The Wall Street Journal reported that Fu Chang eventually offered some compensation to the workers, though some remained dissatisfied with the settlement.⁸⁴

- **Guangzhou municipality, Guangdong province.** In late September 2015, a labor dispatch agency providing sanitation workers to a local government informed its employees that they would be required to resign their positions and instead work in another district of Guangzhou.⁸⁵ The workers refused to resign without severance pay, and when the company ignored their demands, the workers gathered at the local garbage collection center in protest.⁸⁶ Local authorities organized negotiations between the company and the workers’ elected representatives.⁸⁷ The dispatch company agreed to give the workers severance pay, and the local government’s new contractor agreed to hire the sanitation workers under direct contracts rather than as dispatch laborers.⁸⁸ [For more information, see Dispatch Labor in this section.]

- **Shuangyashan municipality, Heilongjiang province.** On March 6, 2016, while discussing reforms to Heilongjiang’s largest state-owned enterprise, Longmay Group (Longmay),

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Governor of Heilongjiang Lu Hao claimed Longmay had not missed wage payments to the coal mining company's 80,000 underground workers.⁸⁹ Beginning March 9, at least 1,000 workers across Shuangyashan protested for about six days, criticizing Lu Hao and demanding their unpaid wages.⁹⁰ Workers reported large wage cuts, and some said Longmay had not paid them for months.⁹¹ On March 13, Lu Hao admitted his mistake to Chinese media, and by March 15 Longmay reportedly began issuing some payments to workers.⁹² Following the protests, local authorities reportedly detained some of the participants, and international media reported a large police presence in Shuangyashan.⁹³

Civil Society

The situation of labor rights advocates and non-governmental organizations (NGOs) has worsened in recent years, particularly in Guangdong province, a manufacturing hub and home to many of China's labor NGOs.⁹⁴ The Financial Times reported in March 2015 that over 30 grassroots labor NGOs operated in the Pearl River Delta region of Guangdong.⁹⁵ These NGOs helped injured workers seek compensation, provided educational and other services to migrant workers, and trained workers in collective bargaining and defending their legal rights.⁹⁶ Authorities have long subjected labor NGOs to various forms of harassment,⁹⁷ but labor rights advocates reported increased pressure from authorities beginning in late 2014.⁹⁸ For example, labor NGO staff noted greater difficulties registering their organizations and increased restrictions on foreign funding.⁹⁹ Unidentified assailants beat labor advocates Zeng Feiyang in December 2014¹⁰⁰ and Peng Jiayong in April 2015.¹⁰¹

In December 2015, Guangdong authorities began a crackdown on labor NGO staff that domestic and international observers described as "unprecedented" and "more serious" than previous actions.¹⁰² [See box titled Detentions of Labor NGO Staff in Guangdong Province on next page.] Following the detention of staff from several labor NGOs in December 2015, Guangdong authorities reportedly threatened other labor NGO personnel with arrest, and many labor NGOs shut down.¹⁰³ Chinese rights advocates and international observers noted that government suppression of a wide range of rights advocacy groups has intensified in recent years.¹⁰⁴ The Chinese government's restrictions on labor NGOs contravene international standards on freedom of association, including Articles 20 and 23 of the Universal Declaration of Human Rights, Article 22 of the International Covenant on Civil and Political Rights, and Article 2(a) of the ILO Declaration on Fundamental Principles and Rights at Work.¹⁰⁵ [For more information on NGOs in China and the crackdown on rights advocacy groups, see Section III—Civil Society.]

Detentions of Labor NGO Staff in Guangdong Province

On December 3, 2015, public security officials in Guangzhou and Foshan municipalities detained at least 18 labor rights advocates affiliated with several labor NGOs.¹⁰⁶ According to the international advocacy NGO Rights Defense Network (RDN), local police criminally detained Zeng Feiyang, Zhu Xiaomei, He Xiaobo, Peng Jiayong, and Deng Xiaoming, and took Meng Han into custody.¹⁰⁷ Authorities also reportedly detained Tang Jian in Beijing municipality on December 4.¹⁰⁸ All seven were current or former employees of Guangdong-based labor NGOs.¹⁰⁹ As of January 8, 2016, procuratorates in Panyu district, Guangzhou, and Foshan had approved the arrests of Zeng, Zhu, and Meng for “gathering a crowd to disturb social order”¹¹⁰ and He for “embezzlement.”¹¹¹ Authorities released Deng and Peng on bail on January 9, Zhu on bail on February 1, and He on bail on April 7.¹¹² On January 31, Tang reportedly announced his release from detention via social media.¹¹³ By releasing Deng, Peng, Zhu, and He on bail (*qubao houshen* or “guarantee pending further investigation”), authorities may continue to restrict their freedom of movement, summon them for further questioning, and monitor them for up to 12 months.¹¹⁴ In June, the Panyu District People’s Procuratorate reportedly began reviewing the cases of Zeng, Zhu, Meng, and Tang in preparation for a possible trial, but, as of August, the Commission had not observed further news regarding the status of these cases.¹¹⁵

According to Chinese and international observers, authorities targeted these individuals due to their labor rights advocacy and ties to NGOs.¹¹⁶ Radio Free Asia (RFA) quoted one labor rights advocate who said authorities seemed to be focusing on the NGO Panyu Workers’ Services Center (Panyu), an organization established in 1998.¹¹⁷ A December 22, 2015, article by the state-run news agency Xinhua accused Panyu’s director Zeng Feiyang of taking money from workers and mismanaging funds.¹¹⁸ The article claimed Panyu was an “illegal organization” that had received foreign funding, “seriously disturbed social order,” and “trampled on the rights and interests of workers.”¹¹⁹ Several workers disputed the Xinhua report, saying that Zeng had never taken their money.¹²⁰ One labor advocate said to RFA, “The labor movement and Zeng Feiyang [were] doing what the ACFTU should have done.”¹²¹

Labor Abuses

CHILD LABOR

This past year, the Commission continued to observe reports of the use of child labor in China.¹²² Domestic laws generally prohibit the employment of minors under 16,¹²³ and China has ratified the two fundamental International Labour Organization (ILO) conventions on the elimination of child labor.¹²⁴ Yet, a June 2016 report by the Center for Child Rights & Corporate Social Responsibility found that 71 percent of auditors surveyed in China had observed suspected cases of child labor in the past two years.¹²⁵ In April, official media reported that a 14-year-old factory worker in Foshan municipality, Guangdong, died in his sleep.¹²⁶ In August, authorities in Zhuji city, Shaoxing municipality, Zhejiang province, reportedly approved the arrest of an employer who had forced at least

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eight children to work for years making socks.¹²⁷ The ILO Country Office for China and Mongolia noted that the Chinese government has not released official statistics on child labor in China, nor has it reported any cases to the ILO.¹²⁸

DISPATCH LABOR

The Commission continued to observe reports of the over-reliance on and misuse of dispatch labor during the reporting year, in violation of domestic laws and regulations¹²⁹ meant to prevent such abuses. Firms have long used dispatch labor (*laowu paiqian*)—workers hired through subcontracting agencies—to cut costs.¹³⁰ The PRC Labor Contract Law stipulates that dispatch workers be paid the same as full-time workers doing similar work, and only perform work on a temporary, auxiliary, or substitute basis.¹³¹ The 2014 Interim Provisions on Dispatch Labor further require that dispatch labor make up no more than 10 percent of a firm's total workforce by March 2016.¹³² In March 2016, however, Vice President of the China Association for Labor Studies Su Hainan noted that some enterprises were getting around these new rules by firing dispatch workers and instead using “outsourced” labor,¹³³ another form of subcontracted labor.¹³⁴

Chinese media reports detailed multiple cases of enterprises violating the PRC Labor Contract Law and the 2014 interim provisions by allowing dispatch workers to exceed 10 percent of the workforce or perform the work of permanent employees.¹³⁵ An investigation published in October 2015 by the U.S.-based non-governmental organization China Labor Watch and Norway-based environmental organization The Future in Our Hands found that roughly half of the tens of thousands of employees at a major electronics manufacturer were dispatch workers.¹³⁶ In one case in December 2015, a group of protesting railway workers said they had been “temporary” employees for over 20 years.¹³⁷

INTERN LABOR

During the reporting year, reports continued to emerge of labor abuses involving interns.¹³⁸ In October 2015, the Danish NGO Danwatch issued a report on vocational student interns working on assembly lines at Wistron Corporation (Wistron) in Zhongshan municipality, Guangdong, which manufactures computer servers for several large technology companies.¹³⁹ Danwatch found that interns were performing assembly line work unrelated to their studies and that interns often worked more than the legal limit of eight hours per day.¹⁴⁰ Some students told Danwatch that if they refused to intern with Wistron, they would not be allowed to graduate.¹⁴¹ In December 2015, a former employee of the ride-hailing company Uber alleged the company relied on low-paid interns working long hours in its office in Guangzhou municipality, Guangdong.¹⁴² A former Uber intern in Tianjin municipality made similar accusations, telling a reporter that interns far outnumbered employees in the Tianjin office, and that interns worked more than eight hours per day.¹⁴³

Although regulations governing intern labor vary by locality,¹⁴⁴ the PRC Education Law encourages work-study programs provided they do not interfere with students' education.¹⁴⁵ In 2007, the Min-

istries of Education and Finance issued regulations defining internships as relevant to students' plans of study and prohibiting interns from working more than eight hours per day.¹⁴⁶ In April 2016, the Ministry of Education and several other central government entities jointly issued additional regulations on vocational school interns.¹⁴⁷ The regulations stipulate that interns doing the work of regular employees may not exceed 10 percent of a workplace's total employees, and task vocational schools with ensuring that workplaces accepting interns comply with relevant laws and regulations.¹⁴⁸

WORKERS ABOVE THE RETIREMENT AGE

During the reporting year, Chinese workers above the legal retirement age¹⁴⁹ continued to enjoy fewer legal protections than other workers under Chinese law.¹⁵⁰ According to the PRC Labor Contract Law and the law's implementing regulations, once workers reach retirement age or receive pensions their labor contracts should be terminated.¹⁵¹ A 2010 Supreme People's Court interpretation stated that when handling disputes between employers and workers who received pensions, the courts should treat the two sides as having a "labor service relationship" (*laowu guanxi*).¹⁵² Workers above the retirement age with "labor service contracts" (*laowu hetong*) reportedly received fewer legal protections and benefits than typical workers.¹⁵³ China Labour Bulletin (CLB) reported that workers above the retirement age often faced difficulty obtaining compensation and other benefits due to their status as labor service providers.¹⁵⁴ According to the Supreme People's Court Research Office, while court cases involving labor disputes increased roughly 25 percent in 2015, court cases involving labor service contract disputes increased nearly 39 percent in 2015.¹⁵⁵

Occupational Health and Safety

This past year, government data showed continued declines in workplace accidents and deaths, while reported cases of occupational illness increased. The State Administration of Work Safety (SAWS) reported in January 2016 that workplace accidents and deaths declined 7.9 and 2.8 percent, respectively, in 2015 compared to 2014.¹⁵⁶ SAWS reported that accidents and deaths in the coal industry decreased 32.3 and 36.8 percent, respectively, during the same period.¹⁵⁷ Coal industry accidents reportedly declined in recent years as coal production fell and the government shut down smaller, more dangerous mines.¹⁵⁸ According to CLB, the construction industry had the largest number of accidents in 2015, though these accidents caused relatively few deaths.¹⁵⁹ In December 2015, the National Health and Family Planning Commission released statistics on occupational illnesses for 2014, finding that total reported cases of occupational illness increased 13.6 percent in 2014 compared to 2013.¹⁶⁰ Pneumoconiosis accounted for roughly 90 percent of all cases of occupational illness, with 26,873 reported cases in 2014, a 16.1-percent increase from 2013.¹⁶¹ The Party-run Workers' Daily reported that pneumoconiosis sufferers found applying for compensation difficult and expensive, with long wait times and few applicants successfully obtaining compensation.¹⁶²

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Despite relevant laws and regulations,¹⁶³ international observers continued to express concern regarding workplace safety in China.¹⁶⁴ Central government agencies issued several regulations regarding occupational health and safety during the reporting year,¹⁶⁵ and SAWS released for public comment a second draft of implementing regulations for the PRC Work Safety Law in November 2015.¹⁶⁶ Nevertheless, CLB specifically identified lax enforcement of safety regulations in the coal industry as well as poorly constructed factories in areas prone to tornadoes.¹⁶⁷ China Labor Watch investigations into toy and kitchenware factories found inadequate fire safety measures and failures to provide sufficient protective equipment.¹⁶⁸ International labor NGOs reported that employers often provided little or no safety training for new employees, despite Chinese regulations requiring a minimum of 24 hours' pre-employment safety training.¹⁶⁹

Notes to Section II—Worker Rights

¹PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 9–11; “They Tore Through Everything’: Labour Activists Increasingly Targeted in Civil Rights Crackdown in China, Say Supporters,” Agence France-Presse, reprinted in South China Morning Post, 30 May 16; Zhang Yu, “Chinese Activists Struggle To Establish Independent Trade Unions,” Global Times, 2 December 15. See also UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, including Hong Kong, China and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, 13 June 14, para. 23.

²Embassy of the People’s Republic of China in the Federal Democratic Republic of Nepal, “Major Mass Organizations,” 27 October 04; Anthony J. Spires, “Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China’s Grassroots NGOs,” American Journal of Sociology, Vol. 117, No. 1 (July 2011), 9; Karla Simon, Civil Society in China: The Legal Framework From Ancient Times to the “New Reform Era” (New York: Oxford University Press, 2013), 167–74. “Mass organizations” are organizations under the Chinese Communist Party such as the All-China Women’s Federation, Communist Youth League of China, and All-China Federation of Industry and Commerce. The Chinese embassy in Nepal described these organizations as “a bridge linking the CPC [Communist Party of China] and government with the people.” According to scholar Anthony J. Spires, in practice “mass organizations” have functioned as “one-way conduits for instructions from the top to the bottom.”

³Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], issued 22 October 13, General Principles.

⁴Liu Guozhong, All-China Federation of Trade Unions Vice Chairman, Secretary of the Secretariat” [Liu guozhong quanguo zong gonghui fu zhuxi, shujichu shuji], All-China Federation of Trade Unions, last visited 15 April 16; “Guangdong Provincial Federation of Trade Unions Convenes Third Meeting of the Thirteenth Full Committee in Guangzhou” [Guangdong sheng zong gonghui shisan jie san ci quanweihui zai sui zhaokai], Southern Worker, reprinted in Guangzhou Municipal Federation of Trade Unions, 7 March 16; “Chengdu Trade Unions” [Chengdu gonghui], Chengdu Municipal Federation of Trade Unions, last visited 9 March 16.

⁵Li Jianguo, Chairman of the All-China Federation of Trade Unions” [Li jianguo quanguo zong gonghui zhuxi], All-China Federation of Trade Unions, last visited 9 March 16.

⁶Rights Defense Network, “Letter From Labor and Other Sectors to CPC, NPC, and State Council on Strike Hard Campaign Against Guangdong Labor NGO Employees” [Zhongguo laogong jie he shehui ge jie renshi jiu guangdong laogong NGO gongzuozhe zaoyu yanli daji zhi zhonggong zhongyang, quanguo renda, guowuyuan yijian shu], 11 December 15; “Chinese Workers at Walmart Campaign for Higher Wages, Union Elections,” Radio Free Asia, 11 November 15; “Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

⁷China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 2–3, 19, 36, 44, 57, 71; China Labor Watch, “The Other Side of Fairy Tales,” 20 November 15, 2, 14, 32, 48, 68, 94.

⁸International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5.

⁹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4).

¹⁰International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 20 May 16. China has signed but not ratified the ICCPR.

¹¹International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 11 March 16. China has signed and ratified the ICESCR.

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

¹³PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 33; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 6, 51, 56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20.

¹⁴PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, art. 6.

¹⁵“Chinese Workers at Walmart Campaign for Higher Wages, Union Elections,” Radio Free Asia, 11 November 15; Shawn Shieh, “The Fight Against Inequality: Martin Luther King and China’s Labor Activists,” NGOs in China (blog), 29 February 16; Anita Chan, “The Chinese Trade Union Federation at the Crossroads—Relaxing Control Over Labour or Risking Labour Instability?” in China at the Crossroads: What the Third Plenum Means for China, New Zealand and the World, ed. Peter Harris (Wellington: Victoria University Press, 2015), 64–71.

¹⁶“They Tore Through Everything’: Labour Activists Increasingly Targeted in Civil Rights Crackdown in China, Say Supporters,” Agence France-Presse, reprinted in South China Morning Post, 30 May 16; China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 19; China Labour Bulletin, “Increasingly Angry Workers in Chongqing Take to the Streets Once Again,” 4 March 16.

¹⁷ Jin Bei, “Workers Should See the Importance of Collective Wage Negotiations” [Laodongzhe ying zhongshi gongzi jiti xieshang], Henan Workers’ Daily, 25 February 16.

¹⁸ International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up, 18 June 98, art. 2(a). Article 2 of the ILO Declaration on Fundamental Principles and Rights at Work states that “all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining . . .” International Labour Organization, “China,” NORMLEX Information System on International Labour Standards, last visited 14 March 16. China became a member of the ILO in 1919.

¹⁹ Mark Magnier, “China’s Economic Growth in 2015 Is Slowest in 25 Years,” Wall Street Journal, 19 January 16; “China Economic Growth Slowest in 25 Years,” BBC, 19 January 16; International Labour Organization, “ILO World Employment and Social Outlook (WESO)—Trends 2016,” 20 January 16.

²⁰ National Bureau of Statistics of China, “National Economy Achieved Steady Progress in 2015” [2015 nian guomin jingji yunxing wenzhong youjin, wenzhong youhao], 19 January 16; National Bureau of Statistics of China, “2014 National Economy Running Smoothly Under the New Normal” [2014 nian guomin jingji zai xin changtai xia pingwen yunxing], 20 January 15; National Bureau of Statistics of China, “2013 National Economy Development Stable and Improved” [2013 nian guomin jingji fazhan wenzhong xianghao], 20 January 14.

²¹ See, e.g., Andreas Illmer, “China’s Growth Data—Can You Trust It?” BBC, 19 January 16; Edward Wong and Neil Gough, “As China’s Economic Picture Turns Uglier, Beijing Applies Airbrush,” New York Times, 25 February 16; Mike Bird and David Scutt, “Why Economists Don’t Trust China’s GDP Figures,” Business Insider, 19 October 15. See also “Inspection Team Alarmed That Many Northeastern Localities Fabricated GDP, Size of County Economies Exceeds Hong Kong” [Dongbei duo di GDP zaojia jingdong xunshi zu xianyu jingji guimo chao xianggang], Beijing News, 11 December 15.

²² “China’s Two-Speed Economy Stays Intact as Factories Slump, Services Gain,” Bloomberg, 4 January 16; Mandy Zuo and Zhou Xin, “The Hidden Cracks in China’s Employment Figures,” South China Morning Post, 25 January 16.

²³ See, e.g., Caixin and Markit, “China General Services PMI Chinese Service Sector Expands at Weaker Pace in February,” 3 March 16; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15.

²⁴ “Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16. For more information on overcapacity in the Chinese economy, see European Union Chamber of Commerce in China, “Overcapacity in China: An Impediment to the Party’s Reform Agenda,” 22 February 16.

²⁵ “Expert Says China May See a Second Wave of Lay-Offs,” People’s Daily, 11 November 15; Benjamin Kang Lim et al., “Exclusive: China To Lay Off Five to Six Million Workers, Earmarks at Least \$23 Billion,” Reuters, 3 March 16.

²⁶ Duncan Hewitt, “China Miners’ Strike Highlights Challenges for Government in Reducing Overcapacity in Loss-Making Industries,” International Business Times, 14 March 16; “Death and Despair in China’s Rustbelt,” Bloomberg, 1 March 16; Tom Phillips, “Glory Days of Chinese Steel Leave Behind Abandoned Mills and Broken Lives,” Guardian, 21 January 16.

²⁷ Mark Magnier, “China’s Workers Are Fighting Back as Economic Dream Fades,” Wall Street Journal, 14 December 15; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15; Mandy Zuo and Zhou Xin, “The Hidden Cracks in China’s Employment Figures,” South China Morning Post, 25 January 16; Yu Nakamura, “China’s Manufacturing Hub To Freeze Minimum Wage,” Nikkei Asian Review, 8 March 16; Simon Denyer, “Strikes and Workers’ Protests Multiply in China, Testing Party Authority,” Washington Post, 25 February 16.

²⁸ “Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16; Brenda Goh, “China Shifts Axed Miners to Lower-Paid Jobs in Farming, Cleaning,” Reuters, 20 March 16; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15.

²⁹ State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 15. See also Ministry of Human Resources and Social Security et al., Opinion on Resettling Workers in the Process of Resolving Steel and Coal Sector Overcapacity and Turning Around Development [Renli ziyuan shehui baozhangbu guojia fazhan gaigewei deng qi bumen guanyu zai huajie gangtie meitan hangye guosheng channeng shixian tuokun fazhan guocheng zhong zuo hao zhigong anzhi gongzuo de yijian], issued 7 April 16.

³⁰ Elizabeth C. Economy, “The Fits and Starts of China’s Economic Reforms,” Council on Foreign Relations, Asia Unbound (blog), 25 January 16; William Ide and Saibal Dasgupta, “Worries About China’s Economic Reform Progress Grow,” Voice of America, 10 March 16; George Magnus, “Should We Be Worried by Economic Warnings of a Bear in the China Shop?” Guardian, 20 January 16.

³¹ “Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16.

³² Fathom Consulting, “News in Charts: China’s Hidden Unemployment Problem,” Thomson Reuters, 3 June 16; Zhang Jun, “The Truth About Chinese Unemployment Rates,” Project Syndicate, 14 April 16; Yu Jianrong, “Worries Underlying China’s Hidden Unemployment Problem”

[Zhongguo yinxing shiye wenti yinyou], People's Tribune, 18 January 16. For more information on the unreliability of China's official unemployment statistics, see Shuaizhang Feng et al., "Long Run Trends in Unemployment and Labor Force Participation in China," National Bureau of Economic Research, Working Paper 21460, August 2015.

³³Yu Jianrong, "Worries Underlying China's Hidden Unemployment Problem" [Zhongguo yinxing shiye wenti yinyou], People's Tribune, 18 January 16.

³⁴PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], passed 28 October 10, effective 1 July 11, art. 44.

³⁵National Bureau of Statistics of China, "2015 National Economic and Social Development Statistics Bulletin" [2015 nian guomin jingji he shehui fazhan tongji gongbao], 29 February 16. See also China Labour Bulletin, "China's Social Security System," last visited 6 June 16.

³⁶Li Tangning, "28 Regions Raise Minimum Wage, Average Increase Around 14 Percent" [28 diqu tigao zuidi gongzi biaoqun pingjun zengfu yue 14%], Economic Information Daily, 29 December 15.

³⁷Ibid.

³⁸Ibid. The average increase in minimum wages reportedly was 22 percent in 2011, 20.2 percent in 2012, 17 percent in 2013, and 14.1 percent in 2014.

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¹¹⁵“Guangdong NGO’s Zeng Feiyang and Three Others’ Labor Rights Defense Cases Will Be Referred to Court in Late July” [Guangdong NGO zeng feiyang deng si ren laogong weiqian an qiye xiaoxun yisong fayuan], Radio Free Asia, 6 July 16; Labor Partners 521, “Guangdong Labor NGO Case Development: Zeng Feiyang, Meng Han, Zhu Xiaomei, and Tang Huanxing Cases Under Review for Prosecution” [Guangdong laogong NGO an jinzhan: zeng feiyang, meng han, zhu xiaomei, tang huanxing bei yisong shencha qisu], reprinted in Rights Defense Network, 14 July 16.

¹¹⁶Human Rights Watch, “China: Persecution of Labor Activists Escalates,” 13 January 16; Cherie Chan, “Labor Rights Movements Gaining Momentum in China,” Deutsche Welle, 5 January 16; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders.” China Change, 10 December 15; “Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

¹¹⁷“Four Detained Labor Rights Defenders Arrested, Two Out on Bail, Attack Aimed at Panyu Workers’ Services Center” [Bei zhua lao wei renshi si pibu liang qubao maotou zhi zhi panyu dagongzu], Radio Free Asia, 10 January 16. For additional information on Panyu Workers’ Services Center, see Zhen Jinghui, “Zeng Feiyang: A Labor NGO’s Fight for Survival” [Zeng feiyang: yi ge laogong NGO de jiafeng shengcun], South Reviews, 27 March 10, reprinted in Sina, 5 December 13.

¹¹⁸Zou Wei, “Behind the Halo of the ‘Star of the Labor Movement’—Panyu Workers’ Services Center’ Director Zeng Feiyang and Others Investigated as Suspects in Serious Crimes” [Jiekai “gongyun zhi xing” guanghuan de beihou—“panyu dagongzu wenshu chuli fuwu bu” zhuren zeng feiyang deng ren shexian yanzhong fanzui anjian diaocha], Xinhua, 22 December 15.

¹¹⁹Ibid.

¹²⁰China Labour Bulletin, “Workers Speak Out in Support of Detained Labour Activists in Guangdong,” 5 January 16.

¹²¹“Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

¹²²For information on child labor from previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 86; CECC, 2014 Annual Report, 9 October 14, 76–77; CECC, 2013 Annual Report, 10 October 13, 70–71.

¹²³PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 15; PRC Law on the Protection of Minors [Zhonghua renmin gongheguo wei chengnian ren baohu fa], passed 4 September 91, amended 29 December 06, effective 1 June 07, art. 38. Article 15 of the PRC Labor Law prohibits the employment of minors under 16, with exceptions for literature and the arts, sports, and special handicrafts, provided the employer undergoes inspection and approval and guarantees the child's right to compulsory education.

¹²⁴International Labour Organization, ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73; International Labour Organization, ILO Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 17 June 99; International Labour Organization, "Ratifications of C138—Minimum Age Convention, 1973 (No. 138)," last visited 6 September 16; International Labour Organization, "Ratifications of C182—Worst Forms of Child Labour Convention, 1999 (No. 182)," last visited 6 September 16.

¹²⁵Center for Child Rights & Corporate Social Responsibility, "Best Response: Auditors' Insights on Child Labor in Asia," June 2016, 4.

¹²⁶Zheng Caixiong, "Boy's Sudden Death Prompts Campaign Against Child Labor," *China Daily*, 26 April 16. See also China Labor Watch, "Sudden Death of a 14 Year Old Child Worker From a Factory in Foshan," 27 April 16.

¹²⁷Yuan Lingzhi, "Child Laborers Cruelly Trapped Making Socks for Five Years Rescued, Worked Nearly 16 Hours Per Day" [Tonggong bei kun heixin wazi zuofang 5 nian bei jiu meiri gongzuo jin 16 xiaoshi], Justice Net, 18 August 16.

¹²⁸International Labour Organization, Country Office for China and Mongolia, "Child Labour in China and Mongolia," last visited 6 September 16.

¹²⁹Ministry of Human Resources and Social Security, Interim Provisions on Dispatch Labor [Laowu paiqian zanzing guiding], issued 24 January 14, effective 1 March 14; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 58, 63, 66; National People's Congress Standing Committee, Decision on Amending the "PRC Labor Contract Law" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo laodong hetong fa" de jue ding], issued 28 December 12, effective 1 July 13.

¹³⁰Fair Labor Association, "Issue Brief: Labor Dispatch Workers in China," March 2016; Lu Binyang, "Temporary Railroad Workers Stage Sit-in Over Equal Pay," *Caixin*, 10 December 15; Jenny Chan et al., "Interns or Workers? China's Student Labor Regime," *Asia-Pacific Journal*, Vol. 13, Issue 26, No. 1 (August 2015), 3; Liu Genghua, International Labour Organization, "Private Employment Agencies and Labour Dispatch in China," Sector Working Paper No. 293, 2014, 6. For information on contract or dispatch labor from previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 92; CECC, 2014 Annual Report, 9 October 14, 75–76; CECC, 2013 Annual Report, 10 October 13, 71–72.

¹³¹PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 63, 66; National People's Congress Standing Committee, Decision on Amending the "PRC Labor Contract Law" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo laodong hetong fa" de jue ding], issued 28 December 12, effective 1 July 13.

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¹³³Zhang Moning, "Renewed Debate Over 'Labor Contract Law'" ["Laodong hetong fa" zhengyi zaiqi], *South Reviews*, 16 March 16.

¹³⁴Allan Xu, "China's Labor Dispatch Laws Come Into Effect, Signaling Sweeping Change for Employment Structures," *China Briefing* (blog), 8 March 16; Zhang Xin, "Number of Dispatch Workers at Big Four Banks Down to 28,700, Yet Rural Commercial Banks Still Recruiting" [Si da hang laowu paiqiangong jiang zhi 2.87 wan ren nong shanghang reng zai nishi zhaopin], *Securities Daily*, 20 October 15; Lucy Lu and Dai Zhengcao, "Is Labor Dispatch Fading Away? Not That Simple," *King & Wood Mallesons, China Law Insight* (blog), 4 May 15.

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¹³⁶China Labor Watch and The Future in Our Hands, "Something's Not Right Here: Poor Working Conditions Persist at Apple Supplier Pegatron," 22 October 15, 8, 10.

¹³⁷Lu Binyang, "Temporary Railroad Workers Stage Sit-in Over Equal Pay," *Caixin*, 10 December 15.

¹³⁸For information on the abuse of student labor in previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 87; CECC, 2014 Annual Report, 9 October 14, 77; CECC, 2013 Annual Report, 10 October 13, 70–71.

¹³⁹Danwatch, "Servants of Servers: Rights Violations and Forced Labour in the Supply Chain of ICT Equipment in European Universities," October 2015, 5, 8.

¹⁴⁰*Ibid.*, 3, 6–10; Ministry of Education and Ministry of Finance, Measures on Managing Secondary Vocational School Student Internships [Zhongdeng zhiye xuexiao xuesheng shixi guanli banfa], issued 26 June 07, art. 5. Article 5 of the Measures on Managing Secondary Vocational School Student Internships prohibits interns from working more than eight hours per day.

¹⁴¹Danwatch, “Servants of Servers: Rights Violations and Forced Labour in the Supply Chain of ICT Equipment in European Universities,” October 2015, 3, 5, 6, 15.

¹⁴²Li Yifan (Guodong de shaozi), “Why Uber Wants To Kill Me—The Secret Behind the 50-Billion-Dollar Valuation” [Wo weishenme bei uber zhuisha—500 yi guzhi beihou buweirenzhi de mimil], Weibo post, 4 December 15, 2:18 p.m.; Josh Horwitz and Echo Huang, “Uber’s Business in China Is Built on Exploiting Armies of Underpaid, Overworked Interns,” Quartz, 16 December 15.

¹⁴³Kai Maying (DOOM kai), “I Am an Intern Uber Fired, Today I Have Something To Say” [Wo shi yi ge bei uber kaichu de shixisheng, jintian wo you hua shuo], Weibo post, 6 December 15, 19:19 p.m.; Josh Horwitz and Echo Huang, “Uber’s Business in China Is Built on Exploiting Armies of Underpaid, Overworked Interns,” Quartz, 16 December 15.

¹⁴⁴Grace Yang, “Student Interns in China: The China Employment Law Issues,” China Law Blog, 20 December 15.

¹⁴⁵PRC Education Law [Zhonghua renmin gongheguo jiaoyu fa], passed 18 March 95, amended 27 August 09, 27 December 15, effective 1 June 16, art. 58.

¹⁴⁶Ministry of Education and Ministry of Finance, Measures on Managing Secondary Vocational School Student Internships [Zhongdeng zhiye xuexiao xuesheng shixi guanli banfa], issued 26 June 07, arts. 3, 5.

¹⁴⁷Ministry of Education et al., Provisions on Managing Vocational School Student Internships [Zhiye xuexiao xuesheng shixi guanli guiding], issued 11 April 16.

¹⁴⁸Ibid., arts. 6, 9.

¹⁴⁹State Council, Provisional Measures on Workers’ Retirement and Withdrawal From Office [Guowuyuan guanyu gongren tuixiu, tuizhi de zanxing banfa], issued 2 June 78, art. 1; “China Focus: China’s Plan To Raise Retirement Age Meets Mixed Reactions,” Xinhua, 4 March 16. Currently, the retirement age is 50 or 60 for male workers and 45 or 50 for female workers depending on the type of job; the government, however, plans to raise the retirement age in coming years.

¹⁵⁰Susan Finder, “Data From the Supreme People’s Court on 2015 Labor/Employment Disputes,” Supreme People’s Court Monitor (blog), 27 March 16; China Labour Bulletin, “Elderly Sanitation Worker’s Death Shows Need for Collective Action and Solidarity,” 14 December 15.

¹⁵¹State Council, PRC Labor Contract Law Implementing Regulations [Zhonghua renmin gongheguo laodong hetong fa shishi tiaoli], issued 18 September 08, art. 21; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, art. 44(2). The PRC Labor Contract Law stipulates that if a worker receives a pension, his or her labor contract terminates (*zhongzhi*), but the implementing regulations require that contracts be terminated for all workers upon reaching the legal retirement age.

¹⁵²Supreme People’s Court, Interpretation Regarding Various Issues in Using Appropriate Laws When Accepting Labor Dispute Cases (Three) [Zuigao renmin fayuan guanyu shenli laodong zhengyi anjian shiyong falu ruogan wenti de jishi (san)], issued 13 September 10, art. 7.

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¹⁵⁴China Labour Bulletin, “China’s Elderly Street Sweepers at Risk as Temperatures Plummet,” 22 January 16; China Labour Bulletin, “Elderly Sanitation Worker’s Death Shows Need for Collective Action and Solidarity,” 14 December 15.

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¹⁵⁶Man Zhaoxu, “38 Serious or Very Serious Accidents in 2015, 768 Killed or Missing in 21 Provinces” [2015 nian quanguo fasheng 38 qi zhong te da shigu she 21 shengfen 768 ren sangsheng shizong], China National Radio, 15 January 16.

¹⁵⁷Ibid.

¹⁵⁸“Coal Mine Accident Kills 19 Workers in Northern China,” Al Jazeera, 24 March 16; “Shaft of Light,” Economist, 18 July 15; Michael Lelyveld, “China Cuts Coal Mine Deaths, but Count in Doubt,” Radio Free Asia, 16 March 15; China Labour Bulletin, “Coal Mine Accidents in China Decrease as Production Stagnates,” 3 April 14. See also David Stanway, “China April Coal Output Down 11 Percent on Year: Stats Bureau,” Reuters, 14 May 16.

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¹⁶⁰National Health and Family Planning Commission, “2014 Report on Occupational Illness Nationwide” [2014 nian quanguo zhiye bing baogao qingkuang], 3 December 15; Hu Hao, “China Had Over 26,000 Reported Cases of Occupational Illness in 2013, Over 73 Percent of Cases in Coal, Non-Ferrous Metal, Machinery, and Construction Industries” [Woguo 2013 nian baogao zhiye bing 2.6 wan yu li meitan youse jinshu jixie jianzhu hangye bingli chao 73%], Xinhua, 30 June 14.

¹⁶¹Ibid.

¹⁶²Zheng Li, “Longest Wait for Migrant Workers To Obtain Compensation for Pneumoconiosis Is Seven Years” [Chenfeibing nongmingong huo pei zuichang hao shi qi nian], Workers’ Daily, 10 December 15.

Worker Rights

¹⁶³ See, e.g., PRC Work Safety Law [Zhonghua renmin gongheguo anquan shengchan fa], passed 29 June 02, amended 31 August 14, effective 1 December 14; State Administration of Work Safety, Production and Operations Work Unit Safety Training Provisions [Shengchan jingying danwei anquan peixun guiding], issued 17 January 06, effective 1 March 06; Ministry of Industry and Information Technology et al., Measures on Managing the Restricted Use of Harmful Materials in Electrical and Electronic Goods [Dianqi dianzi chanpin youhai wuzhi xianzhi shiyong guanli banfa], issued 21 January 16, effective 1 July 16.

¹⁶⁴ China Labour Bulletin, “Calls To Improve China’s Work Safety Go Unheeded in 2015,” 18 January 16; Chris Buckley, “Before Debris Collapse in China, Safety Fears Were Discussed,” New York Times, 16 January 16; China Labor Watch, “The Other Side of Fairy Tales,” 20 November 15, 14, 19, 31, 47–48, 67.

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¹⁶⁶ State Administration of Work Safety, Provisions on Implementing the “PRC Work Safety Law” (Trial) (Draft for Solicitation of Comments) [Guojia anquan shengchan jiandu guanli zongju shishi “anquan shengchan fa” ruogan guiding (shixing) (zhengqiu yijian gao)], issued 25 November 15; State Administration of Work Safety, Certain Decisions on Implementing the PRC Work Safety Law (September 2015 Draft for Solicitation of Comments) [Zhonghua renmin gongheguo anquan shengchan fa shishi ruogan jue ding (zhengqiu yijian gao 2015 nian 9 yue)], issued 11 September 15.

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¹⁶⁹ Students & Scholars Against Corporate Misbehaviour and Labour Action China, “Unveiling the Labour Rights Violations,” February 2016, 2; China Labour Bulletin, “Calls To Improve China’s Work Safety Go Unheeded in 2015,” 18 January 16; China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 5; State Administration of Work Safety, Production and Operations Work Unit Safety Training Provisions [Shengchan jingying danwei anquan peixun guiding], issued 17 January 06, effective 1 March 06, art. 13.

CRIMINAL JUSTICE

Introduction

During the Commission's 2016 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to further their priorities in "maintaining social stability" and perpetuating one-party rule at the expense of individual freedoms.¹ Representative examples discussed in this section include the criminal prosecution of Yang Maodong, better known as Guo Feixiong, who participated in peaceful rights advocacy and called for political reform; Tang Jingling, who promoted non-violent civil disobedience; and Zhang Haitao, who advocated for ethnic minority rights.

The Commission observed that many of the concerns raised by the UN Committee against Torture (Committee) during its November 2015 review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also were raised by the Committee during its previous review of China in 2008. The Committee remained concerned about a wide range of issues, including the use of extralegal and extrajudicial detention,² harassment of rights lawyers and advocates,³ restrictions on detainees' access to legal counsel,⁴ and excessive time in detention for individuals held without formal charges.⁵ The Committee also expressed regret that the follow-up recommendations to the Chinese government identified in its 2008 concluding observations "have not yet been implemented."⁶

Ongoing Use of Arbitrary Detention

Extralegal and extrajudicial forms of detention that restrict a person's liberty without judicial oversight⁷ violate Article 9 of the Universal Declaration of Human Rights⁸ and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).⁹ Some commonly used forms of extralegal and extrajudicial detention in China include the following.

BLACK JAILS

"Black jails" are detention sites that operate outside of China's judicial and administrative detention systems.¹⁰ After the Chinese government abolished the reeducation through labor (RTL) system in 2013,¹¹ the Commission continued to observe Chinese authorities' use of "black jails"¹² to suppress individuals such as petitioners,¹³ rights advocates,¹⁴ and those resisting the government's crackdown on Christianity.¹⁵ In one example, in March 2016, local police from Beijing municipality reportedly detained rights advocate Yin Huimin¹⁶ for seven days in a "black jail," during which time an officer punched and repeatedly slapped her, breaking her ear drum and causing permanent deafness in one ear.¹⁷ The Commission further observed multiple reports of Chinese authorities detaining petitioners in "black jails" prior to and during the National People's Congress and Chinese People's Political Consultative Conference meetings in March 2016.¹⁸

Local-level government and Communist Party officials reportedly used "legal education centers"—a type of "black jail"¹⁹—to detain

individuals such as Falun Gong practitioners, in an effort to force them to renounce their beliefs,²⁰ and petitioners, in order to prevent them from making complaints to the central government.²¹ [For more information on Falun Gong practitioners and petitioners, see Section II—Freedom of Religion and Section III—Access to Justice.] In one example, in October 2015, authorities in Jiansanjiang, Fujin city, Jiamusi municipality, Heilongjiang province, detained a farm worker in a legal education center that reportedly closed around April 2014.²² In addition, Shi Mengwen continued to serve a three-year prison sentence in Jiansanjiang in apparent connection with his advocacy—along with three other Falun Gong practitioners—for the release of Falun Gong practitioners who had been arbitrarily detained at the Jiansanjiang “legal education center.”²³

PSYCHIATRIC INSTITUTIONS

Chinese authorities continued to forcibly commit individuals to psychiatric facilities as a tool of political repression²⁴ despite provisions in the PRC Mental Health Law aimed at protecting citizens from such abuse.²⁵ Civil Rights & Livelihood Watch, a human rights monitoring group based in China, noted an increase in reporting of such forcible commitments in 2015, stating that the options available for government officials to restrict citizens’ liberty in the name of “maintaining social stability” became more limited after the 2013 abolition of the RTL system.²⁶ [For more information on implementation of the PRC Mental Health Law, see Section II—Public Health.]

CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS (*SHUANGGUI*)

Under an investigation process known as “double designation” (*shuanggui*), Party investigators may summon Party members²⁷ to appear for interrogation at a designated time and place for alleged Party discipline violations.²⁸ The *shuanggui* process is within the Party’s control and outside China’s legal system; it is a form of extralegal detention²⁹ that contravenes rights guaranteed by the Universal Declaration of Human Rights and the ICCPR.³⁰ Investigators detain Party members for three to six months on average³¹ and generally do not notify the detainee’s family nor permit family visits or meetings with legal counsel.³² Investigators reportedly have employed torture and other coercive means to extract information and confessions during the investigation process.³³ Human Rights Watch reported in February 2016 that prolonged solitary confinement, ill treatment, and threats against family members during *shuanggui* remained common.³⁴ In February 2016, former Deputy Director of the National Energy Administration Xu Yongsheng retracted a confession he previously made while detained under *shuanggui*, asserting that investigators had tortured him while in custody.³⁵

Criminal Law

Some provisions in the Ninth Amendment to the PRC Criminal Law, which became effective on November 1, 2015,³⁶ may have a negative impact on human rights practices in China³⁷ in areas such as freedom of speech,³⁸ freedom of the press,³⁹ freedom of as-

sembly,⁴⁰ freedom of religion,⁴¹ access to justice,⁴² and rights advocacy.⁴³

USE OF CRIMINAL LAW TO PROSECUTE RIGHTS ADVOCATES

In the past year, the Chinese government continued to use broadly defined crimes to punish rights advocates, petitioners, lawyers, and members of some ethnic minority groups.⁴⁴

- **Picking quarrels and provoking trouble.** This past year, authorities prosecuted rights advocates for “picking quarrels and provoking trouble”⁴⁵ under Article 293 of the PRC Criminal Law.⁴⁶ A U.S.-based legal scholar observed that the vagueness of this crime potentially allowed police “unlimited discretion to detain and arrest offenders for almost any action.”⁴⁷ The Chinese government expressly expanded this provision to cover Internet activities in 2013⁴⁸ and has since used it to prosecute individuals for online speech.⁴⁹ In December 2015, Chinese authorities convicted public interest lawyer Pu Zhiqiang⁵⁰ on charges of “picking quarrels and provoking trouble” and “inciting ethnic hatred”⁵¹ in connection with his posting of several online messages critical of the Chinese government.⁵² Pu was disbarred following his conviction.⁵³

- **Gathering a crowd to disturb order in a public place.** The Chinese government applied Article 291 of the PRC Criminal Law under circumstances that could constitute a restriction on freedom of assembly.⁵⁴ Article 291 provides for criminal sanctions—including imprisonment of up to five years—for the main organizer who gathers a crowd to disturb order in a public place.⁵⁵ In November 2015, a court in Guangdong province sentenced rights advocate Yang Maodong, better known as Guo Feixiong, to six years’ imprisonment under both this provision and Article 293, reportedly in connection with his peaceful rights advocacy and calls for official transparency and political reform.⁵⁶ As part of the same case, the court also sentenced Sun Dsheng to two years and six months’ imprisonment under Article 291.⁵⁷

- **Organizing and using a cult to undermine implementation of the law.** The Commission observed that in the past year, Chinese authorities used Article 300 of the PRC Criminal Law⁵⁸ to prosecute Buddhists,⁵⁹ Christians,⁶⁰ and Falun Gong practitioners,⁶¹ among others, under circumstances that could constitute a restriction on the freedom of religion under international law.⁶² The Ninth Amendment to the PRC Criminal Law added the possibility of life imprisonment to Article 300.⁶³ [For more information on Chinese authorities’ treatment of religious groups, see Section II—Freedom of Religion.]

- **Endangering state security.** During this reporting year, the Chinese government used “endangering state security” charges in a crackdown against rights lawyers and advocates.⁶⁴ Articles 102 to 112 of the PRC Criminal Law—listing offenses including “subversion of state power,” “separatism,” and “espionage”—are collectively referred to as crimes of “endangering state security” (ESS), some of which carry the death penalty.⁶⁵ The U.S.-based human rights organization Dui Hua Foundation noted a significant drop in the number of ESS trials in

2015, which it attributed to the Chinese government's use of non-ESS charges to prosecute political and religious activism.⁶⁶ In January 2016, a court in Guangdong province convicted Tang Jingling,⁶⁷ Yuan Chaoyang,⁶⁸ and Wang Qingying⁶⁹ of "inciting subversion of state power," an ESS charge, in connection with their promotion of non-violent civil disobedience, sentencing them to prison terms ranging from two years and six months to five years.⁷⁰ In the same month, a court in the Xinjiang Uyghur Autonomous Region sentenced Zhang Haitao,⁷¹ an advocate for ethnic minority rights, to 19 years' imprisonment on ESS charges.⁷² In addition, as of July 2016, authorities filed ESS charges against at least 16 rights lawyers and advocates who were detained or disappeared in connection with the crackdown that began in and around July 2015.⁷³ [For more information about the 2015 crackdown on human rights lawyers and advocates, see Section III—Access to Justice.]

UN Committee against Torture's Review of China's Compliance With the Convention against Torture

On November 17 and 18, 2015, the UN Committee against Torture (Committee) held sessions in Geneva, Switzerland, to assess China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).⁷⁴ In response to Committee members' questions, the Chinese delegation claimed that "[t]here were no cases of political imprisonment" and that "interrogation chairs were used to prevent detainees from escaping, attacking others or self-harming and were padded for comfort and safety."⁷⁵ Recent reports from international human rights organizations referred to these chairs as "tiger chairs" and detailed their use as torture devices.⁷⁶

In its concluding observations, the Committee noted certain positive developments in the Chinese government's efforts to reform the criminal justice system, including the recognition of the infliction of mental suffering as a form of torture and the 2013 abolition of the reeducation through labor system.⁷⁷

The Committee, however, censured the Chinese government, noting that "the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system . . ."⁷⁸ Specific concerns included that the definition of torture under Chinese law did not conform to that of the Convention against Torture⁷⁹ and that Chinese authorities used broadly defined charges against rights advocates and religious practitioners and subjected them to ill-treatment, torture,⁸⁰ "black jails," and other forms of administrative detention without accountability.⁸¹ The Committee further criticized China for failing to provide disaggregated information about torture, criminal justice, and related issues by invoking state secrets provisions.⁸² Among its recommendations, the Committee called on China to repeal provisions of the PRC Criminal Procedure Law that allow de facto incommunicado detention known as "residential surveillance at a designated location."⁸³

**UN Committee against Torture’s Review of China’s Compliance
With the Convention against Torture—Continued**

The Chinese government reportedly barred at least seven rights advocates from exiting China to prevent them from attending the review.⁸⁴ The Chinese government also reportedly denied citizens’ disclosure requests for information omitted from China’s written report to the Committee, including details of cases where the government had awarded compensation to victims of torture and coerced confession, the punishment that the perpetrators received, and the charges for which they were prosecuted.⁸⁵

*Ongoing Challenges in the Implementation of the Criminal
Procedure Law*

COERCED CONFESSIONS

Despite legislative and regulatory enactments by the Chinese government to prevent coerced confession, the problem continued during the reporting year. A November 2015 Amnesty International report noted that the extraction of confessions through torture remained widespread in pre-trial detention, especially in cases that the government considered to be politically sensitive.⁸⁶

The 2012 amendment to the PRC Criminal Procedure Law (CPL) provided for the exclusion of evidence obtained through illegal means such as torture, force, or threat, and required audiovisual recording of the interrogation process in serious cases involving life imprisonment or the death penalty.⁸⁷ In September 2015, the Ministry of Public Security (MPS) announced that the implementation of the audiovisual recording system, as prescribed by the CPL, was still in progress and that it planned eventually to expand the scope of the system to cover all criminal cases.⁸⁸ In March 2016, the MPS issued disciplinary rules to hold police officers accountable for misconduct and subject them to criminal, administrative, and disciplinary sanctions, including for obtaining confessions by torturing detainees and retaliating against whistleblowers or complainants.⁸⁹

Chinese and international rights organizations expressed concerns about the implementation and effectiveness of existing preventive measures, as did a member of the Chinese People’s Political Consultative Conference (CPPCC).⁹⁰ Lawyer and CPPCC delegate Shi Jie observed that written interrogation notes sometimes were inconsistent with or even contradicted audiovisual recordings.⁹¹ Shi suggested that the National People’s Congress specify, through legislation or judicial interpretation, that defense lawyers have the right to copy the recording of the entire interrogation session, whether or not the procuratorate decides to transfer it to the court.⁹² A U.S.-based legal expert observed that “recording interrogations [was] not significantly changing the culture of extreme reliance on confessions as the primary form of evidence in criminal cases.”⁹³ Human Rights Watch also questioned the effectiveness of the supervisory mechanism.⁹⁴

TELEVISED CONFESSIONS

The Chinese government's practice of broadcasting on television prerecorded "confessions" in high-profile cases⁹⁵ continued during the past reporting year.⁹⁶ Examples of individuals subjected to televised "confessions" included the cofounder of a legal advocacy NGO,⁹⁷ rights lawyers,⁹⁸ media professionals,⁹⁹ booksellers,¹⁰⁰ and other individuals.¹⁰¹ Such practices contravene international human rights standards, including the right to a fair trial¹⁰² and due process,¹⁰³ the presumption of innocence,¹⁰⁴ and the right against self-incrimination.¹⁰⁵ The international NGO Chinese Human Rights Defenders noted that "[w]hen suspects are held incommunicado, without access to lawyers, and 'confess' on TV—a cruel and degrading humiliation in itself—it is impossible to verify if they have confessed willingly or have been tortured, threatened, or intimidated."¹⁰⁶ Zhu Zhengfu, a CPPCC member and Deputy Director of the All China Lawyers Association, reportedly said that televised confessions worked against the principle of the presumption of innocence.¹⁰⁷ A senior judge in Henan province reportedly echoed this opinion, noting, "Outside of a court, no one has the right to decide whether someone is guilty of a crime."¹⁰⁸

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Under Article 73 of the PRC Criminal Procedure Law, authorities can enforce a form of coercive detention known as "residential surveillance at a designated location"¹⁰⁹ to detain a person at an undisclosed location for up to six months for cases involving "endangering state security" (ESS), terrorism, and serious bribery.¹¹⁰ An international human rights group questioned the legality of "residential surveillance at a designated location" and noted that the six-month period far exceeded the 30-day time limit for police to submit an arrest request to the procuratorate in cases where individuals were held at a detention center.¹¹¹

The UN Committee against Torture criticized this coercive measure because it "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment."¹¹² In December 2015, with the stated goal of supervising the enforcement of "residential surveillance at a designated location," the Supreme People's Procuratorate issued provisions requiring procuratorate officials to issue an "opinion to correct" upon discovering noncompliant or unlawful conduct such as corporal punishment and torture committed by officials carrying out the coercive measure.¹¹³ A lawyer based in Shanghai municipality, however, questioned the effectiveness of the provisions because they did not provide for any penalty.¹¹⁴ Two China-based legal scholars also cautioned that since "residential surveillance at a designated location" is enforced outside a detention center, the lack of effective supervision could lead to illegal evidence gathering.¹¹⁵

Access to Counsel

In the past year, the Chinese government denied access to legal counsel to some individuals detained in politically sensitive cases. Individuals charged with ESS crimes—which the government often used against rights advocates¹¹⁶—continued to face difficulty in

meeting with their lawyers.¹¹⁷ Article 33 of the PRC Lawyers Law as amended in 2012¹¹⁸ deprives detainees of the right to meet with their lawyers in ESS, terrorism, and serious bribery cases (“three categories of cases,” or *sanlei anjian*¹¹⁹) unless an application for that purpose has been approved by the agency investigating the case.¹²⁰ The CPL, however, does not provide for a specific time-frame within which authorities must decide on such an application.¹²¹ Authorities reportedly obstructed or denied access to counsel for those detained during a major crackdown on rights lawyers and advocates that began in and around July 2015¹²² and in other cases involving rights advocacy.¹²³

After the 2012 amendment of the CPL, some lawyers reported that defendants had improved access to legal counsel,¹²⁴ even though lawyers continued to experience difficulties in meeting with their clients, for reasons including the following: insufficient numbers of lawyer meeting rooms in detention facilities;¹²⁵ authorities’ invocation of the “three categories of cases” to deny a detainee access to counsel irrespective of the actual charge;¹²⁶ authorities’ detention of individuals under “residential surveillance at a designated location” instead of at a detention center;¹²⁷ and authorities’ refusal to allow lawyer-client meetings without prior permission.¹²⁸

Torture and Abuse in Custody

During this reporting year, authorities at detention facilities continued to abuse detainees. For example, in November 2015, Zhang Liumao,¹²⁹ founder of a literary magazine, died in a detention center in Guangzhou municipality, Guangdong province, after authorities had detained him for about two months on suspicion of “picking quarrels and provoking trouble.”¹³⁰ A lawyer who viewed Zhang’s body observed evidence of physical abuse,¹³¹ but procuratorate officials denied the family’s demand for a copy of the full autopsy report.¹³²

In April 2016, the sister of imprisoned rights advocate Yang Maodong, better known as Guo Feixiong, requested that prison officials provide Guo with medical examination and treatment for his deteriorating health, which included intermittent bloody diarrhea and bleeding in his mouth and pharynx.¹³³ In May, officials in charge of Guo’s custody forced Guo to have a rectal examination, which officials reportedly filmed and threatened to post online.¹³⁴

In May 2016, Lei Yang, an environmentalist and new father, died shortly after police officers in Beijing municipality placed him in custody.¹³⁵ In June, Beijing procuratorial officials approved the arrest of two of the officers involved on the charge of “dereliction of duty.”¹³⁶ Authorities reportedly censored a news article about Lei’s family accusing the police officers of causing Lei’s death by intentional infliction of injury.¹³⁷

In August 2016, family members of detained lawyer Xie Yang issued a statement saying that in August 2015, officials reportedly beat Xie unconscious after Xie was tortured and called out for help from a window of the holding place where “residential surveillance at a designated location” was enforced.¹³⁸ In July 2016, officials at the Changsha Municipal No. 2 PSB Detention Center reportedly held Xie in a cell with a death row inmate who attacked Xie with handcuffs, causing serious injuries.¹³⁹

Wrongful Conviction

In March 2016, the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) reported continuing to make efforts to prevent wrongful convictions,¹⁴⁰ and courts in Jilin, Zhejiang, and Yunnan provinces overturned convictions in some cases involving torture allegations.¹⁴¹ Nevertheless, reports of coerced confessions continued to surface this past year.¹⁴² In June 2016, the SPP released a guiding case in which a local procuratorate did not approve the arrest of a murder suspect when it determined that authorities had illegally obtained the suspect's confession and that other evidence was insufficient to establish criminal conduct.¹⁴³ In March 2016, a procuratorate in Guizhou province agreed to investigate the 2003 murder convictions of two individuals who alleged that they were tortured during the police investigation, but the court that rendered the guilty verdict declined the procuratorate's request to retrieve the case materials for review.¹⁴⁴

The Chinese government and Communist Party previously have called for an end to the use of quotas for arrests, indictments, guilty verdicts, and case conclusions in performance evaluations.¹⁴⁵ Depending on the implementation of such a plan,¹⁴⁶ this change could reduce pressure on police to extract confessions¹⁴⁷ and on courts to issue guilty verdicts.¹⁴⁸ In February 2016, state-funded newspaper Beijing Times published a commentary in which the author anticipated that this change would result in an increase in not-guilty verdicts.¹⁴⁹ According to the SPC work report released in March 2016, the not-guilty verdict rate for 2015 was 0.084 percent,¹⁵⁰ representing an increase from 0.066 percent for 2014,¹⁵¹ but below 0.10 and 1.02 percent for 2010 and 2000, respectively.¹⁵² Chinese news agency Caixin reported that more than half of the 26 annual work reports published by provincial-level high courts in 2016 continued to list statistical data of these quotas as performance indicators.¹⁵³

Death Penalty

The Ninth Amendment to the PRC Criminal Law removed the death penalty from 9 non-violent crimes,¹⁵⁴ leaving 46 crimes that still carried the death penalty.¹⁵⁵ While two UN special rapporteurs welcomed this move,¹⁵⁶ one human rights group viewed it as a modest improvement,¹⁵⁷ and another questioned its practical impact on reducing the number of executions.¹⁵⁸ Despite the trend of a reduction in the number of executions in China—from an estimated 12,000 in 2002 to 2,400 in 2013¹⁵⁹—the number of executions reportedly remained high relative to other countries.¹⁶⁰ In April 2016, Amnesty International estimated that the number of executions in China in 2015 was still in the thousands, exceeding the number for all other countries combined.¹⁶¹

WITHHOLDING OF STATISTICS RELATED TO THE DEATH PENALTY

The Chinese government continued to withhold statistical data on executions¹⁶² and treat the data as a state secret.¹⁶³ In its review of China's compliance with the Convention against Torture, the UN Committee against Torture requested that the Chinese gov-

ernment provide information on the number of executions carried out.¹⁶⁴ In its response to the Committee, China merged the statistical data on the death penalty with other criminal sentences, rather than providing disaggregated data on executions alone.¹⁶⁵

JUDICIAL REVIEW OF DEATH PENALTY CASES

Some scholars expressed concerns about the death penalty review process, specifically its lack of clear legal standards,¹⁶⁶ transparency,¹⁶⁷ and adequate procedures to ensure meaningful participation by legal counsel.¹⁶⁸ At a criminal law forum in October 2015, Zhou Guangquan, a Tsinghua University law professor and a member of the National People's Congress Legal Affairs Committee, called on the SPC to promulgate death penalty sentencing guidelines and to disclose statistical data on death penalty reviews.¹⁶⁹

The U.S.-based human rights organization Dui Hua Foundation examined 525 death penalty review decisions issued between April 2011 and November 2015 and inferred from these decisions that, in determining whether to approve a death sentence, the SPC considered several mitigating factors, including remorse, good behavior, severity of the crime, and the defendant's economic situation and role in the crime.¹⁷⁰ The Dui Hua Foundation did not cite and the Commission did not observe any published legal standards governing death penalty review.¹⁷¹

Although the SPC in 2013 promulgated a general rule requiring courts to post judgments online,¹⁷² an SPC official explained that the SPC would publish only selected death penalty review decisions.¹⁷³ The Dui Hua Foundation reported an inconsistency between the 2-percent reversal rate based on the cases it examined¹⁷⁴ and the figure provided by a former SPC judge, which was around 10 percent in 2014.¹⁷⁵ The Dui Hua Foundation further noted that the SPC published a small fraction of the death penalty review decisions.¹⁷⁶

ORGAN HARVESTING

Huang Jiefu, a senior Chinese health official, announced in late 2014 that harvesting organs from executed prisoners would completely cease on January 1, 2015,¹⁷⁷ but he later characterized death row prisoners as citizens who were eligible to give consent to organ donation.¹⁷⁸ In November 2015, Huang again affirmed the ban on harvesting organs from executed prisoners but when asked, did not deny that the practice continued.¹⁷⁹ In June 2016, the U.S. House of Representatives passed a resolution expressing concerns about organ harvesting in China and noting that Huang's 2014 announcement did not directly address organ harvesting from "prisoners of conscience."¹⁸⁰ Ahead of an August 2016 global conference on transplantation, its organizer, the Transplantation Society, rejected 10 out of 28 clinical papers submitted from China for presentation at the conference because of concerns over the sources of the transplanted organs discussed in these papers.¹⁸¹

According to Chinese doctors interviewed by the New York Times, the Communist Party called for Party members to donate organs and bring media attention to organ donation, which reportedly resulted in an increase in donations.¹⁸² China Daily, a state-

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run media outlet, reported a 60-fold increase in voluntary organ donations between 2010 and 2014.¹⁸³ According to a state-funded news outlet, as of July 2016, the number of patients waiting for organ transplantation (approximately 300,000) remained significantly higher than those who actually received it (approximately 10,000).¹⁸⁴

Notes to Section II—Criminal Justice

¹Maya Wang, Human Rights Watch, “Dispatches: China Should End Deaths in Police Custody,” *Dispatches* (blog), 27 May 16; Ako Tomoko, “Why Is China Muzzling Its Lawyers?” Tokyo Foundation, 1 February 16; Margaret Lewis, “A Review of China’s Record on Torture,” University of Nottingham, China Policy Institute: Analysis (blog), 9 February 16. See also James Leibold, “China Tightens Its Security Screws,” *East Asia Forum*, 22 December 15; Minxin Pei, “The Twilight of Communist Party Rule in China,” *American Interest*, Vol. 11, No. 4, 12 November 15; Bureau of Diplomatic Security, U.S. Department of State, “China 2016 Crime & Safety Report: Shenyang,” 16 May 16.

²UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 14; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 42. See also Human Rights Watch, “‘An Alleyway in Hell,’” 12 November 09.

³UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 15(b); UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 18.

⁴UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 11(c); UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 12.

⁵UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 11(a); UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 10.

⁶UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 6.

⁷Harry Wu and Cole Goodrich, “A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China,” *Human Rights Brief*, Vol. 21, Issue 1 (Winter 2014), 4.

⁸Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

⁹International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1). See also CECC, 2014 Annual Report, 9 October 14, 81; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 20 May 16. China has signed but not ratified the ICCPR. State Council Information Office, “National Human Rights Action Plan of China (2009–2010),” 13 April 09, Introduction, sec. V(1). The 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009 stated that the “essentials” of the ICCPR were some of the “fundamental principles” on which the plan was framed, and that the government “will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for ratification of the ICCPR.” See also International Justice Resource Center, “Increased Oppression of Chinese Human Rights Defenders Draws International Criticism,” 22 February 16.

¹⁰Harry Wu and Cole Goodrich, “A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China,” *Human Rights Brief*, Vol. 21, Issue 1 (Winter 2014), 4; Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; Chinese Human Rights Defenders, “We Can Beat You to Death With Impunity,” October 2014, 6. See also “Guo Gai and Wang Jianfen: Details of Black Jails in Wuxi: Rescue and Torture Reenactment” [Guo gai, wang jianfen: wuxi hei jianyu shimo: yingjiu he kuxing yanshi], *Charter 08* (blog), 23 December 15.

¹¹National People’s Congress Standing Committee, Decision on Abolishing Laws and Regulations Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jue ding], issued and effective 28 December 13; CECC, 2014 Annual Report, 9 October 14, 82–84.

¹²Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; “Black Jails Still in Vogue in Mainland, Reeducation Through Labor Continues To Exist Under a Different Name” [Dalu hei jianyu shengxing laojiao huan tang bu huan yao], *Radio Free Asia*, 3 November 15. A petitioner reported that “black jails” provided no procedural protection and that human rights conditions had deteriorated after the abolition of RTL.

¹³Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; “Chinese Petitioner ‘Tortured’ During Detention by Beijing Police,” *Radio Free Asia*, 7 October 15; “Wuxi ‘Fascism,’ ‘Black Jail,’ ‘Torture,’ ‘Human Rights’” [Wuxi “faxisi” “hei jianyu” “kuxing” “renquan”], *Boxun*, 20 April 16; “Black Jails Still in Vogue in Mainland; Reeducation Through Labor Continues To Exist Under a Different Name” [Dalu hei jianyu shengxing laojiao huan tang bu huan yao], *Radio Free Asia*, 3 November 15.

¹⁴Chinese Human Rights Defenders, “[CHRB] CHR D Urges International Intervention To Gain Release of Human Rights Defenders in China (10/5–10/9/2015),” 9 October 15.

¹⁵Carey Lodge, “China: 20 Christians Sentenced to ‘Black Jail’ in Last Two Months,” *Christian Today*, 3 November 15; Carey Lodge, “China: Pastor Released From ‘Black Jail’ After Opposing Cross Demolitions,” *Christian Today*, 9 February 16.

¹⁶For more information on Yin Huimin, see the Commission’s Political Prisoner Database record 2015-00015.

¹⁷“Yin Huimin, Placed in Black Jail During the Two Sessions, Faced Torture and Violent Beating by Evil Police, Causing Permanent Deafness” [Yin huimin lianghui qijian bei guan hei jianyu zao kuxing bei e jing baoda zhi zhongshen er long], Boxun, 19 March 16.

¹⁸See, e.g., Rights Defense Network, “Two Sessions Stability Maintenance: Hebei Petitioner Zhao Chunhong Held in Black Jail” [Lianghui weiwen, hebei nu fangmin zhao chunhong bei guan hei jianyu], 4 March 16; Rights Defense Network, “Two Sessions Stability Maintenance: Shanghai Rights Defender Ding Juying Held in Black Jail in Beijing, Zhou Xuezheng Administratively Detained” [Lianghui weiwen, shanghai renquan hanweizhe ding juying zai beijing zao guan hei jianyu, zhou xuezheng bei xingzheng juliu], 6 March 16; Rights Defense Network, “Shanghai Petitioner Sun Hongqin Sent Back to Shanghai From Beijing and Held in Black Jail” [Shanghai fangmin sun hongqin bei cong beijing qiansong huidao shanghai bei guan hei jianyu], 28 February 16; Xiong Bin and Shu Can, “Interception for the Two Sessions Began on the Fourth Day, Number of Petitioners in Beijing Decreased” [Lianghui jie fang chusi kaishi zai jing fangmin jianshao], New Tang Dynasty Television, 15 February 16.

¹⁹Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14.

²⁰Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16.

²¹Rights Defense Network, “Rights Defense Network: Investigative Report Regarding Mainland China’s ‘Legal Education Centers’ (Black Jails)” [Weiquan wang: zhongguo dalu “fazhi xuexi ban” (hei jianyu) diaoyan baogao], 6 January 16.

²²“Black Jails Still in Vogue in Mainland, Reeducation Through Labor Continues To Exist Under a Different Name” [Dalu hei jianyu shengxing laoqiao huan tang bu huan yao], *Radio Free Asia*, 3 November 15; “Jiansanjiaog ‘Black Jail’ Closed” [Jiansanjiaog “hei jianyu” guanbi], *Deutsche Welle*, 2 May 14; “Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” *Clear Wisdom*, 21 December 14.

²³“Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” *Clear Wisdom*, 21 December 14; “Jiansanjiaog Case Verdict Announced, Lawyers and Family Members Intercepted, Defendants Don’t Accept Verdict and Will Bring Appeals” [Jiansanjiaog an xuanpan lushi, jianshu zao lanjie dangshiren bufu panjue tichu shangsu], *Radio Free Asia*, 22 May 15. For prior Commission reporting on the legal education center in Jiansanjiaog, see CECC, 2015 Annual Report, 8 October 15, 124; CECC, 2014 Annual Report, 9 October 14, 83. For more information on the cases of the four Falun Gong practitioners, see the Commission’s Political Prisoner Database records 2015-00301 on Li Guifang, 2015-00302 on Meng Fanli, 2015-00303 on Wang Yanxin, and 2015-00304 on Shi Mengwen.

²⁴“China Continues To Use Psychiatric ‘Treatment’ on Its Critics: Report,” *Radio Free Asia*, 11 February 16; “Shanghai Petitioner Sent to Psychiatric Hospital in Beijing, Wuxi Using Psychiatric Hospitals To Replace Black Jails To Detain Petitioners” [Shanghai yi fangmin zai beijing bei song jingshenbing yuan wuxi yi jingshenbing yuan daiti hei jianyu qiu fangmin], *Radio Free Asia*, 11 February 16; An Jing, “Psychiatric Hospitals Take the Place of Black Jails To Suppress Aggrieved Citizens Who Have Been Prevented From Petitioning” [Jingshenbing yuan qudai hei jianyu zhuan zhi jiefang yuanmin], *Renmin Bao*, 11 February 16. Authorities in different localities across China reportedly continued the practice of holding petitioners and rights advocates in psychiatric institutions. See, e.g., Civil Rights & Livelihood Watch, “2015 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16; Chinese Human Rights Defenders, “[CHRB] Forced Psychiatric Commitment of Dissidents Continues as Police Act Above Enacted Law (4/29–5/5, 2016),” 5 May 16; Civil Rights & Livelihood Watch, “More Than 20 Petitioners Welcomed Lu Liming of Shanghai Upon His Discharge From the Hospital, Concluding His Life of Forcible Psychiatric Commitment” [20 yu fangmin yingjie shanghai lu liming chuyuan jieshu bei jingshenbing yuan shenghuo], 11 February 16 (Beijing municipality); Civil Rights & Livelihood Watch, “Qi Qianping From Guangzhou Forcibly Committed to Psychiatric Hospital Again for Over a Hundred Days” [Guangzhou qi qianping zaici bei guan jingshenbing yuan yu bai tian], 5 May 16 (Guangdong province); Civil Rights & Livelihood Watch, “Petitioner He Fangwu From Yongzhou City, Hunan Province, Forcibly Committed to Psychiatric Hospital Again” [Hunan sheng yongzhou shi fangmin he fangwu zaici bei guan jingshenbing yuan], 17 April 16 (Hunan province); Civil Rights & Livelihood Watch, “Gu Xianghong From Hunan Committed to Psychiatric Hospital During the Two Sessions and to Date Has Not Been Released” [Hunan gu xianghong lianghui qijian bei touru jingshenbing yuan zhijin wei fang], 21 March 16 (Hunan province); Civil Rights & Livelihood Watch, “Petitioner Zhang Chunyan From Inner Mongolia Certified To Have Mental Disorder, but Procuratorate Still Approved Her Arrest” [Neimeng fangmin zhang chunyan bei jiangding you jingshenbing reng bei jianchayuan pizhun daibu], 16 March 16 (Inner Mongolia Autonomous Region); Civil Rights & Livelihood Watch, “Petitioner Wang Shou’an From Zhushan County, Hubei Province, Committed to Psychiatric Hospital for the First Time” [Hubei sheng zhushan xian fangmin wang shou’an shouci bei guan jingshenbing yuan] 30 November 15 (Hubei province).

²⁵PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

²⁶Civil Rights & Livelihood Watch, “2015 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16.

²⁷Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued and effective 25 March 94, art. 28. Article

28 of the 1994 provisions requires any person or organization having information about a case under investigation to comply with the *shuanggui* process. Chinese Communist Party Central Commission for Discipline Inspection, Opinion on Strengthening the Coordination Mechanisms in Case Investigation and on Further Regulating the Measure of “Double Designation” [Zhongyang jiwei guanyu wanshan cha ban anjian xiediao jizhi jinyibu gajin he guifan “lianggui” cuoshi de yijian], issued 20 January 05, item 2(1); Flora Sapio, “Shuanggui and Extralegal Detention in China,” *China Information*, Vol. 22, No. 1, March 2008, 14–15. The 2005 Central Commission for Discipline Inspection opinion limits the application of *shuanggui* to Party members.

²⁸ Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued and effective 25 March 94, arts. 10, 28(3), 39. Article 39 of the 1994 provisions limits the initial investigation period to three months but allows the unit that opened the case to extend it for an unspecified length of time in “serious or complex” cases. Chinese Communist Party Central Commission for Discipline Inspection, Opinion on Strengthening the Coordination Mechanisms in Case Investigation and on Further Regulating the Measure of “Double Designation” [Zhongyang jiwei guanyu wanshan cha ban anjian xiediao jizhi jinyibu gajin he guifan “lianggui” cuoshi de yijian], issued 20 January 05, item 2(3). The 2005 opinion limits the initial investigation period to three months with an extension period not exceeding three months. Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 34.

²⁹ Flora Sapio, “Shuanggui and Extralegal Detention in China,” *China Information*, Vol. 22, No. 1, March 2008, 24.

³⁰ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9. See also CECC, 2015 Annual Report, 8 October 15, 102–3; CECC, 2014 Annual Report, 9 October 14, 87–88.

³¹ Flora Sapio, “Shuanggui and Extralegal Detention in China,” *China Information*, Vol. 22, No. 1, March 2008, 8, 16. Based on a sample of 380 cases between 1990 and 2005, Flora Sapio found that the period of detention ranged from two days to over a year with an average period of three to six months.

³² Liu Hai and Sun Yizhen, “When an Official Goes Missing, What Should Their Family Do?” [Guanyuan shilian le, jiashu zenme ban?], *Wujie News*, reprinted in Phoenix Net, 13 December 15.

³³ Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 34; Zhong Ruoxin, “Zhong Ruoxin: Which Officials Suffered Torture in the Anticorruption Storm” [Zhong ruoxin: fanfu fengbao zhong naxie zaoyu xingxun de guanyuan], *Criminal Affairs Net*, 26 March 16.

³⁴ Maya Wang, Human Rights Watch, “Dispatches: A Top Chinese Banker’s Mysterious Death,” *Dispatches* (blog), 3 February 16.

³⁵ Austin Ramzy, “Ex-Official in China Blames Torture for Graft Confession,” *New York Times*, *Sinosphere* (blog), 25 February 16; Luo Jieqi and Cui Houjian, “Former National Energy Administration Deputy Director Xu Yongsheng on Trial, While in Court Asserts Innocence and Says Was Tortured” [Guojia nengyuanju yuan fu juzhang xu yongsheng shoushen dang ting hanyuan cheng zao bigong], *Caixin*, 24 February 16.

³⁶ National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15.

³⁷ “Twenty Newly Added Crimes in PRC Criminal Law Are Said To Be Aimed at Suppressing Rights Defenders” [Zhongguo xingfa xin zeng 20 xiang zuiming bei zhi yizai daya weiquan minzhong], *Radio Free Asia*, 2 November 15.

³⁸ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 120(1–6), 286(1); Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiqianwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

³⁹ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 291(1); Human Rights Watch, “China: New Ban on ‘Spreading Rumors’ About Disasters,” 2 November 15; Cai Xiaoying, “International Federation of Journalists: Worsening Environment for Journalists in China” [Guoji jizhe lianhui: zhongguo meiti huanjing riyi yanjun], *BBC*, 30 January 16.

⁴⁰ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 290; Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiqianwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

⁴¹ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01,

28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300; Guo Baosheng, “Rights Lawyers and Religious Freedom in China” [Weiquan lushi yu zhongguo de zongjiao ziyoudu], *Human Rights in China Biweekly*, No. 151 (20 February 15–5 March 15).

⁴²PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 308(1); Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiquanwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

⁴³PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 309; “Disrupting Court Order?” Several Hundred Lawyers Protested in a Jointly Signed Letter” [“Raoluan fating zhixu”? shubai lushi lian shu fandui], *Deutsche Welle*, 28 November 14; Human Rights Campaign in China, “Lawyer Zhang Lei: Record of Verdict Announcement in Guo Feixiong and Sun Desheng Case” [Zhang lei lushi: guo feixiong, sun desheng an xuanpan jil], 16 December 15. The presiding judge in this case characterized the lawyer’s advocacy on behalf of his client as an “attack,” as reflected in the following exchange between the lawyer and the judge: “[Lawyer] Zhang Lei: [. . .] The protesters were exercising their right of free speech. By treating citizens’ exercise of their free speech right as causing commotion and trouble, the judiciary is in fact the one that is ‘causing commotion and trouble.’ When it makes this kind of determination, it is the judiciary that is ‘picking quarrels and provoking trouble’ with each individual citizen and their rights. [Judge] Zheng Xin: Do not attack the judiciary; otherwise, your speech will be terminated.”

⁴⁴UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 36.

⁴⁵See, e.g., Rights Defense Network, “Fujian Rights Defender and Lawyer Ji Sizun Was Prosecuted for ‘Picking Quarrels and Provoking Trouble and Gathering a Crowd To Disturb Public Order’ After Having Been in Custody for Nearly 11 Months” [Fujian renquan hanweizhe ji sizun lushi zao jiya jin 11 ge yue hou bei yi “xunxin zishi he juzhong raoluan gonggong zhixu zui” qisu], 20 September 15; Rights Defense Network, “Lawyer Liu Zhengqing: Three Gentlemen of Chibi Case Report—After More Than 2 Years, New Charge of ‘Picking Quarrels and Provoking Trouble’ Added Today” [Liu zhengqing lushi: chibi san junzi an tongbao—lishi 2 nian duo jin zai zeng zuiming “xunxin zishi”], 20 October 15.

⁴⁶PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 293.

⁴⁷Stanley Lubman, “‘Picking Quarrels’ Casts Shadow Over Chinese Law,” *Wall Street Journal*, *China Real Time Report* (blog), 30 June 14.

⁴⁸Supreme People’s Court, Supreme People’s Procuratorate, Interpretation of Certain Issues Concerning the Application of Law in the Handling of Criminal Cases Including Defamation by Means of the Internet [Liang gao fabu guanyu banli wangluo feibang deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 10 September 13.

⁴⁹Edward Wong, “China Uses ‘Picking Quarrels’ Charge To Cast a Wider Net Online,” *New York Times*, 26 July 15 (quoting Professor Zhang Qianfan).

⁵⁰For more information on Pu Zhiqiang, see the Commission’s Political Prisoner Database record 2014-00174.

⁵¹“Pu Zhiqiang: China Rights Lawyer Gets Suspended Jail Sentence,” *BBC*, 22 December 15.

⁵²*Ibid.*; John M. Glionna, “Mao’s Grandson, Promoted to Major General, Faces Ridicule,” *Los Angeles Times*, 4 August 10; Chris Buckley, “Comments Used in Case Against Pu Zhiqiang Spread Online,” *New York Times*, *Sinosphere* (blog), 29 January 15.

⁵³“Pu Zhiqiang: China Rights Lawyer Has Licence Revoked,” *BBC*, 14 April 16.

⁵⁴Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 20(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 21.

⁵⁵PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 291.

⁵⁶Human Rights Campaign in China, “Lawyer Zhang Lei: Record of Verdict Announcement in Guo Feixiong and Sun Desheng Case” [Zhang lei lushi: guo feixiong, sun desheng an xuanpan jil], 16 December 15; Human Rights in China, “Guo Feixiong and Sun Desheng Indictment,” 19 June 14. For more information on Yang Maodong, also known as Guo Feixiong, see the Commission’s Political Prisoner Database record 2005-00143.

⁵⁷*Ibid.* For more information on Sun Desheng, see the Commission’s Political Prisoner Database record 2011-00313.

⁵⁸PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300. Article 300 of the PRC Criminal Law prohibits the “use of secret societies, cults, or superstition to undermine the implementation of the law.” The article,

as amended in 2015, provides for life imprisonment if the circumstances are “particularly serious.”

⁵⁹Wei Meng, “Wu Zeheng, Leader of Evil Cult ‘Huazang Dharma,’ Sentenced to Life Imprisonment by Court of First Instance” [Xiejiao zuzhi “huazang zongmen” toumu wu zeheng yishen bei panchu wuqi tuxing], Xinhua, 31 October 15; “China Harshly Sentences Founder of Huazang Dharma,” China Change, 3 November 15; Zhuhai Intermediate People’s Court, “Court of First Instance Announces Verdict in Case of Wu Zeheng and Four Others [Charged With] Organizing and Using Cult Organization To Undermine Implementation of the Law” [Wu zeheng deng 5 ren zuzhi, liyong xiejiao zuzhi pohuai falu shishi an yishen xuanpan], 30 October 15.

⁶⁰Guo Baosheng, ChinaAid, “House Churches Are the Next Target of Sinicization of Christianity” [Jiating jiaohui shi jidujiao zhongguohua de xia yi ge mubiao], 2 December 15.

⁶¹“New Development in the Case in Which Lawyer Zhang Zanning Defended Wu Hongwei, a Falun Gong Practitioner From Heyuan, Guangdong” [Zhang zanning lushi wei guangdong heyuan falun gong xuexuan wu hongwei bianhu xin jinzhan], Boxun, 12 December 15.

⁶²Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18.

⁶³National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, art. 33.

⁶⁴See, e.g., Chris Buckley, “3 Rights Advocates Are Sentenced to Prison in China,” New York Times, 28 January 16; “Xinjiang Rights Defender Zhang Haitao Sentenced to 19 Years—With Real Estate Confiscated, Where Will Wife and Infant Son Live?” [Xinjiang weiquan renshi zhang Haitao zao zhongpan 19 nian fangchan jiang moshou qi yu qiangbao er hechu wei jia?], Radio Free Asia, 18 January 16; “Chinese Law Enforcement Uncovers Endangering State Security Cases; Peter [Dahlin] and Other Suspects Placed Under Criminal Coercive Measures” [Woguo zhifa bumen pohuo yi qi weihai guojia anquan anjian bide deng fanzui xianyiren bei yifa caiqu xingshi qiangzhi cuoshi], Xinhua, 19 January 16.

⁶⁵PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 54(2), 56, 102–113. All ESS crimes carry a mandatory supplemental sentence of deprivation of political rights, which include the rights of speech, publication, assembly, association, procession, and demonstration. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. In addition to the severe criminal penalty, ESS offenses trigger the criminal procedure provision permitting “residential surveillance at a designated location,” which in practice could amount to incommunicado detention.

⁶⁶Dui Hua Foundation, “China State Security Trials Fell 50 Percent in 2015, Official Data Suggest,” Dui Hua Human Rights Journal, 6 April 16.

⁶⁷For more information on Tang Jingling, see the Commission’s Political Prisoner Database record 2011-00255.

⁶⁸For more information on Yuan Chaoyang, also known as Yuan Xinting, see the Commission’s Political Prisoner Database record 2014–00221.

⁶⁹For more information on Wang Qingying, see the Commission’s Political Prisoner Database record 2014-00180.

⁷⁰Chris Buckley, “3 Rights Advocates Are Sentenced to Prison in China,” New York Times, 28 January 16; Human Rights in China, “Sentencing Document of Tang Jingling, Yuan Chaoyang, Wang Qingying, ‘The Three Gentlemen of Guangzhou’ [“Guangzhou san junzi” tang jingling, yuan chaoyang, wang qingying de panjue shu], 29 January 16.

⁷¹For more information on Zhang Haitao, see the Commission’s Political Prisoner Database record 2015-00343.

⁷²“Xinjiang Rights Defender Zhang Haitao Sentenced to 19 Years—With Real Estate Confiscated, Where Will Wife and Infant Son Live?” [Xinjiang weiquan renshi zhang Haitao zao zhongpan 19 nian fangchan jiang moshou qi yu qiangbao er hechu wei jia?], Radio Free Asia, 18 January 16; Rights Defense Network, “Urumqi Intermediate Court Sentenced Xinjiang Rights Defender Zhang Haitao to Fixed-Term Imprisonment of 15 Years for ‘Inciting Subversion of State Power’ and Fixed-Term Imprisonment of 5 Years for ‘Supplying Foreign Entities With State Intelligence,’ To Serve 19 Years Combined” [Xinjiang renquan hanwei zhe zhang Haitao bei wulumuqi zhong yuan yi “shandong dianfu guojia zui” chu youqi tuxing 15 nian, “wei jingwai tigong qingbao zui” panchu youqi tuxing 5 nian, hebing zhixing 19 nian], 18 January 16.

⁷³China Human Rights Lawyers Concern Group, “[‘709 Crackdown’] Latest Data and Development of Cases as of 1800 4 July 2016,” 4 July 16; China Human Rights Lawyers Concern Group, “Report on the 709 Crackdown,” 6 July 16, 27. See also Human Rights Watch, “China: Subversion Charges Target Lawyers,” 14 January 16. For more information on the 16 individuals detained during the July 2015 crackdown who were charged with ESS crimes, see the Commission’s Political Prisoner Database records 2004-02053 on Hu Shigen, 2010-00348 on Wu Gan (also known as Tufu), 2015-00252 on Wang Yu, 2015-00253 on Bao Longjun, 2015-00272 on Zhou Shifeng, 2015-00276 on Liu Sixin, 2015-00277 on Zhao Wei, 2015-00278 on Wang Quanzhang, 2015-00284 on Li Heping, 2015-00295 on Xie Yang, 2015-00308 on Xie Yanyi, 2015-00311 on Li Chunfu, 2015-00331 on Gou Hongguo (also known as Ge Ping), 2015-00333 on Liu Yongping (also known as Laomu), 2015-00344 on Lin Bin (also known as Monk Wang Yun), and 2016-00115 on Zhai Yanmin.

⁷⁴ UN Committee against Torture, Summary Record of the 1368th Meeting, CAT/C/SR.1368, 20 November 15; UN Committee against Torture, Summary Record of the 1371st Meeting, CAT/C/SR.1371, 23 November 15; Nick Cumming-Bruce, “China Faces Sharp Questioning by U.N. Panel on Torture,” *New York Times*, 17 November 15.

⁷⁵ UN Committee against Torture, Summary Record of the 1371st Meeting, CAT/C/SR.1371, 23 November 15, paras. 29, 67. For more information about interrogation chairs, also known as “tiger chairs,” see Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 40. Human Rights Watch reported that “[p]olice officers regularly use restraints—known as the “tiger chair”—to immobilize suspects during interrogations. Former detainees told Human Rights Watch that they were strapped in this metal chair for hours and even days, deprived of sleep, and immobilized until their legs and buttocks were swollen.”

⁷⁶ Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015; Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 6.

⁷⁷ UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 5.

⁷⁸ *Ibid.*, para. 20.

⁷⁹ *Ibid.*, paras. 8–9.

⁸⁰ *Ibid.*, para. 18.

⁸¹ *Ibid.*, para. 42.

⁸² *Ibid.*, paras. 22, 30.

⁸³ *Ibid.*, paras. 14–15.

⁸⁴ *Ibid.*, para. 38. “The Committee is concerned at allegations that seven human rights defenders, who were planning to cooperate with the Committee in connection with the consideration of the fifth periodic report of the State party, were prevented from travelling or were detained on the grounds that their participation could ‘endanger national security.’” “Chinese Lawyer’s Solitary Confinement Amounts to ‘Slow Torture’: Wife,” *Radio Free Asia*, 18 November 15; Stephanie Nebehay, “U.N. Torture Watchdog Questions China Over Crackdown on Activists, Lawyers,” *Reuters*, 17 November 15; Sui-Lee Wee and Stephanie Nebehay, “At U.N., China Uses Intimidation Tactics To Silence Its Critics,” *Reuters*, 5 October 15.

⁸⁵ See, e.g., Rights Defense Network, “Shanghai Rights Defender Yin Huimin Received a Reply From the Ministry of Foreign Affairs Entitled ‘Reply Concerning an Open Government Information (OGI) Application,’ in Which It Claimed That the Information Sought Was Beyond the Scope of OGI” [Shanghai renquan hanweizhe yin huimin shoudao waijiaobu “guanyu zhengfu xinxi gongkai shenqing de fuhan” cheng shenqing gongkai neirong bu shuyu qi zhengfu xinxi gongkai fanchou], 21 September 15; Rights Defense Network, “Shanghai Rights Defender Ding Juying Commenced an Action Against the Ministry of Foreign Affairs Concerning Her Request for Information Relating to the Torture Report Made Under the Open Government Information Regulations” [Shanghai renquan hanweizhe ding juying jiu kuxing baogao xinxi gongkai shiyi qisu waijiaobu], 26 October 15; Rights Defense Network, “Shanghai Rights Defender Zheng Peipei Contests the Reply Issued by the Ministry of Foreign Affairs Regarding the Torture Report and Commenced an Administrative Litigation Action Against It” [Shanghai renquan hanweizhe zheng peipei bufu waijiaobu jiu kuxing baogao de fuhan dui qi tiqi xingzheng susong], 19 October 15; Lin Yunfei, “Citizen Li Wei: Administrative Litigation Complaint” [Gongmin li wei: xingzheng qisu zhuang], *New Citizen Movement*, 19 August 15.

⁸⁶ Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 9.

⁸⁷ PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 54, 121.

⁸⁸ Xing Shiwei, “Audiovisual Recording Will Be Implemented in All Criminal Cases” [Suoyou xing’an xunwen jiang quan luyin luxiang], *Beijing News*, 22 September 15.

⁸⁹ Ministry of Public Security, Provisions on Accountability for Public Security Agencies and People’s Police in Law Enforcement Misconduct [Gong’an jiguan renmin jingcha zhifa guocuo zeren zhuijiu guiding], issued 24 February 16, effective 1 March 16, arts. 12, 19.

⁹⁰ Network of Chinese Human Rights Defenders & A Coalition of Chinese NGOs, “Civil Society Report Submitted to the Committee against Torture for Its Review at the 56th Session of the Fifth Periodic Report (CAT/C/CHN/5) by the People’s Republic of China on Its Implementation of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment,” 26 October 15, 4.

⁹¹ Zhao Fuduo, “Shi Jie, Member of the CPPCC: Proposing Rules To Expressly Include Audiovisual Recordings as Evidence” [Quanguo zhengxie weiyuan shi jie: jianyi mingque xunwen luyin luxiang wei zhengju], *Caixin*, 26 February 16.

⁹² *Ibid.*

⁹³ China’s Pervasive Use of Torture, Hearing of the Congressional-Executive Commission on China, 14 April 16, Margaret K. Lewis, Professor of Law, Seton Hall University School of Law, 2.

⁹⁴ Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 94.

⁹⁵ CECC, 2014 Annual Report, 9 October 14, 87, box on “Televised Confessions.”

⁹⁶ “Ministry of Truth: A Brief History of Televised ‘Confessions’ in China,” *Hong Kong Free Press*, 8 February 16; “Top China Lawyer Calls for End to Televised Confessions,” *Hong Kong Free Press*, 4 March 16.

⁹⁷ Tom Phillips, “Swedish Activist Peter Dahlin Paraded on China State TV for ‘Scripted Confession,’” *Guardian*, 19 January 16. For more information on Peter Dahlin, see the Commission’s Political Prisoner Database record 2016-00024.

⁹⁸ Abby Seiff, “China’s Latest Crackdown on Lawyers Is Unprecedented, Human Rights Monitors Say,” ABA Journal, 1 February 16; “US Condemns Zhang Kai ‘Confession’ on Chinese State TV,” BBC, 27 February 16. For more information, see the Commission’s Political Prisoner Database records 2015-00272 on Zhou Shifeng and 2015-00318 on Zhang Kai.

⁹⁹ “China Court Jails Former Journalist After Televised ‘Confession,’” Hong Kong Free Press, 24 December 15; Engen Tham and Paul Carsten, “China State Media Announce Confessions in Stock Market Investigations,” Reuters, 31 August 15; Tom Phillips, “Chinese Reporter Makes On-Air ‘Confession’ After Market Chaos,” Guardian, 31 August 15. For more information on Wang Xiaolu, see the Commission’s Political Prisoner Database record 2015-0319.

¹⁰⁰ Ned Levin, “Hong Kong Booksellers Confess to Illegal Sales in China,” Wall Street Journal, 29 February 16. For more information, see the Commission’s Political Prisoner Database records 2016-00090 on Gui Minhui, 2016-00164 on Lui Bo, 2016-00165 on Cheung Chi-ping, and 2016-00166 on Lam Wing-kei.

¹⁰¹ “Chinese Tycoon Admits \$800m Fraud in TV Confession,” Japan Times, 16 May 16; “Chinese State TV Airs Confessions by Taiwan Fraud Suspects,” Reuters, 15 April 16.

¹⁰² International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14.

¹⁰³ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 11(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9.

¹⁰⁴ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 11(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(2).

¹⁰⁵ International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(3)(g).

¹⁰⁶ Chinese Human Rights Defenders, “China: Forced TV Confessions Violate Principle of Presumed Innocence Before Trial, Constitute Cruel & Degrading Punishment,” 12 March 16.

¹⁰⁷ Jia Shiyu, “Zhu Zhengfu: Suspects Making Confessions on Television Does Not Mean They Are Actually Guilty” [Zhu zhengfu xianfan dianshi li renzui bu dengyu zhen youzui], Beijing News, 2 March 16.

¹⁰⁸ Josh Chin, “Chinese Judge Criticizes Televised Confessions,” Wall Street Journal, China Real Time Report (blog), 15 March 16.

¹⁰⁹ PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; Dui Hua Foundation, “China Issues Oversight Rules for ‘Non-Residential’ Residential Surveillance,” Dui Hua Human Rights Journal, 9 February 16. The Dui Hua Foundation translates the term “residential surveillance at a designated location” as “designated-location residential surveillance.” See also UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture uses the translation “residential surveillance at a designated location.”

¹¹⁰ PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 73, 77. See also Eva Pils et al., “Rule by Fear?” Asia Society, ChinaFile (blog), 18 February 16. Scholar Eva Pils wrote: “. . . whereas in 2011, the authorities made people disappear stealthily and generally without admitting that this was happening, forced disappearances have now effectively become part of the system, and the authorities carry them out ‘in accordance with law.’”

¹¹¹ The Rights Practice, “Prevention of Torture: Concerns With the Use of ‘Residential Confinement in a Designated Residence,’” October 2015.

¹¹² UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14.

¹¹³ Supreme People’s Procuratorate, “SPP Issues Provisions Concerning People’s Procuratorates Carrying Out Supervision of Residential Surveillance at a Designated Location To Strengthen and Standardize Procuratorial Supervision of Residential Surveillance at a Designated Location” [Zuigaojian fabu renmin jianchayuan dui zhiding jusuo jianshi juzhu shixing jiandu de guiding jiaqiang he guifan dui zhiding jusuo jianshi juzhu de jiancha jiandu], 28 December 15.

¹¹⁴ Cui Xiankang and Shan Yuxiao, “There Is Hope for Correcting [Problem of] Families Not Being Notified Promptly of Residential Surveillance at a Designated Location” [Zhiding jusuo jianshi juzhu yuqi bu tongzhi jianshi youwang bei jiuzheng], Caixin, 29 December 15.

¹¹⁵ Liu Yachang and Wang Chao, “Interpreting and Improving the Constitutionality of the Residential Surveillance at a Designated Location System” [Liu yachang, wang chao: zhiding jusuo jianshi juzhu zhidu de hexianxing jiedu yu wanshan], Journal of Central South University (Social Sciences Edition) 2015 No. 5, reprinted in China Criminal Procedure Law Net, 29 April 16.

¹¹⁶ Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRDR Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016, 5–6; Tom Hancock and Felicia Sonmez, “China Steps Up Political Arrests, Prosecutions: Rights Group,” Agence France-Presse, reprinted in Sino Daily, 8 January 15; Dui Hua Foundation, “China: State Security Indictments Hit Record High in 2014,” Dui Hua Human Rights Journal, 21 December 15. See also Human Rights Watch, “China’s Rights Defenders,” last visited on 10 May 16.

¹¹⁷ See, e.g., Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRDR Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016, 15; Hai Yan, “Chinese Rights Lawyer Zhou Shifeng Prosecuted for ‘Subversion’”

[Zhongguo weiquan lushi zhou shifeng bei yi 'dianfu zui' qisu], Voice of America, 13 June 16; "In July 9 Case, Liu Sixin's Arrest on 'Subversion' Charge Approved" [709 an liu sixin she "dianfu zui" bei pibu], Radio Free Asia, 14 January 16; Lin Feng, "Legal Assistant Born in the 90s Accused of Subversion of State Power, Family Says It's Ridiculous" [90 hou lushi zhuli bei kong dianfu zhengquan, jiaren cheng huangmiu], Voice of America, 14 January 16.

¹¹⁸PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, amended 26 October 12, effective 1 January 13, art. 33. For the prior version, see PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, effective 1 June 08, art. 33.

¹¹⁹Tai Jianlin, "Lawyers' Meeting Rooms at PSB Detention Center Increased From Two to Nine" [Kanshousuo lushi huijian shi liang jian bian jiu jian], Xinhua, 24 May 16.

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¹⁸⁰U.S. House of Representatives, “Expressing Concern Regarding Persistent and Credible Reports of Systematic, State-Sanctioned Organ Harvesting From Non-Consenting Prisoners of Conscience in the People’s Republic of China, Including From Large Numbers of Falun Gong Practitioners and Members of Other Religious and Ethnic Minority Groups,” H. Res. 343, 13 June 16. See also T. Trey et al., “Transplant Medicine in China: Need for Transparency and International Scrutiny Remains,” *American Journal of Transplantation* (accepted for publication 13 August 16). The authors of the August 13, 2016, article echoed the concern raised in House Resolution 343 and further pointed out that verifiable evidence to date did not show that “ethical practices have replaced unethical ones.”

¹⁸¹Didi Kirsten Tatlow, “Choice of Hong Kong for Organ Transplant Meeting Is Defended,” *New York Times*, Sinosphere (blog), 18 August 16.

¹⁸²Didi Kirsten Tatlow, “Transplant Chief in China Denies Breaking Vow To Ban Prisoners’ Organs,” *New York Times*, 25 November 15.

¹⁸³Wang Xiaodong, “Record High for Organ Donations,” *China Daily*, 8 March 16. See also T. Trey et al., “Transplant Medicine in China: Need for Transparency and International Scrutiny Remains,” *American Journal of Transplantation* (accepted for publication 13 August 16). According to transplantation experts, the sudden dramatic increase in volunteer organ donors is implausible. See also CECC, *Annual Report 2015*, 8 October 15, 202.

¹⁸⁴Chen Sisi, “The Ratio of Supply to Demand for Organ Transplants in China Is 1:30, Donation Requires Consent of Parents, Children, and Spouse” [*Zhongguo qiguan yizhi gongxu bi 1:30, juanxian xu fumu, zinu, banlu dou tongyi*], *The Paper*, 6 July 16.

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International and Chinese Law on Religious Freedom

During the Commission's 2016 reporting year, the Chinese government and Communist Party continued to violate the rights of Chinese citizens to religious freedom, which are guaranteed under Chinese and international law. Article 36 of China's Constitution guarantees "freedom of religious belief,"¹ providing state protection to "normal religious activities" but leaving "normal" undefined.² This article, nonetheless, prohibits discrimination based on religion and forbids state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.³ China has also signed⁴ and stated its intent to ratify⁵ the International Covenant on Civil and Political Rights (ICCPR), which obligates China to refrain in good faith from acts that would defeat the treaty's purpose.⁶ Article 18 of the ICCPR upholds a person's right to religious belief individually or in community with others; it also prohibits coercion that impairs an individual's ability to freely hold or adopt a religion or belief.⁷ The Constitution allows limitations on religious practice that "disturbs public order, impairs the health of citizens, or interferes with the educational system of the state," and the ICCPR contains exceptions allowing states to impose some limitations on religious practice for public safety reasons.⁸ As this section documents, however, in practice, Party and government officials exercise broad discretion over religious practice, internal affairs, and interpretations of faith, often restricting particular religious practices based on Party interests. Such restrictions constitute state-sponsored religious discrimination as well as undue state influence on the right to believe freely.

Religious Affairs Regulation and Policy

The Chinese government's regulatory framework for religious affairs does not guarantee the religious freedom of Chinese citizens. The key regulation on religious affairs, the 2005 Regulations on Religious Affairs (RRA), requires religious groups to register with the government and report on their religious activities.⁹ Registration is a significant obstacle for some groups: officials may deny registration applications of groups they believe to be adverse to Party and government interests,¹⁰ and some groups refuse to register because they believe that the conditions associated with registration compromise principles of their faith.¹¹ Official recognition of groups falling outside the "main" religions—Buddhism, Catholicism, Islam, Taoism, and Protestantism—is limited.¹² Article 12 of the RRA requires religious activities to be conducted at registered sites by approved personnel,¹³ but scholars observe that officials may tolerate the religious activities of unregistered groups, especially if officials believe that the activities promote social or economic development interests.¹⁴ As this section documents, while unregistered religious and spiritual communities are particularly vulnerable to government harassment, detention, and other abuses, groups may be sanctioned regardless of registration status when officials view them as posing a challenge to government authority. Some religious groups and practices have been banned outright.¹⁵

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The RRA provides limited protection for the “normal religious activities” of registered religious groups and authorizes state control over religious affairs.¹⁶ The government and Party primarily control religious affairs through a national agency under the State Council, the State Administration for Religious Affairs (SARA), and lower level religious affairs bureaus.¹⁷ These government agencies control religious affairs through their effective authority over the “patriotic” religious associations representing the five “main” religions in China.¹⁸ The religious affairs bureaus work with the Party’s United Front Work Department (UFWD) to select religious leaders for the official associations.¹⁹ A series of legislative measures targeting “cults” in the summer of 2015²⁰ included an amendment to the PRC Criminal Law that extended the maximum sentence for violating Article 300 (“organizing and using a cult to undermine implementation of the law”)²¹ from 15 years to life in prison;²² as of August 2016, the Commission had not observed any sentence greater than 15 years solely for the violation of Article 300.

April 2016 National Conference on Religious Work

In April 2016, the Party and government convened the first National Conference on Religious Work in 15 years, signaling that officials aim to prioritize religious affairs. Chinese President and Communist Party General Secretary Xi Jinping designated religious affairs as an area of “special importance” and directed government and Party authorities to ensure that religious believers are “patriotic, preserve national unity, and serve the overall interests of the Chinese nation.”²³ Xi characterized religious groups as a “bridge” connecting the Party and government to religious believers, emphasizing that groups must therefore support the “leadership of the Party” and the Chinese political system.²⁴ In recent years, local patriotic organizations issued open letters stating that their ability to act as a “bridge” has been compromised as government policies have become more intolerant of their religious practices.²⁵

A key approach Xi identified for realizing these policy goals involved compelling believers to interpret religious doctrines in a way that adheres to “social harmony,” “progress,” and “traditional culture.”²⁶ Xi invoked the goal of “national rejuvenation” several times in his address and identified “overseas [religious] infiltration” and “religious extremism” as threats.²⁷

Officials continued a long-term policy of regulating religion as an instrument for promoting national unity and “social stability.”²⁸ Official rhetoric this past year characterized Buddhism and Taoism as embodying essential aspects of Chinese culture.²⁹ In contrast, official rhetoric emphasized the foreign origins of other religions, including Catholicism, Protestantism, and Islam, and highlighted their potential for “inciting separatism” and “social unrest.”³⁰ Official speeches and policies referred to the goal of bringing religions into alignment with Party interests as “sinicization,” which is linked in official rhetoric to the “national rejuvenation” campaign.³¹ In one indication this year that officials continue to view religious belief in general as competing with Party loyalty, in February

2016, the Communist Party expanded the long-standing ban on religious belief for Party members³² to include retired members.³³

Buddhism (Non-Tibetan) and Taoism

Despite official statements that Buddhism and Taoism exemplify Chinese values, authorities continued to exert political influence over the activities of non-Tibetan Buddhist and Taoist religious groups. [For information on Tibetan Buddhists, see Section V—Tibet.] As in past years,³⁴ this influence manifested in the form of extensive government regulation³⁵ and sponsorship of religious activity.³⁶ Officials indicated plans to continue such influence: shortly after the National Conference on Religious Work in April 2016, the president of the state-controlled Buddhist Association of China (BAC) called on members to work toward government and Party goals, including “joining with the nation’s legal regime to form a modern institutional system for Buddhism.”³⁷ Yang Shihua, a deputy secretary general of the state-sponsored Chinese Taoist Association, issued a statement saying that the government’s support of numerous Taoist religious institutions would allow for “cultivating an increasing number of patriotic and devout Taoist clergy.”³⁸

This past year, authorities continued to implement a 2012 central government directive calling for comprehensive monitoring and registration of Buddhist and Taoist sites, activities, and personnel.³⁹ In December 2015, the State Administration for Religious Affairs announced that it had published a comprehensive Internet database of registered Buddhist and Taoist religious venues and that it continues efforts to certify all Buddhist and Taoist venues.⁴⁰ The stated purpose for the database is to prevent donation-seeking by those “falsely claiming affiliation with either of the two religious denominations.”⁴¹ It is unclear whether the database may subject religious venues to increased scrutiny. This past year, believers practicing at unregistered venues reported feeling pressured to limit their activities for fear of government sanction.⁴²

This past year, authorities continued to characterize certain religious groups identifying with Buddhist and Taoist traditions as “cult organizations.” For instance, an article published in state media in March 2016 warned readers against cult organizations that “misappropriate the teachings of Buddhism and Taoism,” including Falun Gong and the Guangdong province-based Buddhist group Huazang Dharma.⁴³ [For more information, see Falun Gong in this section.] In October 2015, the Zhuhai Intermediate People’s Court in Zhuhai municipality, Guangdong, sentenced the leader of Huazang Dharma, Wu Zeheng, to life imprisonment, deprivation of political rights for life, and a fine⁴⁴ for violating Article 300 of the PRC Criminal Law (“organizing and using a cult to undermine implementation of the law”),⁴⁵ as well as fraud, rape, and producing and selling harmful and poisonous food.⁴⁶ The court also sentenced four other Huazang Dharma members to prison terms of up to four years and fines.⁴⁷ [For more information on Article 300 of the PRC Criminal Law, see Section II—Criminal Justice.]

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Catholicism

During the 2016 reporting year, the Chinese government and Communist Party continued efforts to control Chinese Catholic leadership and religious practice. The Chinese government continued to deny Catholics in China the freedom to be ministered to by bishops independently approved by the Holy See, which Catholics view as essential to their faith.⁴⁸ At the April 2016 National Conference on Religious Work, an official characterized the Holy See's competing control over Catholic church hierarchy as a “[problem] that need[s] to be urgently solved.”⁴⁹ At a February 2016 meeting of the two state-controlled Catholic organizations, the Catholic Patriotic Association (CPA) and the Bishops' Conference of the Catholic Church in China (BCCCC), leaders emphasized the importance of working toward “national rejuvenation” through the “sinicization” of church practice and doctrine.⁵⁰

The Chinese government continued to require that Catholic bishops be selected through the state-controlled national religious organizations.⁵¹ After the February meeting, CPA and BCCCC leaders reportedly said that they would continue to follow government guidance in ordaining bishops and to bring unregistered clergy into their organizations.⁵² According to the Hong Kong Diocese's Holy Spirit Study Center, there are approximately 99 active bishops in China, 29 of whom are not approved by the government and minister to the underground church.⁵³ After Pope Francis assumed the papacy in 2013, the Holy See and the Chinese government reportedly began a series of discussions regarding the system of bishop appointments in China.⁵⁴ In October 2015, shortly after one meeting in Beijing municipality, the Holy See approved the election of Tang Yuange,⁵⁵ who had been elected through a government-sponsored election in Chengdu municipality, Sichuan province, in May 2014.⁵⁶ In April 2016, Chinese and Holy See representatives formed a working group to discuss the selection and ordination of bishops in China;⁵⁷ as of July 2016, both sides reportedly acknowledged that talks were continuing.⁵⁸

At the local level, government actions restricting freedom of religion for Catholics varied:

- According to U.S.-based non-governmental organization ChinaAid, by the end of 2015 officials in **Zhejiang province** had authorized the demolition of over 20 churches and the removal of 1,500 crosses, targeting both Protestant and Catholic churches.⁵⁹ This state-sanctioned activity has taken place under the “Three Rectifications and One Demolition” campaign launched in 2014.⁶⁰ [For more information on the cross-removal campaign, see Protestantism in this section.]
- In **Sichuan province**, government officials reportedly required priests to submit reports on their understanding of “sinicization” and its relation to the church, according to an October 2015 Catholic news media report.⁶¹
- In **Hebei province**, where according to government figures, the community of Catholics was around 1 million as of 2010,⁶² Catholic news organizations reported that five underground Catholic priests went missing under suspicious circumstances in April 2016; authorities later released two of the priests.⁶³

The Commission did not observe any updates as to the status of the other three as of July 2016.

- Authorities in **Hebei** also have not given any information as to the whereabouts or condition of three underground Hebei bishops: Coadjutor Bishop Cui Tai of Xuanhua district, Zhangjiakou municipality (detained in August 2014);⁶⁴ Bishop Cosmas Shi Enxiang (missing since 2001; in February 2015 officials denied an unconfirmed report that he had passed away);⁶⁵ and Bishop James Su Zhimin of Baoding municipality (detained in 1996; last seen in public in 2003).⁶⁶ Family members of Bishop Su reportedly appealed to authorities for his release following a general amnesty granted to disabled elderly prisoners; following one appeal to a national-level official in January 2015, authorities subjected the family to several days of home confinement.⁶⁷

- In **Shanghai municipality**, Bishop Thaddeus Ma Daqin of the Diocese of Shanghai continued to be held under extralegal confinement at Sheshan seminary.⁶⁸ Authorities have restricted Ma's freedom of movement since his public resignation from the CPA during his ordination ceremony in July 2012⁶⁹ and reportedly shut down his microblogging account around May 2016.⁷⁰ In June 2016, Bishop Ma published a post on his personal blog stating that Christians should defer to national laws conflicting with religious doctrine and calling his "words and actions" toward the CPA a "mistake."⁷¹ Several Chinese Catholic believers and priests stated that they believed Bishop Ma posted these statements due to government pressure.⁷²

Falun Gong

The Commission noted reports of continued harassment and abuse of Falun Gong practitioners as part of a campaign launched in 1999;⁷³ this included official propaganda⁷⁴ and censorship⁷⁵ targeting the group, and harassment, arbitrary detention, abuse, and prosecution of individual practitioners.⁷⁶ The campaign has been directed by policies issued by top-level government and Party officials⁷⁷ and is overseen by the "610 Office," an extralegal, Party-run security apparatus with branches at provincial and local levels.⁷⁸

As in previous years, authorities continued to pressure Falun Gong practitioners to renounce their beliefs in a process termed "transformation through reeducation."⁷⁹ To this end, officials reportedly subjected practitioners to extreme physical and psychological coercion in prisons and in administrative detention facilities such as "legal education centers" and compulsory drug detoxification centers.⁸⁰ Human rights organizations⁸¹ and practitioners have documented coercive and violent practices against Falun Gong practitioners during custody, including electric shocks,⁸² sleep deprivation,⁸³ food deprivation,⁸⁴ forced feeding,⁸⁵ forced drug administration,⁸⁶ beatings,⁸⁷ sexual abuse,⁸⁸ and forcible commitment to psychiatric facilities.⁸⁹

Authorities also harassed, detained, and arrested those with associations with Falun Gong that ranged from social media activity to legal representation of practitioners. For example, in November 2015, the Ganyu District People's Court in Lianyungang municipi-

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pality, Jiangsu province, reportedly tried Wang Dushan for “using the Internet to undermine national law,” a charge that his lawyer said does not exist in Chinese law.⁹⁰ According to family members, Wang’s father was a Falun Gong practitioner, but Wang himself had never practiced Falun Gong.⁹¹ He was living in Beijing municipality when authorities from his home district of Ganyu took him into custody on July 11, 2015.⁹² Wang had forwarded several pictures over social media, two of which included imagery and expressions associated with Falun Gong.⁹³

Lawyers defending Falun Gong practitioners continued to do so at great personal risk:

- The Ministry of Public Security reportedly harassed and threatened law professor **Zhang Zanning** following his representation of Falun Gong practitioner Wu Hongwei in November 2015.⁹⁴ The Ministry of Justice also investigated Zhang, reportedly due to his representation of multiple Falun Gong practitioners in court.⁹⁵
- Tianjin municipality police formally arrested prominent human rights lawyer **Wang Yu** on January 8, 2016, on suspicion of “subversion of state power.”⁹⁶ Shortly after being detained in July 2015, state media broadcast footage of Wang “verbally abusing” court officials while representing Falun Gong practitioners in a trial in April 2015.⁹⁷ Independent reports indicate that she was reacting to courtroom bailiffs after they physically assaulted her client and choked her co-counsel until he was close to suffocation.⁹⁸ Authorities reportedly released Wang on bail in early August 2016, coinciding with the airing of a prerecorded “confession” that members of the Chinese human rights community believe was coerced.⁹⁹
- Officials continued to subject **Gao Zhisheng**, who was among the first attorneys to represent Falun Gong practitioners, to harassment, restriction of movement, and denial of necessary medical treatment.¹⁰⁰ In 2006, authorities sentenced Gao to three years’ imprisonment, suspended for five years, for “inciting subversion of state power.”¹⁰¹ Authorities reportedly harassed and tortured him during his suspended sentence, which a Beijing court revoked in December 2011, ordering Gao to serve the original three-year sentence.¹⁰² During his detention and imprisonment, Gao was held in solitary confinement, given little food, and beaten, including with an electric baton.¹⁰³

Courts and public security officials also committed numerous violations of legal procedure in cases involving Falun Gong practitioners this reporting year. Defense lawyers were often unable to provide adequate defense for Falun Gong practitioners: authorities in some cases denied client meetings,¹⁰⁴ adequate notice of trial,¹⁰⁵ and adequate time and opportunity to present a defense during trial.¹⁰⁶ Authorities also have pressured families into dismissing independently hired attorneys.¹⁰⁷

International observers,¹⁰⁸ including the U.S. House of Representatives¹⁰⁹ and the European Parliament,¹¹⁰ expressed concern over reports that numerous organ transplantations in China have used the organs of detained prisoners, including Falun Gong practitioners.¹¹¹ In a November 2015 interview, Huang Jiefu, the chair-

man of the committee responsible for reforming China's organ procurement system, denied that the new system allowed the transplantation of organs from executed prisoners.¹¹² International medical professionals noted that such claims are impossible to verify given the lack of transparency¹¹³ and expressed skepticism of reforms¹¹⁴ raised by discrepancies in official data.¹¹⁵ [For more information on organ transplantation issues in China, see Section II—Criminal Justice.]

Islam

During the reporting year, regulations controlling the religious activities of Muslim believers remained in effect, while President Xi Jinping¹¹⁶ and state-sponsored Islamic leaders¹¹⁷ called for the “sinicization” of Islam. Continued government restrictions included regulating the confirmation of religious personnel¹¹⁸ and maintaining the national “patriotic” Islamic group’s responsibility for organizing Hajj pilgrimages for all Chinese Muslims.¹¹⁹ During a July 2016 visit to the Muslim community of the Ningxia Hui Autonomous Region, President Xi encouraged Muslims to practice their religion in conformity with Chinese society¹²⁰ and to resist extremist religious influence.¹²¹

Officials also made a number of statements against the popularization of practices and symbols associated with Islam.¹²² In one example, Ye Xiaowen, administrator of a state-affiliated political research institute and former State Administration for Religious Affairs director,¹²³ published a statement in state-sponsored media in May 2016 linking the popularization of halal products and Arabic street signs in certain regions to an “infiltration” of religious extremism.¹²⁴ Ye characterized such phenomena as “harboring an enormous threat to national unity and inciting ethnic antagonism, imperiling the present situation of stable solidarity, social harmony, and friendly relations between ethnic groups.”¹²⁵ At the national level, state-affiliated researchers campaigned against standardized regulations for the halal food industry, reportedly contributing to the abandonment of draft regulations in April 2016.¹²⁶ Concurrent to the statements and actions of officials and researchers, experts noted significant online commentary hostile to Islam, raising concerns about rising anti-Muslim sentiment in China.¹²⁷ In addition, overseas media reported that the November 2015 criminal detention of Ma Jun, an influential Salafi imam, indicated that the government was adopting a more restrictive attitude toward religious groups.¹²⁸ Ma reportedly had “close ties” to the government¹²⁹ and official media had featured him as a model of a moderate Islamic leader months before his detention.¹³⁰ [For information on official controls on Islam in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

Protestantism

During the reporting year, Chinese government and Communist Party officials continued to prevent many Protestant Christians from worshipping freely, taking a range of actions that experts believed were connected to the national-level “sinicization” campaign.¹³¹ The government and Party continued to pressure a large

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number of unregistered house church Protestants to join the two state-controlled organizations that manage Protestant religious practice—the Three-Self Patriotic Movement (TSPM) and the Chinese Christian Council.¹³² Authorities in some areas, however, targeted existing members of the patriotic religious organizations, particularly in Wenzhou municipality, Zhejiang province,¹³³ a region with a high concentration of Protestants.¹³⁴

“Sinicization” of Christianity

As national-level officials called for the “sinicization” of several religions this past year, their rhetoric emphasized a need for believers to alter their beliefs and activities to align with the Chinese political system and culture.¹³⁵ Following the National Conference on Religious Work in April 2016,¹³⁶ Gao Feng, president of the state-sponsored Chinese Christian Council, stated that Chinese Christianity must “be persistent in developing in the direction of sinicization, and actively guide Christianity to be compatible with socialist society.”¹³⁷ One of the primary figures responsible for developing the theory of “sinicization,” government official and scholar Zhuo Xinping,¹³⁸ has elaborated that “sinicization” for Chinese Christians requires “endorsing the Chinese political system, conforming to Chinese society, and embodying Chinese culture.”¹³⁹ Zhuo asserted that Western values are “directly opposed to and a repudiation of China’s current political system” and as a result, Chinese Protestantism is in a position of conflicting political loyalties and commitments.¹⁴⁰

As a primary example of “sinicization” policy at the local level, experts pointed to the “Five Introductions and Five Transformations” (*wujin wuhua*) campaign ongoing in Zhejiang since 2015.¹⁴¹ The policy calls for “introducing” the following five concepts into churches: (1) laws and regulations, (2) health and medicine, (3) science, (4) charity, and (5) the promotion of social harmony; and for applying the following five “transformations”: (1) to assimilate religious practices to local settings, (2) to standardize church management, (3) to adapt theology to conform to Chinese culture, (4) to make finances transparent, and (5) to render church doctrines compatible with Chinese political values.¹⁴² One Wenzhou church leader believed that the campaign was aimed at circumscribing church social activities and gaining control over church management, finances, and doctrine.¹⁴³

CONTINUED CAMPAIGN AGAINST CHURCHES IN ZHEJIANG PROVINCE

In the past year, authorities in Zhejiang province continued to harass and closely monitor Christians. In one example, officials continued to implement a campaign launched in 2013 purportedly to address “illegal structures,” but which appeared to target Christian sites and crosses, many of which were state-approved.¹⁴⁴ As of September 2016, officials reportedly had removed more than 1,500 crosses (an estimated 90 percent of all church crosses in the province) and destroyed more than 20 churches.¹⁴⁵ Officials also appeared to have increased government presence within churches; officials in Pingyang county, Wenzhou municipality, reportedly monitored church gatherings in person so as to prevent discussion of cross removals or other government policies.¹⁴⁶ Other local govern-

ments in Zhejiang reportedly required churches to promote Party policies aligning doctrine with official ideology by displaying propaganda or allowing officials to speak during church services.¹⁴⁷

Many Protestants in Zhejiang defied or protested these measures, and officials reacted by increasing pressure on individuals; leaders of registered churches who defended churches against cross removals received especially harsh treatment. For example, in February 2016, authorities sentenced government-appointed pastors Bao Guohua and Xing Wenxiang of Jinhua municipality to 14 and 12 years in prison, respectively, on charges of “misappropriation of funds,” “gathering a crowd to disturb social order,” “illegal business activity,” and “concealing accounting and financial documents.”¹⁴⁸ In January 2016, Hangzhou municipal authorities detained Pastor Gu Yuese after he wrote two open letters in 2015 opposing the cross demolition campaign; he was released on bail in March 2016.¹⁴⁹ Prior to his detention, Gu had served as the leader of China’s largest government-sanctioned church and the head of the Zhejiang Province Christian Council.¹⁵⁰

Other local government actions against Protestant believers this past year included reported threats¹⁵¹ and a ban on religious activities, including prayer, in hospitals.¹⁵² Protestant believers reported that local Party officials also conducted investigations of Party members to identify whether they were Christians and organized groups to study Marxist religious views.¹⁵³

Officials also targeted those providing legal assistance to churches facing forced cross removal. For example, in August 2015, authorities detained lawyer Zhang Kai, who had provided legal counsel to over 100 churches in Wenzhou.¹⁵⁴ During his detention, authorities reportedly forced Zhang to give a televised “confession” of his crimes, which included “endangering state security.”¹⁵⁵ In March 2016, Zhang announced on social media that he had returned to his parents’ home in the Inner Mongolia Autonomous Region; he was reportedly released on bail pending investigation for one year.¹⁵⁶ [For more on televised confessions, see Section II—Criminal Justice.]

RESTRICTION OF PROTESTANT RELIGIOUS FREEDOM IN OTHER PROVINCES

Authorities in other regions of China also restricted Protestant religious observance this past year. Government officials detained Protestant believers,¹⁵⁷ conducted raids on church buildings and gatherings,¹⁵⁸ and pressured landlords to evict churches from meeting spaces.¹⁵⁹ According to ChinaAid, churches in Guangdong province were hit especially hard, with numerous house churches subjected to government raids and many ultimately closed down.¹⁶⁰ In Guizhou province, the Guiyang municipal government designated one of the municipality’s largest unregistered house churches, Living Stone Church, as an “illegal social group.”¹⁶¹ Guiyang authorities detained Living Stone pastor Li Guozhi (also known as Yang Hua) and several others in December 2015 and arrested Li on the charge of “intentionally leaking state secrets” in January 2016; as of August 2016, Li still awaited trial at the Nanming District People’s Court in Guiyang.¹⁶² In August 2016, the Tianjin No. 2 Intermediate People’s Court tried and sentenced

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Hu Shigen, an advocate for religious freedom and democracy¹⁶³ to seven years and six months' imprisonment.¹⁶⁴ Hu's friends believe that Hu was coerced into pleading guilty¹⁶⁵ to the charge of "subversion of state power."¹⁶⁶ Hu had led several underground churches¹⁶⁷ and state media reported that he had "used illegal religious activities as a platform" to promote subversion of the Chinese government and the socialist system.¹⁶⁸

Other Religious Communities

Religious communities that do not fall within China's five "main" religions continue to exist in China; some enjoy official support, while others face suppression from authorities. For example, despite lacking formal recognition at the national level,¹⁶⁹ some Eastern Orthodox Christian communities are recognized at the local level.¹⁷⁰ In Harbin municipality, Heilongjiang province, the Eastern Orthodox community is led by a Chinese priest who was ordained by the Russian Orthodox Church in October 2015 with the tacit approval of the Chinese government.¹⁷¹ In contrast, authorities in Kaifeng municipality, Henan province, reportedly shut down a Jewish educational center, banned foreign Jewish tour groups from visiting the city, destroyed a well used by local Jewish believers for ritual bathing, and placed community members under surveillance.¹⁷² The Chinese government also maintained its official policy of allowing some foreign religious communities to hold religious services for foreign nationals.¹⁷³

Notes to Section II—Freedom of Religion

¹PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 83, 15 March 99, 14 March 04, art. 36.

²Ibid., art. 36; Liu Peng, “Crisis of Faith,” *China Security*, Vol. 4, No. 4 (Autumn 2008), 30.

³PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 83, 15 March 99, 14 March 04, art. 36.

⁴International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 28 July 16. China has signed but not ratified the ICCPR.

⁵State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in *Xinhua*, 14 May 13, chap. VI; Permanent Mission of the People’s Republic of China to the UN, “Aide Memoire,” reprinted in *United Nations*, 13 April 06, para. IV; 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*, 30 November 09, para. 8. 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, Sixty-Eighth Session, Item 115(c) of the Preliminary List, Elections To Fill Vacancies in the Subsidiary Organs and Other Elections: Election of Fourteen Members of the Human Rights Council, Note Verbale Dated 5 June 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, A/68/90, 6 June 13.

⁶United Nations Conference on the Law of Treaties, “Vienna Convention on the Law of Treaties,” adopted 22 May 69, entry into force 27 January 80, arts. 18, 26.

⁷International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) on 16 December 66, entry into force 23 March 76, art. 18.

⁸PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 83, 15 March 99, 14 March 04, art. 36; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) on 16 December 66, entry into force 23 March 76, art. 18.

⁹State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 8, 13–16, 27. See, e.g., art. 6 (requiring religious organizations to register in accordance with the Regulations on the Management of the Registration of Social Organizations); art. 8 (requiring an application to the State Administration for Religious Affairs (SARA) to establish an institute for religious learning); arts. 13–16 (imposing an application procedure to register venues for religious activity); art. 27 (requiring the appointment of religious personnel to be reported to the religious affairs bureau at or above the county level and requiring reporting the succession of Tibetan living Buddhas for approval of the religious affairs bureau at the level of a city divided into districts or higher, and requiring reporting for the record the appointment of Catholic bishops to SARA).

¹⁰See, e.g., Liu Peng, “How To Treat House Churches: A Review of the Beijing Shouwang Church Incident,” *Pu Shi Institute for Social Sciences*, 16 February 12. Shouwang Church repeatedly applied for registration and was denied by the local state agency in charge of religious affairs.

¹¹Neil Connor, “China’s Catholics: ‘Rome May Betray Us, but I Won’t Join a Church Which Is Controlled by the Communist Party,’” *Telegraph*, 4 April 16; Emily Rauhala, “Christians in China Feel Full Force of Authorities’ Repression,” *Washington Post*, 23 December 15. See also Qiao Nong, ChinaAid, “Church in Huaqiu Township, Tongzi County, Guizhou Lost Lawsuit Against Land Bureau, Church To Be Seized” [Guizhou tongzi huaqiu zhen jiaohui gao guotuju baisu, jiaotang jiang bei moshou], 4 January 16; Qiao Nong, ChinaAid, “Shenzhen’s Huaqiao City Church Forced To Relocate, Contract for Renting Another Site Broken” [Shenzhen huaqiao cheng jiaohui bei bi qian, ling zu changdi zai bei huiyue], 23 December 15; Richard Madsen, *China’s Catholics* (Berkeley and Los Angeles: University of California Press, 1998), 37–38.

¹²State Council Information Office, “The Situation of Religious Freedom in China” [Zhongguo de zongjiao xinyang ziyou zhuangkuang], October 1997, sec. I. The central government has referred to the five religions as China’s “main religions,” stating that the religions citizens “mainly” follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. Henan Province People’s Congress Standing Committee, Henan Province Regulations on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2; Shaanxi Province People’s Congress Standing Committee, Shaanxi Province Regulations on Religious Affairs [Shaanxi sheng zongjiao shiwu tiaoli], issued 23 September 00, amended 30 July 08, art. 2. Some local regulations on religious affairs define “religion” to mean only these five religions. See, e.g., Zhejiang Province Ethnic and Religious Affairs Committee, Zhejiang Province Measures for the Management of Registration of Venues for Folk Belief Activity [Zhejiang sheng minjian xinyang huodong changsuo dengji bianhao guanli banfa], issued 19 October 14, effective 1 January 15; Taizhou Municipality Bureau of Ethnic and Religious Affairs, Circular Concerning the 2016 Launch of Registration Work of Venues for Folk Belief Activity [Guanyu kaizhan 2016 minjian xinyang huodong changsuo dengji bianhao gongzuo de tongzhi], issued 13 April 16; Hunan Province Religious Affairs Committee, Hunan Province Measures for the Management of Registration of Venues for Folk Belief Activity [Hunan sheng minjian xinyang huodong changsuo dengji guanli banfa], issued and effective 20 August 09; Shaoxing Municipality Bureau of Ethnic and Religious Affairs, Shaoxing Municipality Implementing Plan for Registration of Venues for Folk Belief Activity [Shaoxing shi minjian xinyang huodong changsuo dengji bianhao gongzuo shishi fang’an], issued 14 May 15; Chinese Academy of Social Sciences Institute for World Religions, “State Administration for Religious Affairs Convenes Expert Scholars’ Forum on Folk Beliefs” [Guojia zongjiao shiwuju zhakai minjian xinyang xuezheng zhuotanhui], 21 March 16. See also Vincent Goossaert and David A. Palmer, *The Religious Question in Mod-*

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ern China (Chicago: University of Chicago Press, 2011), 343, 346. There is limited official tolerance outside this framework for ethnic minority and “folk” religious practices. See, e.g., Inner Mongolia Autonomous Region People’s Government General Office, Inner Mongolia Autonomous Region Implementing Measures for the Management of Venues for Religious Activity [Neimenggu zizhiqu zongjiao huodong changsuo guanli shishi banfa], issued 23 November 95, art. 2; State Council Information Office, “The Situation of Religious Freedom in Xinjiang” [Xinjiang de zongjiao xinyang ziyou zhuangkuang], reprinted in Xinhua, 2 June 16, secs. 1, 3. The Orthodox Christian church has also been recognized to varying degrees at the local government level. See also discussion in this section on Other Religious Communities.

¹³State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 12.

¹⁴Tim Oakes and Donald S. Sutton, “Introduction,” in *Faiths on Display: Religion, Tourism, and the Chinese State* (Lanham: Rowman & Littlefield Publishers, 2010), 15–17; Richard Madsen, “Church State Relations in China—Consequences for the Catholic Church,” *Religions and Christianity in Today’s China*, Vol. 5 (2015), 66.

¹⁵Maria Hsia Chang, *Falun Gong: The End of Days* (New Haven: Yale University Press, 2004), 9, 144–53; Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 339.

¹⁶State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05. The Regulations on Religious Affairs (RRA) contains provisions authorizing official intervention into religious practices, beliefs, and organization, e.g., Article 6 (requiring “religious groups” to register with the government); Article 7 (providing official guidelines for the content and distribution of religious publications); Article 8 (requiring institutions for religious education to apply for government approval); Article 11 (requiring the religious pilgrimage to be organized through the national religious body of Islam); Article 12 (requiring religious activities to be held at state-approved sites); Article 17 (requiring sites for religious activities to set up management organizations and exercise democratic management); Article 18 (requiring sites for religious activities to set up particular management systems for personnel, finance, accounting, sanitation, etc.); and Article 27 (subjecting religious personnel to qualification by a religious body).

¹⁷Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 153–54, 346–48.

¹⁸*Ibid.*, 153. The “patriotic” religious associations are state-controlled institutions that represent the five “main” religions of China: the Buddhist Association of China; the China Islamic Association; the China Taoist Association; the Chinese Catholic Patriotic Association and the National Conference of Bishops (an organization led by Catholic clergy); and the Three-Self (for “self-governing, self-financing, and self-propagating”) Patriotic Movement and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). Although nominally independent, the “patriotic” religious associations are effectively under the authority of the State Council’s agency for religious affairs.

¹⁹*Ibid.*, 154.

²⁰CECC, 2015 Annual Report, 8 October 15, 120.

²¹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300.

²²National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 33; “China Focus: China Adopts Amendments to Criminal Law,” Xinhua, 29 August 15; Dui Hua Foundation, “China Mulls Harsher Penalties for Protesters, ‘Cults’, Fewer Capital Crimes,” *Dui Hua Human Rights Journal*, 6 August 15. See also CECC, 2015 Annual Report, 8 October 15, 120.

²³“Xi Jinping: Comprehensively Improve the Level of Religious Work Under the New Situation” [Xi jinpings: quanmian tigao xin xingshi xia zongjiao gongzuo shuiping], Xinhua, 23 April 16.

²⁴*Ibid.*

²⁵Zhejiang Province Chinese Catholic Patriotic Association and Zhejiang Province Chinese Catholic Religious Affairs Committee, “Statement Strongly Urging the Immediate Cessation of Cross Removals” [Guanyu qianglie yaoqiu liji tingzhi chaichu jiaotang shizijia de baogao], 5 July 15, reprinted in ChinaAid, 29 July 15; Zhejiang Province Chinese Christian Council, “Open Letter to the Zhejiang Province Ethnic and Religious Affairs Bureau” [Zhi zhejiang sheng minzu zongjiao shiwu weiyuanhui de gongkai xin], 10 July 15.

²⁶“Xi Jinping: Comprehensively Improve the Level of Religious Work Under the New Situation” [Xi jinpings: quanmian tigao xin xingshi xia zongjiao gongzuo shuiping], Xinhua, 23 April 16. Authorities often use “social harmony” in official rhetoric to refer to containment of domestic instability, while Chinese cultural values are often emphasized in the official discourse of “national rejuvenation,” which argues that a distinctly “Chinese” form of national power will restore China to its historical supremacy. China scholars note that the “national rejuvenation” discourse legitimizes the current political system while discrediting Western liberal democratic values by linking them to perceptions of foreign influence. See, e.g., Jinghan Zeng, *The Chinese Communist Party’s Capacity To Rule: Ideology, Legitimacy and Party Cohesion* (New York: Palgrave Macmillan, 2016), sec. 5.3.3.

²⁷“Xi Jinping: Comprehensively Improve the Level of Religious Work Under the New Situation” [Xi jinpings: quanmian tigao xin xingshi xia zongjiao gongzuo shuiping], Xinhua, 23 April 16.

²⁸Chinese Communist Party Central Committee, “The Basic Viewpoint and Policy on the Religious Question During China’s Socialist Period” [Guanyu woguo shehui zhuyi shiqi zongjiao wenti de jiben guandian he jiben zhengce], reprinted in China Ethnicity and Religion Net, 31

March 82; Chinese Communist Party Central Committee, “Document 6: On Some Problems Concerning Further Improving Work on Religion,” 5 February 91, translated in Asia Watch Committee, “Freedom of Religion in China,” January 1992, 35–42. See also Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 325; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 3. The RRA states that “Religious groups, sites for religious activities and religious citizens shall . . . safeguard unification of the country, unity of all nationalities, and stability of society.”

²⁹Xi Jinping, “Speech by H. E. Xi Jinping President of the People’s Republic of China at UNESCO Headquarters,” reprinted in Ministry of Foreign Affairs, 28 March 14; Yang Shihua and Zhao Lixiu, Chinese Taoist Association “Buddhist, Taoist Communities Study the Spirit of the National Conference on Religious Work: Seminar Highlights” [Fojiao, daojiao jie xuexi quanguo zongjiao gongzuo huiyi jingshen yantaoban jiaoliu gao xuandeng], May 2016. See also Tim Oakes and Donald S. Sutton, “Introduction,” in *Faiths on Display: Religion, Tourism, and the Chinese State* (Lanham: Rowman & Littlefield, 2010) 1–25; Xue Cheng, Buddhist Association of China, “President Xue Cheng: Speech to the Committee on Buddhist Affairs of the Ninth Conference of the Buddhist Association of China” [Xue cheng huizhang: zai zhongguo fojiao xiehui di jiu jie lishihui hanchuan fojiao jiaowu jiaofeng weiyuanhui shang de jianghua], 9 April 16.

³⁰For the association between Christianity, foreign influence, and social unrest, see Willy Lam, “Xi’s Obsession With ‘Cultural Renaissance’ Raises Fears of Another Cultural Revolution,” Jamestown Foundation, China Brief, Vol. 16, Issue 3, 8 February 16, 4. See also the discussion in this section on Catholicism and Protestantism. For the association between Islam, foreign influence, and social unrest, see “Ye Xiaowen: Warning Against the ‘Extremism’ Underlying Religious ‘Expansion’” [Ye xiaowen: jingti zongjiao “fanhua” houmian de “jiduanhua”], Huanqiu Net, 7 May 16.

³¹Willy Lam, “Xi’s Obsession With ‘Cultural Renaissance’ Raises Fears of Another Cultural Revolution,” Jamestown Foundation, China Brief, Vol. 16, No. 3, 8 February 16, 4. For more on the “national rejuvenation” campaign, see Zheng Wang, “Not Rising, but Rejuvenating: The ‘Chinese Dream,’” *The Diplomat*, 5 February 13. See also Jinghan Zeng, *The Chinese Communist Party’s Capacity To Rule: Ideology, Legitimacy and Party Cohesion* (New York: Palgrave Macmillan, 2016), sec. 5.3.3.

³²Zhu Weiqun, “Communist Party Members Cannot Be Religious Believers” [Gongchandang yuan buneng xinyang zongjiao], Seeking Truth, 15 December 11.

³³“Party Organization Department: Comprehensively Improving Work on Retired Cadres” [Zhongzhubu: quanmian zhuohao li tuixiu ganbu gongzuo], Xinhua, 4 February 16.

³⁴Lawrence C. Reardon, “The Party Giveth, and the Party Taketh Away: Chinese Enigmatic Attitudes Towards Religion,” in *Religious Transformation in Modern Asia: A Transnational Movement*, ed. David W. Kim (Leiden: Brill, 2015), 34.

³⁵State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 8, 13–15, 27. See, e.g., RRA, art. 6 (requiring religious organizations to register in accordance with the Regulations on the Management of the Registration of Social Organizations); art. 8 (requiring an application to the State Administration for Religious Affairs (SARA) to establish an institute for religious learning); arts. 13–15 (imposing an application procedure to register venues for religious activity); and art. 27 (requiring the appointment of religious personnel to be reported to the religious affairs bureau at or above the county level and requiring reporting the succession of living Buddhas for approval to governments at the level of a city divided into districts or higher, and requiring reporting for the record the appointment of Catholic bishops to SARA). For measures regulating Taoist religious activity, see, e.g., Chinese Taoist Association, Measures for the Management of Taoist Temples [Daojiao gongguan guanli banfa], issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15; Chinese Taoist Association, Measures for the Appointment of Key Religious Personnel in Taoist Temples [Daojiao gongguan zhuyao jiaozhi renzhi banfa], issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15. For measures regulating Buddhist religious activity, see, e.g., Buddhist Association of China, Measures for the Appointment of the Heads of Theravada Buddhist Monasteries [Nanchuan fojiao siyuan zhuchi renzhi banfa], issued 3 November 11, reprinted in State Administration for Religious Affairs, 21 December 11; Buddhist Association of China, National Measures for the Management of Monastic Vows in Chinese Buddhist Monasteries [Quanguo hanchuan fojiao siyuan chuanshou santan dajie guanli banfa], issued 3 November 11, reprinted in State Administration for Religious Affairs, 21 December 11. See also Yang Siqi, “Life in Purgatory: Buddhism Is Growing in China, but Remains in Legal Limbo,” *Time*, 16 March 16.

³⁶Buddhist Association of China, Buddhist Association of China Charter [Zhongguo fojiao xiehui zhangcheng], issued 21 April 15. The charter for the Buddhist Association of China states that it is funded in part by the government. See also Yang Shihua and Zhao Lixiu, Chinese Taoist Association, “Buddhist, Taoist Communities Study the Spirit of the National Conference on Religious Work: Seminar Highlights” [Fojiao, daojiao jie xuexi quanguo zongjiao gongzuo huiyi jingshen yantaoban jiaoliu gao xuandeng], 8 June 16.

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³⁸Yang Shihua and Zhao Lixiu, Chinese Taoist Association, “Buddhist, Taoist Communities Study the Spirit of the National Conference on Religious Work: Seminar Highlights” [Fojiao, daojiao jie xuexi quanguo zongjiao gongzuo huiyi jingshen yantaoban jiaoliu gao xuandeng], 8 June 16.

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³⁹ State Administration for Religious Affairs et al., *Opinion Regarding Issues Related to the Management of Buddhist Monasteries and Taoist Temples* [Guanyu chuli sheji fojiao simiao, daojiao gongguan guanli youguan wenti de yijian], issued 8 October 12.

⁴⁰ Xu Wei, “Religious Venue List Completed,” *China Daily*, 19 December 15.

⁴¹ *Ibid.*

⁴² Yang Siqi, “Life in Purgatory: Buddhism Is Growing in China, but Remains in Legal Limbo,” *Time*, 16 March 16.

⁴³ Henan Province Anti-Cult Association, “The Allure of Cult Organizations and How To Protect Oneself” [Xiejiao de mihuoqing ji fangfan cuoshi], reprinted in *Xinhua*, 29 March 16.

⁴⁴ Wei Meng, “Wu Zeheng, Leader of Evil Cult ‘Huazang Dharma’ Sentenced to Life Imprisonment by Court of First Instance” [Xiejiao zuzhi “huazang zongmen” toumu wu zeheng yishen bei panchu wuqi tuxing], *Xinhua*, 31 October 15.

⁴⁵ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300.

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⁴⁷ *Ibid.*

⁴⁸ Neil Connor, “China’s Catholics: Rome May Betray Us, but I Won’t Join a Church Which Is Controlled by the Communist Party,” *Telegraph*, 4 April 16. See also Richard Madsen, *China’s Catholics* (Berkeley and Los Angeles: University of California Press, 1998), 37–38.

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⁵⁰ State Administration for Religious Affairs, “Chinese Catholic Patriotic Association and Bishops’ Conference of the Catholic Church in China Convene Coalition Leadership Meeting To Study 2016 Work Implementation” [Zhongguo tianzhujiao yihui yituan zhaokai fuzeren lianxi huiyi yanjiu bushu 2016 nian gongzuo], 29 February 16.

⁵¹ State Council, *Regulations on Religious Affairs* [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 27.

⁵² “China Church Officials Endorse Government Plans for 2016,” *Union of Catholic Asian News*, 2 March 16. See also State Administration for Religious Affairs, “Chinese Catholic Patriotic Association and Bishops’ Conference of the Catholic Church in China Convene Coalition Leadership Meeting To Study 2016 Work Implementation” [Zhongguo tianzhujiao yihui yituan zhaokai fuzeren lianxi huiyi yanjiu bushu 2016 nian gongzuo], 29 February 16.

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⁵⁴ Victor Gaeten, “The Pope and the Politburo: The Vatican’s Chinese Diplomacy,” *Foreign Affairs*, 24 March 16.

⁵⁵ “Vatican Approves China’s Elected Bishop Candidate,” *Union of Catholic Asian News*, 28 April 16.

⁵⁶ Gerard O’Connell, “Bishop Candidates Elected for Two Catholic Dioceses in Central China,” *America*, 1 May 15.

⁵⁷ Lisa Jucca et al., “After Decades of Mistrust, Pope Pushes for Diplomatic Breakthrough With China,” *Reuters*, 14 July 16.

⁵⁸ *Ibid.*

⁵⁹ ChinaAid, “2015 Annual Report: Chinese Government Persecution of Christians and Churches in China January–December 2015,” March 2016, sec. II(ii).

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⁶⁴ “Chinese Catholics Appeal for Release of Long-Imprisoned Bishop,” *Union of Catholic Asian News*, 1 September 15; Bernardo Cervellera, “Two Chinese Bishop Martyrs Recognised as ‘Illustrious Unknown’ for 2011,” *Asia News*, 30 December 11.

⁶⁵ *Ibid.*; Michael Forsythe, “Questions Rise on Fate of Chinese Bishop,” *New York Times*, 13 February 15. For more information on Bishop Cosmas Shi Enxiang, see the Commission’s Political Prisoner Database record 2004-05378.

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⁶⁸ “Chinese Bishop’s Weibo Account Blocked, Movement Restricted,” *Union of Catholic Asian News*, 3 May 16; John Sudworth, “China’s Detained Bishop Ma ‘Given Political Lessons,’” *BBC*, 24 December 13. See also CECC, 2013 Annual Report, 10 October 13, 88–89; CECC, 2014 Annual Report, 9 October 14, 92; CECC, 2015 Annual Report, 8 October 15, 122. For more informa-

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⁷¹Thaddeus Ma Daqin, "He Teaches Us To Follow the Path of Loyalty to Our Country and Loyalty to Our Church—Written on the Occasion of the 100th Anniversary of Bishop Jin Luxian's Birth (5)" [Ta jiaodao women zou aiguo aijiao de daolu—xieyu jin luxian zhujiao danchen yi bai zhounian zhi ji (wu)], Thaddeus Ma Daqin's Blog, 12 June 16; "Full Text of Bishop Ma Daqin's 'Confession'" [Ma daqin zhujiao "zibai" quanwen], Asia News, 17 June 16. See also Gerard O'Connell, "Shanghai's Bishop Ma in Surprise Reversal on 'Official' Church Group," America, 14 June 16; Lisa Jucca et al., "After Decades of Mistrust, Pope Pushes for Diplomatic Breakthrough With China," Reuters, 14 July 16.

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⁷⁵GreatFire.org, "Censorship of Falungong in China," last visited 3 August 16.

⁷⁶"Minghui Human Rights Reports 2015: Nearly 20,000 Incidents of Citizens Targeted in 2015 for Their Faith in Falun Gong," Clear Wisdom, 9 May 16. Based on data collected by the Falun Gong practitioner website Clear Wisdom, there were at least 19,095 incidents of harassment, being taken into custody, or detainment for belief in Falun Gong. "158 Newly Reported Cases of Falun Gong Practitioners Sentenced for Their Faith," Clear Wisdom, 22 May 16. Data collected by Clear Wisdom documents 158 Falun Gong practitioners sentenced to prison in China between November 2015 and April 2016. More than 90 percent were reportedly tried without an open trial, among other alleged violations of legal procedure. Courts imposed sentences between 3 months and 10 years as well as heavy fines.

⁷⁷The General Office of the Chinese Communist Party (CCP) Central Committee and the General Office of the State Council Issue a Circular Calling for Strict Observance of Policy Demarcation Lines and for Promoting the Conversion and Extrication of the Great Majority of Falun Gong Practitioners," Xinhua, 24 August 99, reprinted and translated in China Law and Government, Vol. 32, No. 5 (September–October 1999), 52–55; "Decision of the Ministry of Civil Affairs of the People's Republic of China Concerning the Banning of the Research Society of Falun Dafa," Xinhua, 22 July 99, reprinted and translated in Chinese Law and Government, Vol. 32, No. 5 (September–October 1999), 31; "Notice of the Ministry of Public Security of the People's Republic of China," Xinhua, 22 July 99, reprinted and translated in Chinese Law and Government, Vol. 32, No. 5 (September–October 1999), 31–32; "Resolutely Implement the Central Government's Decisions; Abide by State Laws in Exemplary Fashion: Talk Given to Reporters by the Person in Charge of the Department of Organization of the Chinese Communist Party's (CCP) Central Committee," People's Daily, 23 July 99, reprinted and translated in Chinese Law and Government, Vol. 32, No. 5 (September–October 1999), 46–50. See also Ming Xia and Shiping Hua, "Guest Editors' Introduction," Chinese Law and Government, Vol. 32, No. 5 (September–October 1999), 5–13; Human Rights Watch, "Dangerous Meditation: China's Campaign Against Falungong," January 2002, sec. 3; "2,024 More People Sign Petitions Supporting Prosecution of Jiang Zemin," Epoch Times, 19 June 16; Amnesty International, "China: 'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," 17 December 13, 14; The Origins and Long-Term Consequences of the Communist Party's Campaign Against Falun Gong, Hearing of the Congressional-Executive Commission on China, 18 December 12, Testimony of Sarah Cook, Senior Research Analyst for East Asia, Freedom House.

⁷⁸Sarah Cook and Leeshai Lemish, "The 610 Office: Policing the Chinese Spirit," Jamestown Foundation, China Brief, Vol. 11, Issue 17, 16 September 11; CECC, 2012 Annual Report, 10 October 12, 82.

⁷⁹Falun Dafa Information Center, "Overview of Persecution," 9 April 15. See, e.g., Bengbu Municipal Law and Politics Committee, "Bengbu Municipality Mobilizes Launch of Anti-Cult Public Opinion and Propaganda Work" [Bengbu shi jizhong kaizhan fan xiejiao yulun xuanchuan gongzuo], Anhui Chang'an Net, 18 May 16. See also "Communist Party Calls for Increased Efforts To 'Transform' Falun Gong Practitioners as Part of Three-Year Campaign," Congressional-Executive Commission on China, 22 March 11.

⁸⁰"Minghui Human Rights Report: Nearly 20,000 Incidents of Citizens Targeted in 2015 for Their Faith in Falun Gong," Clear Wisdom, 9 May 16; Amnesty International, "China: 'Changing the Soup but Not the Medicine?': Abolishing Re-Education Through Labour in China," 17 December 13, 9, 18–25; Chinese Human Rights Defenders, "Civil Society Information Submission to the Committee against Torture for the Review of the Fifth Periodic Report of China (CAT/C/CHN/5): Specific Information on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," 9 February 15, para. 11.

⁸¹Chinese Human Rights Defenders, "Civil Society Information Submission to the Committee against Torture for the Review of the Fifth Periodic Report of China (CAT/C/CHN/5): Specific Information on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," 9 February 15, para. 11; Amnesty International,

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“China: ‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” 17 December 13.

⁸²Leo Timm, “Man Killed in Chinese Jail Now Joined in Death by Younger Brother,” *Epoch Times*, 4 May 16; Amnesty International, “China: ‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” 17 December 13, 20.

⁸³“Overcoming Sleep Deprivation at a Brainwashing Center,” *Clear Wisdom*, 8 March 16; Amnesty International, “China: ‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” 17 December 13, 20.

⁸⁴“CCP Torture Method: ‘Hunger Therapy,’” *Clear Wisdom*, 2 March 16.

⁸⁵Leo Timm, “Chinese Practitioners of Falun Gong Tell Harrowing Accounts of Brutality by Mainland Regime,” *Epoch Times*, 16 May 16; Amnesty International, “China: ‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” 17 December 13, 20.

⁸⁶“Woman, 63, Dies After Abuse and Forced Drug Injections Wreaked Havoc on Her Health,” *Clear Wisdom*, 19 May 16; Amnesty International, “China: ‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” 17 December 13, 20, 22, 30, 31.

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¹⁶⁸Wang Yeshe, “Court of First Instance Announces Verdict in Subversion of State Power Case Concerning Hu Shigen, Defendant Sentenced to Seven Years and Six Months’ Imprisonment” [Hu shigen dianfu guojia zhengquan an yishen dangting xuanpan beigaoren bei panxing qi nian ban], Xinhua, 3 August 16.

¹⁶⁹State Council Information Office, “The Situation of Religious Freedom in China” [Zhongguo de zongjiao xinyang ziyou zhuangkuang], October 1997, sec. I. The central government has referred to the five religions as China’s “main religions,” stating that the religions citizens “mainly” follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. Henan People’s Congress, Henan Province Regulations on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2; Shaanxi Province People’s Congress Standing Committee, Shaanxi Province Regulations on Religious Affairs [Shaanxi sheng zongjiao shiwu tiaoli], issued 23 September 00, amended 30 July 08, art. 2. Some local regulations on religious affairs define “religion” to mean only these five religions.

¹⁷⁰See, e.g., Inner Mongolia Autonomous Region People’s Government General Office, Inner Mongolia Autonomous Region Implementing Measures for the Management of Venues for Religious Activity [Neimenggu zizhiqu zongjiao huodong changsuo guanli shishi banfa], issued 23 January 95, art. 2; State Council Information Office, “The Situation of Religious Freedom in Xinjiang” [Xinjiang de zongjiao xinyang ziyou zhuangkuang], reprinted in Xinhua, 2 June 16, secs. 1, 3.

¹⁷¹Hannah Gardner, “Ordination of Russian Orthodox Priest in China Sign of Warming Ties Amid U.S. Tensions,” USA Today, 22 October 15.

¹⁷²Sam Kestenbaum, “Is China Cracking Down on Jewish Community in Kaifeng?” Forward, 3 May 16; Anson Laytner, “Jewish Troubles in Kaifeng, China,” Times of Israel, The Blogs, 28 April 16.

¹⁷³State Council, Provisions on the Management of Religious Activities of Foreigners Within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding], issued and effective 31 January 94, art. 4; State Administration for Religious Affairs, Implementing Details of Rules for the Provisions on the Management of Religious Activities of For-

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eigners Within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding shishi xize], issued 26 September 00, amended 29 November 10, effective 1 January 11, arts. 7, 17(5).

ETHNIC MINORITY RIGHTS

Introduction

During the Commission's 2016 reporting year, Chinese government and Communist Party officials failed to adhere to Chinese and international law in their treatment of ethnic minority populations. The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of the country's 55 recognized minority "nationalities,"¹ in addition to a system of regional autonomy in designated areas.² Article 27 of the International Covenant on Civil and Political Rights, which China has signed and declared an intention to ratify, contains safeguards for the rights of "ethnic, religious or linguistic minorities" within a state.³ In practice, however, Chinese authorities enforced restrictions that some observers said prevented members of ethnic minority groups from maintaining their own cultural practices.⁴ [See Section IV—Xinjiang and Section V—Tibet for additional information on these areas.]

State Minority Policy

Central government officials in China continued to stress the importance of "ethnic harmony" or "ethnic unity"⁵ and of ethnic minorities' identification with "the motherland" and "Chinese culture."⁶ At the National People's Congress in March 2016, Premier Li Keqiang stressed the need to promote contact, exchanges, and "ethnic blending" (*minzu jiaorong*) between ethnicities.⁷ For a third consecutive year, Xinjiang Uyghur Autonomous Region (XUAR) authorities implemented a "mass line" campaign,⁸ which promotes "ethnic unity"⁹ and requires officials working at the grassroots level to monitor and control Muslim residents' religious practices.¹⁰ An Australian scholar outlined concerns regarding the impact of assimilation on ethnic minorities' cultures and languages.¹¹ In addition to projects aimed at integrating Han majority and ethnic minority populations, government officials pushed both development¹² and securitization¹³ in places such as Tibetan autonomous areas and the XUAR in an effort to maintain "stability."

International media reports published during this reporting year highlighted disparities in official policies toward and treatment of Hui Muslims and Uyghur Muslims, stressing comparative tolerance of Hui Muslim religious practices and government programs incentivizing Hui-owned business ventures.¹⁴ Reports, however, also indicated officials' growing fears over the rise of Salafism, an ultra-conservative Sunni sect, in both the Hui and Uyghur Muslim communities, and described government actions to limit the growth of Salafism in China due to concerns over its alleged ties to extremism.¹⁵ In addition, a report published by an American research institute argued that fears over Islam in Chinese official and scholarly circles had led to the April 2016 dismissal of ethnic Hui Wang Zhengwei from his positions as Chairman of the State Ethnic Affairs Commission and Executive Deputy Head of the United Front Work Department.¹⁶ Wang had advocated for the preservation of China's regional ethnic autonomy system and had championed ethnic diversity in the face of Chinese officials who support the dilu-

tion of ethnic and religious identities, such as Zhu Weiqun, Chairperson of the Ethnic and Religious Affairs Committee of the Chinese People's Political Consultative Conference.¹⁷ [For more information on official policies toward and treatment of Uyghur Muslims, see Section II—Freedom of Religion and Section IV—Xinjiang.]

Grasslands Protests in Inner Mongolia

Mongol herders and villagers in the Inner Mongolia Autonomous Region (IMAR) protested against the state-led demolition of herders' homes¹⁸ and killing of their livestock;¹⁹ state exploitation of their traditional grazing lands²⁰ and resulting environmental damage;²¹ and inadequate compensation for the loss of grazing lands.²² As in past reporting years, IMAR authorities detained herders who engaged in peaceful protests related to grasslands, including herders who reportedly used online forums or spoke to foreign journalists about their grievances.²³

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

- In **October 2015**, in Haliut (Hailiutu) township, Urad (Wulate) Middle Banner, Bayannur (Bayannao'er) municipality, IMAR, dozens of herders protested in front of banner government offices regarding a dispute over officials' sale of grasslands, hoping to attract the attention of visiting IMAR Party Secretary Wang Jun.²⁴ Security officials reportedly detained five of the herders.²⁵ For at least two weeks beginning February 23, 2016, herders again gathered in front of government offices in Haliut, demanding "adequate compensation and immediate return of their grazing lands."²⁶
- On **December 17, 2015**, in Dalain-Huv (Dalahubu or Dalain Hob) township, Eznee (Eji'na) Banner, Alshaa (Alashan) League, IMAR, close to 100 herders protested in front of the Eznee Banner government building.²⁷ The herders called upon officials to protect traditional grazing lands from "trespassers" from Gansu province who they said destroyed the grasslands, and sought an explanation for an attack by assailants from Gansu on an Eznee Banner checkpoint.²⁸
- On **June 10, 2016**, in Bieligitai township, Abag (Abaga) Banner, Xilingol (Xilinguole) League, IMAR, a group of herders blocked the road leading to a highway under construction in protest over what they alleged was an encroachment on their traditional grazing lands.²⁹ According to the herders, their village chief had commissioned construction of the highway without their knowledge or consent, and this was the second time highway builders had encroached upon their grazing lands this year.³⁰

Instances of IMAR officials detaining Mongol herders for using the Internet and giving interviews related to grasslands-related grievances included the following:

- On **November 25, 2015**, security officials in Haliut township, Urad Middle Banner, detained Odongerel, a leading figure in organizing herders' protests, for using the messaging service WeChat to communicate with others.³¹ Authorities de-

tained Odongerel again on March 24, 2016, after she used WeChat to express concern over the detention of other herders.³²

- On **January 25, 2016**, security officials in Darhan-Muuminggan (Da'erhanmaoming'an) United Banner, Baotou municipality, IMAR, detained at least a dozen herders for several hours for contacting "overseas news media and hostile forces" and engaging in "separatism."³³ The detention was reportedly related to a protest staged the previous week by "dozens" of herders in the banner related to compensation they had requested for an official ban on livestock grazing.³⁴ Following the protest, some of the herders published pictures and video on social media, in addition to speaking to foreign reporters and human rights organizations.³⁵

- In **February and March 2016**, security officials in Urad Middle Banner detained at least 20 herders for allegedly "giving interviews to foreign news media," among other allegations.³⁶ On March 4, authorities detained one of the herders, Saishingaa, for "resisting arrest and providing information to foreign news media and organizations."³⁷ On March 7, authorities detained two others from among these herders, Munkh and Tuyaa.³⁸

- On **March 21, 2016**, security officials in Right Uzumchin (Xiwuzhumuqin) Banner, Xilingol (Xilinguole) League, IMAR, detained herder Enkhbat, and security officials in Left Uzumchin (Dongwuzhumuqin) Banner, Xilingol League, detained herders Burdee and Achilalt for "instigating illegal gatherings via the Internet."³⁹

Continued Restrictions on Hada and Family

As in past reporting years,⁴⁰ authorities in the IMAR continued to harass Mongol rights advocate Hada and his family.⁴¹ IMAR officials imprisoned Hada for 15 years beginning in 1995 and subsequently extralegally detained him for an additional 4 years,⁴² after he organized peaceful protests for Mongol rights and for his role in founding the banned Southern Mongolian Democratic Alliance.⁴³ According to Hada and his wife, Xinna, as of October 2015, public security personnel maintained a constant presence in their apartment building in order to surveil Hada's activities at home, and have followed him whenever he has gone out.⁴⁴ Beginning October 15, 2015, public security authorities in Qingshan district, Baotou municipality, IMAR, detained Hada and Xinna's son Uiles for 10 days, on the charge of "obstructing official business."⁴⁵ Security authorities reportedly beat Uiles and Xinna prior to detaining Uiles.⁴⁶

Notes to Section II—Ethnic Minority Rights

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

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

⁴See, e.g., “Controls on Uyghur Villages, Mosques Continue Into New Year,” Radio Free Asia, 6 January 16; “Officials Demolish Ethnic Mongolian Herders’ Homes Amid ‘Upgrade’ Plan,” Radio Free Asia, 11 January 16; “Tibetan, Muslim Students Join in Protest for Equal Education,” Radio Free Asia, 28 January 16.

⁵“Li Keqiang: Increase Support for Development for Ethnic Minorities With Smaller Populations, Let People of All Ethnicities Together Move Toward Prosperity” [Li keqiang: jiada fuchi renkou jiaoshao minzu fazhan lidu rang ge zu renmin gongtong maixiang xiaokang], People’s Daily, 5 March 16; Zhu Xiaolong and Hou Lijun, “Zhu Weiqun: ‘Embedded’ Thinking Is an Important Innovation in Ethnic Work” [Zhu weiqun: “qianru shi” silu shi minzu gongzuo de zhongyao chuangxin], Xinhua, 7 March 16.

⁶James Leibold, “China’s Ethnic Policy Under Xi Jinping,” Jamestown Foundation, China Brief, Vol. 15, Issue 20, 19 October 15, 7.

⁷“Li Keqiang: Increase Support for Development for Ethnic Minorities With Smaller Populations, Let People of All Ethnicities Together Move Toward Prosperity” [Li keqiang: jiada fuchi renkou jiaoshao minzu fazhan lidu rang ge zu renmin gongtong maixiang xiaokang], People’s Daily, 5 March 16.

⁸Cao Xu, “Xinjiang’s Third Round of ‘Visit the Masses’ Working Groups Go Into the Villages” [Xinjiang di san pi “fang hui ju” gongzuo zu zhu cun jin dian], China Economic Weekly, 25 February 16; Sui Yunyan, “Third Summary of XUAR 2015 ‘Visit the Masses’ Activity” [Xinjiang weiwu’er zizhi qu 2015 nian “fang hui ju” huodong zongshu zhi san], Xinjiang Daily, reprinted in China Internet Information Center, 24 February 16. These articles refer to the “mass line” campaign in the XUAR. For more information on this education and ideology campaign, see CECC, 2014 Annual Report, 9 October 14, 42, 100, 140, 168.

⁹See, e.g., Tom Phillips, “China Launches Massive Rural ‘Surveillance’ Project To Watch Over Uighurs,” Telegraph, 20 October 14.

¹⁰Sui Yunyan, “Third Summary of XUAR 2015 ‘Visit the Masses’ Activity” [Xinjiang weiwu’er zizhi qu 2015 nian “fang hui ju” huodong zongshu zhi san], Xinjiang Daily, reprinted in China Internet Information Center, 24 February 16; Tom Phillips, “China Launches Massive Rural ‘Surveillance’ Project To Watch Over Uighurs,” Telegraph, 20 October 14; Reza Hasmath, “Ethnic Violence in Xinjiang: Causes, Responses, and Future Outlook,” University of Nottingham, China Policy Institute Policy Paper, No. 7, 27 October 14, 3. These articles refer to the “mass line” campaign in the XUAR.

¹¹James Leibold, “China’s Minority Report,” Foreign Affairs, 23 March 16.

¹²Liu Xin, “China Vows Frontier Boom,” Global Times, 18 March 16; Li Hong, Economic Research Institute of the XUAR Development and Reform Commission, “Comments and Suggestions Regarding How To Carry Out the Plans Organized by the XUAR’s ‘13th Five-Year Plan’” [Zuohao zizhi qu “shisan wu” guihua bianzhi de yijian yu jianyi], 16 October 15; Zhao Shubin, “TAR Leaders and State Railways Administration Travel to Tibet for Investigation and Research Group Forum, Losang Jamcan and Lu Dongfu Attend and Give Speeches” [Zizhi qu lingdao yu guojia tielu ju fu zang diaoyan zu zuotan luosang jiangcun lu dong fu chuxi bing jianghua], Tibet Daily, 15 May 16; Emily Rauhala, “China’s Plan To ‘Liberate’ a Cradle of Tibetan Culture,” Washington Post, 14 December 15.

¹³James Leibold, “China’s Ethnic Policy Under Xi Jinping,” Jamestown Foundation, China Brief, Vol. 15, Issue 20, 19 October 15, 6–10; International Campaign for Tibet, “Tightening of an Invisible Net: New Security Measures in Eastern Tibet Heighten Surveillance, Control,” 16 February 16; Andrew Jacobs, “Xinjiang Seethes Under Chinese Crackdown,” New York Times, 2 January 16.

¹⁴Andrew Jacobs, “Light Government Touch Lets China’s Hui Practice Islam in the Open,” New York Times, 1 February 16. See also Jonathan Kaiman, “In China, Rise of Salafism Fosters Suspicion and Division Among Muslims,” Los Angeles Times, 1 February 16.

¹⁵Jonathan Kaiman, “In China, Rise of Salafism Fosters Suspicion and Division Among Muslims,” Los Angeles Times, 1 February 16. See also Andrew Jacobs, “Light Government Touch Lets China’s Hui Practice Islam in the Open,” New York Times, 1 February 16; James Leibold, “Creeping Islamophobia: China’s Hui Muslims in the Firing Line,” Jamestown Foundation, China Brief, Vol. 16, Issue 10, 20 June 16.

¹⁶James Leibold, “Creeping Islamophobia: China’s Hui Muslims in the Firing Line,” Jamestown Foundation, China Brief, Vol. 16, Issue 10, 20 June 16.

¹⁷Ibid.

¹⁸See, e.g., Southern Mongolian Human Rights Information Center, “China Demolishes Mongolian Herders’ Houses in Freezing Cold,” 8 January 16.

¹⁹See, e.g., Southern Mongolian Human Rights Information Center, “Anthrax Vaccine Overdosed, Livestock Wiped Out,” 4 November 15.

²⁰See, e.g., Southern Mongolian Human Rights Information Center, “Herders Protest Government Officials’ Illegal Occupation of Grazing Land,” 23 February 16; “Ethnic Mongolians Protest Missile Tests on Grasslands, Lack of Income,” Radio Free Asia, 26 January 16.

²¹See, e.g., Southern Mongolian Human Rights Information Center, “Herders Blocked Mines, Six Arrested and Detained,” 19 March 16; “China Holds Five Ethnic Mongolian Herders Who Protested Mining Pollution,” Radio Free Asia, 21 March 16; “Officials Demolish Ethnic Mongolian Herders’ Homes Amid ‘Upgrade’ Plan,” Radio Free Asia, 11 January 16.

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²² See, e.g., Southern Mongolian Human Rights Information Center, “Herders Protest Government Officials’ Illegal Occupation of Grazing Land,” 23 February 16; Southern Mongolian Human Rights Information Center, “Herders Detained for Involvement in ‘Framing and Denouncing the Socialist Regime,’” 8 March 16; Southern Mongolian Human Rights Information Center, “Herders Blocked Mines, Six Arrested and Detained,” 19 March 16.

²³ See, e.g., Southern Mongolian Human Rights Information Center, “Herders’ Leader Detained for ‘Chatting Via WeChat,’” 27 November 15; Southern Mongolian Human Rights Information Center, “Taken Away by Police, Herders Accused of ‘National Separatism,’” 26 January 16; “Ethnic Mongolians Protest Missile Tests on Grasslands, Lack of Income,” Radio Free Asia, 26 January 16; Southern Mongolian Human Rights Information Center, “Herders Detained for Involvement in ‘Framing and Denouncing the Socialist Regime,’” 8 March 16; “China Detains Dozens of Ethnic Mongolians Amid Ongoing Grassland Protest,” Radio Free Asia, 9 March 16; Southern Mongolian Human Rights Information Center, “Crackdown Escalates, More Herders Arrested for ‘Inciting Illegal Gatherings Via the Internet,’” 24 March 16.

²⁴ “Chinese Police Detain Mongolian Dissident’s Son Amid Ongoing Protests Over Grasslands,” Radio Free Asia, 15 October 15.

²⁵ *Ibid.*

²⁶ Southern Mongolian Human Rights Information Center, “Herders Protest Government Officials’ Illegal Occupation of Grazing Land,” 23 February 16; Southern Mongolian Human Rights Information Center, “Herders Detained for Involvement in ‘Framing and Denouncing the Socialist Regime,’” 8 March 16.

²⁷ Southern Mongolian Human Rights Information Center, “Riding Horses and Camels, Herder [sic] Took to the Streets in Southern Mongolia,” 17 December 15.

²⁸ *Ibid.*

²⁹ “Herders Blockade Disputed Highway Project in China’s Inner Mongolia,” Radio Free Asia, 13 June 16.

³⁰ *Ibid.*

³¹ Southern Mongolian Human Rights Information Center, “Herders’ Leader Detained for ‘Chatting Via WeChat,’” 27 November 15.

³² Southern Mongolian Human Rights Information Center, “Crackdown Escalates, More Herders Arrested for ‘Inciting Illegal Gatherings Via the Internet,’” 24 March 16.

³³ Southern Mongolian Human Rights Information Center, “Taken Away by Police, Herders Accused of ‘National Separatism,’” 26 January 16; “Ethnic Mongolians Protest Missile Tests on Grasslands, Lack of Income,” Radio Free Asia, 26 January 16.

³⁴ Southern Mongolian Human Rights Information Center, “Taken Away by Police, Herders Accused of ‘National Separatism,’” 26 January 16.

³⁵ *Ibid.*

³⁶ Southern Mongolian Human Rights Information Center, “Herders Detained for Involvement in ‘Framing and Denouncing the Socialist Regime,’” 8 March 16; “China Detains Dozens of Ethnic Mongolians Amid Ongoing Grassland Protest,” Radio Free Asia, 9 March 16.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Southern Mongolian Human Rights Information Center, “Crackdown Escalates, More Herders Arrested for ‘Inciting Illegal Gatherings Via the Internet,’” 24 March 16.

⁴⁰ See, e.g., CECC, 2015 Annual Report, 8 October 15, 139–40; CECC, 2014 Annual Report, 9 October 14, 102; CECC, 2013 Annual Report, 10 October 13, 97.

⁴¹ Southern Mongolian Human Rights Information Center, “After 19 Years of Imprisonment Hada Still Treated as Prisoner,” 22 October 15; “My Husband Remains in Prison, Long After His Release: Dissident’s Wife,” Radio Free Asia, 23 October 15; Southern Mongolian Human Rights Information Center, “Mongolian Dissident’s Son Arrested and Detained for ‘Obstructing Official Business,’” 16 October 15; “Chinese Police Detain Mongolian Dissident’s Son Amid Ongoing Protests Over Grasslands,” Radio Free Asia, 15 October 15.

⁴² Southern Mongolian Human Rights Information Center, “Mongolian Dissident’s Son Arrested and Detained for ‘Obstructing Official Business,’” 16 October 15.

⁴³ “Inner Mongolian Dissident’s Family Targeted,” Radio Free Asia, 5 December 10; Hada, Xinna, and Uiles, Southern Mongolian Human Rights Information Center, “Open Letter From Hada and His Family Members,” 2 July 14; Southern Mongolian Human Rights Information Center, “SMHRIC Statement to the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association,” 19 February 14. For Commission analysis on Hada, Xinna, and Uiles, see “Authorities Heighten Persecution of Detained Mongol Rights Advocate’s Wife and Son,” CECC China Human Rights and Rule of Law Update, No. 1, 3 January 13, 2. For more information, see the Commission’s Political Prisoner Database records 2004-02045 on Hada, 2010-00704 on Xinna, and 2010-00705 on Uiles.

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⁴⁵ Southern Mongolian Human Rights Information Center, “Mongolian Dissident’s Son Arrested and Detained for ‘Obstructing Official Business,’” 16 October 15. See also “Chinese Police Detain Mongolian Dissident’s Son Amid Ongoing Protests Over Grasslands,” Radio Free Asia, 15 October 15.

⁴⁶ Southern Mongolian Human Rights Information Center, “Mongolian Dissident’s Son Arrested and Detained for ‘Obstructing Official Business,’” 16 October 15; “Chinese Police Detain Mongolian Dissident’s Son Amid Ongoing Protests Over Grasslands,” Radio Free Asia, 15 October 15.

POPULATION CONTROL

International Standards and China's Coercive Population Policies

Chinese authorities continue to actively promote and implement coercive population planning policies that violate international standards. During the Commission's 2016 reporting year, Communist Party and central government authorities adopted a universal two-child policy and amended the PRC Population and Family Planning Law, allowing all married couples to have two children.¹ Authorities continued to place an emphasis on birth limits and adherence to family planning as a "basic national policy."² The PRC Population and Family Planning Law and provincial-level regulations limit couples' freedom to build their families as they see fit,³ and include provisions that require couples be married to have children and limit them to bearing two children.⁴ Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province,⁵ including some exceptions for ethnic minorities,⁶ remarried couples, and couples who have children with disabilities.⁷ Officials continue to enforce compliance with population planning targets using methods including heavy fines,⁸ job termination,⁹ arbitrary detention,¹⁰ and coerced abortion.¹¹

Coercive controls imposed on Chinese women and their families, and additional abuses engendered by China's population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action¹² and the 1994 Programme of Action of the Cairo International Conference on Population and Development.¹³ China was a state participant in the negotiation and adoption of both.¹⁴ Acts of official coercion committed in the implementation of population planning policies¹⁵ contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention),¹⁶ which China has ratified.¹⁷ In November 2015, the UN Committee against Torture conducted its fifth periodic review of China's compliance with the Convention.¹⁸ In its concluding observations, the Committee stated its concerns about China's coercive implementation of the population policy, such as coerced sterilization and forced abortion, and the lack of information on investigations into such allegations.¹⁹ Furthermore, discriminatory policies against some children whose parents fail to comply with population planning policies²⁰ contravene the Convention on the Rights of the Child²¹ and the International Covenant on Economic, Social and Cultural Rights.²² China is a State Party to these treaties and has committed to uphold their terms.²³

Policy Revisions and Implementation

At the Third Plenum of the 18th Party Central Committee held in November 2013,²⁴ Party authorities issued the Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms, which called for a broad range of reforms,²⁵ including the provision of an exception to China's population planning policy aimed at addressing the demographic challenges facing China.²⁶ The exception allowed couples to have two children if one of the parents is an only child (*dandu erhai* policy).²⁷ The National Health and Family

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Planning Commission (NHFPC) had initially predicted that the policy revision would result in approximately 2 million additional births per year.²⁸

Government statistics, however, revealed the limited impact of the policy revision. As of October 2015, approximately two years after the policy revision became effective, roughly 1.85 million out of 11 million eligible couples nationwide (16.8 percent) had applied to have a second child.²⁹ Moreover, data from the National Bureau of Statistics of China showed that the number of total births in 2015 decreased to 16.55 million, 320,000 less than the 2014 figure.³⁰ An NHFPC official attributed the decline to two main factors: some were waiting to have children in 2016, the Year of the Monkey, which in the traditional zodiac calendar is considered more auspicious for having children than the previous year; and the decline in the number of women of child-bearing age.³¹

As the policy revision failed to meet the intended birth target and amid demographic and economic concerns voiced by population experts and research institutions,³² central Party authorities issued a decision at the Fifth Plenum of the 18th Party Central Committee in October 2015 to adopt a “universal two-child policy” (*quanmian erhai*), allowing all married couples to have two children.³³ According to an NHFPC statement, the universal two-child policy is the Party’s “major initiative” to “promote balanced population development” and to address demographic concerns currently facing China.³⁴ The NHFPC noted that the new policy would be conducive to “optimizing the demographic structure, increasing labor supplies, and easing the pressure of an aging population; promoting healthy economic development for achieving the goal of building a moderately prosperous society; and implementing the family planning policy as a basic national policy in order to promote family well-being and social harmony.”³⁵ Central government officials emphasized repeatedly that family planning policy will “remain” a long-term “basic national policy” (*jiben guoce*).³⁶

On December 27, 2015, the National People’s Congress Standing Committee amended the PRC Population and Family Planning Law, which became effective nationwide on January 1, 2016.³⁷ The NHFPC estimated that approximately 90 million couples nationwide became eligible to bear a second child under the new policy.³⁸ As of August 2016, at least 29 provincial-level jurisdictions reportedly had revised their population and family planning regulations in accordance with the amended national law.³⁹ Human rights advocates, demographic experts, and others, however, expressed concerns that the coercive implementation of family planning measures and human rights abuses will persist despite the adoption of the universal two-child policy.⁴⁰

Government officials and population experts differ over the potential impact of the universal two-child policy. The NHFPC predicted that the universal two-child policy, if fully implemented, will result in population growth,⁴¹ with an additional 3 million children born per year⁴² and an estimated total of 17.5 to 21 million children born per year within the next five years.⁴³ NHFPC Director Li Bin also suggested that by 2050 the working-age population will increase by 30 million.⁴⁴ Officials also noted an apparent increase in some localities in the number of women making medical or other

appointments linked to pregnancy, giving an indication that more births are expected in 2016.⁴⁵

Population experts, citing the tepid response to the previous policy revision, suggested that the universal two-child policy likely would not lead to significant population growth in the long term.⁴⁶ Yao Meixiong, a population expert and Deputy Director of the Fujian Province Bureau of Statistics, predicted that China could see a population decrease by 2025, as the population of women of child-bearing age continues to decline.⁴⁷ Some experts noted that the impact of the universal two-child policy would be limited to urban areas, as the rural population was already allowed to have two children under previous policy revisions.⁴⁸ Many married couples, however, especially those in urban areas,⁴⁹ were reportedly reluctant to have a second child due to a number of factors, including the high cost of rearing an additional child,⁵⁰ lack of adequate child care and education options,⁵¹ lack of energy to look after children,⁵² disruption to career development,⁵³ and the perception that having one child is enough due to decades-long government propaganda.⁵⁴ To boost population growth, some experts urged central government authorities to introduce supporting policy measures that would encourage couples to have two children.⁵⁵ Experts also suggested abolishing “social compensation fees,”⁵⁶ further relaxing family planning policies to allow all couples to have three children if the universal two-child policy is ineffective,⁵⁷ or ending family planning policies entirely.⁵⁸

Central government authorities pledged to promote “family planning service management reform” (*jihua shengyu fuwu guanli gaige*) and introduce “supporting policy measures” to facilitate the implementation of the universal two-child policy,⁵⁹ including efforts to enhance existing public services for women and children’s health care,⁶⁰ reproductive health,⁶¹ child care,⁶² and education.⁶³ This past year, government authorities also took steps to further relax the birth registration system, allowing married couples to register their first two children without going through a complicated approval or application process.⁶⁴ An approval process, however, is still in place for eligible couples who intend to have a third child, though local family planning authorities are to promote “optimization” and “simplification” of that process.⁶⁵

Coercive Implementation

The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies.⁶⁶ Despite these provisions, abuses committed during the implementation of family planning policies continued during the Commission’s 2016 reporting year. Some provincial-level population planning regulations continued to explicitly instruct officials to carry out abortions, often referred to as “remedial measures” (*bujiu cuoshi*), for “out-of-plan” pregnancies.⁶⁷

OFFICIAL CAMPAIGNS

Language used in official speeches and government reports from jurisdictions across China continued to reflect an emphasis on the

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harsh enforcement of family planning measures. During this reporting year, as in previous years,⁶⁸ official reports from several provinces across China—including Anhui,⁶⁹ Fujian,⁷⁰ the Guangxi Zhuang Autonomous Region,⁷¹ Henan,⁷² Hubei,⁷³ Hunan,⁷⁴ Shandong,⁷⁵ and Shanxi⁷⁶—continued to promote “family planning work” that entailed harsh and invasive family planning measures. Phrases such as “fight the family planning work battle” (*dahao jihua shengyu gongzuo de gongjian zhan*),⁷⁷ “resolutely implement” (*hen zhua*),⁷⁸ and “use all means necessary” (*qian fang bai ji*)⁷⁹ appeared in official speeches and government reports, indicating the aggressive nature of these family planning campaigns.

Some local government authorities stated in their reports that the goal of “family planning work” is to “maintain a low birth rate” (*wending di shengyu shuiping*),⁸⁰ and touted their successes in meeting this goal by compelling women to undergo the invasive “three inspections” (intrauterine device (IUD), pregnancy, and health inspections)⁸¹ and “four procedures” (IUD insertion, first-trimester abortion, mid- to late-term abortion, and sterilization),⁸² and the forcible collection of “social compensation fees” (*shehui fuyang fei*).⁸³ For example, a December 2015 government report from Wolong district, Nanyang municipality, Henan province, indicated that Wolong authorities had achieved the goal of “maintaining a low birth rate” within the district by carrying out two “high-quality reproductive health service” campaigns in 2015.⁸⁴ According to the same report, by the end of November 2015, Wolong family planning authorities had carried out 13,178 “four procedures” operations—11,590 IUD insertions, 169 IUD removals, 915 sterilizations, and 504 abortions.⁸⁵

Representative Cases of Coercion

- According to a July 2016 report by state-funded news outlet Sixth Tone, government employers in Meizhou municipality, Guangdong province, pressured a remarried couple—a local resident surnamed Zhong and her husband—to have an abortion or face losing their jobs.⁸⁶ Both Zhong and her husband were government employees, and each had a child from their previous marriages.⁸⁷ Under family planning regulations in Guangdong, a couple in their circumstances are not allowed to have another child,⁸⁸ while family planning regulations in other provinces allow such remarried couples to have a third child.⁸⁹ Many couples in Guangdong reportedly were facing similar situations.⁹⁰ In August 2016, China Business Network reported a similar case in which an employer pressured a remarried couple to undergo an abortion.⁹¹ In its response to the report, the Guangdong Health and Family Planning Commission issued a statement urging employers not to force remarried couples to have abortions or dismiss them from their jobs.⁹²

Representative Cases of Coercion—Continued
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<ul style="list-style-type: none"> • In December 2015, women’s rights advocate Sarah Huang (pseudonym) testified before the Congressional-Executive Commission on China regarding official demands to abort her second child.⁹³ When Huang was four months pregnant in October 2015, government authorities at a school where Huang’s husband worked as a teacher pressured her to undergo a “mandatory health checkup” to ensure that there was no “unlawful pregnanc[y].”⁹⁴ Authorities later threatened her with the loss of her husband’s job if she did not have an abortion.⁹⁵ Huang expected that they would be fined approximately US\$36,000 in “social compensation fees” if they decided to give birth to the child.⁹⁶
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PUNISHMENT FOR NONCOMPLIANCE

Chinese authorities continued to use various methods of punishment to enforce citizens’ compliance with population planning policies. In accordance with national-level legal provisions,⁹⁷ local governments have directed officials to punish noncompliance through heavy fines, termed “social compensation fees,”⁹⁸ which reportedly compel many couples to choose between undergoing an unwanted abortion and incurring a fine much greater than the average annual income in their locality.⁹⁹ In January 2016, Chinese media outlet Jiemian reported on one such case in which local authorities in Jianli county, Xingzhou municipality, Hubei province, demanded that Wang Mali (pseudonym) pay “social compensation fees” in the amount of 97,800 yuan (approximately US\$15,000) for the May 2015 birth of her second child, which violated national and local family planning regulations.¹⁰⁰ The fine imposed on Wang reportedly was nearly 10 times the annual average income in her locality.¹⁰¹ Hubei’s provincial family planning regulations, however, mandated a much lighter fine based on local average income.¹⁰² On January 18, 2016, Wang filed a lawsuit against the county population and family planning bureau.¹⁰³ According to the same report, local family planning and public security officials subsequently went to Wang’s home, pressuring her to pay “social compensation fees” and to delete her microblog posts that denounced local family planning authorities’ alleged “illegal actions.”¹⁰⁴ On January 25, 2016, the Jianli County People’s Court accepted Wang’s lawsuit, the first such lawsuit in Hubei in 2016.¹⁰⁵ The court tried her case on April 28, and announced that it would issue a verdict at a later date.¹⁰⁶ As of July, the court had not issued a verdict.¹⁰⁷

This past year, National People’s Congress delegates, family planning officials, and experts from demographic, legal, economic, sociological, civil society, media, and other fields called on central government authorities to abolish “social compensation fees.”¹⁰⁸ Some experts questioned the need to continue collecting “social compensation fees,” expecting very few policy violators after the universal two-child policy is implemented.¹⁰⁹ According to a February 2016 China Business News report, approximately 5 percent (800,000) of the total newborn population in 2015 were third children born in violation of family planning policies, a number many experts considered too low to justify the significant costs associated

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with collecting “social compensation fees.”¹¹⁰ A National Health and Family Planning Commission (NHFPC) official also predicted that “fewer and fewer families will violate family planning [policies] in the future.”¹¹¹

NHFPC officials, however, repeatedly emphasized that “social compensation fees” will not be abolished,¹¹² saying that the fines will remain in place to “restrict” policy violations¹¹³ and that abolition would be “unfair to those who comply with family planning policies.”¹¹⁴ Local authorities are to collect fines from policy violators who give birth to a second child prior to the January 1, 2016, effective date of the universal two-child policy,¹¹⁵ as well as from policy violators who give birth to more than two children after the same effective date.¹¹⁶ During this reporting year, some women reportedly attempted to postpone the delivery of their second child until after January 1, 2016, in order to avoid large fines.¹¹⁷

In November 2014, the State Council issued the draft Regulations on the Collection and Management of Social Compensation Fees (Regulations) for public comment.¹¹⁸ The draft Regulations marked several significant changes from the 2002 Measures for Collection of Social Compensation Fees, including the proposal of a unified national collection standard that limits the amount of fines authorities may collect to no more than three times the local average annual income.¹¹⁹ As of August 2016, the Commission had not observed reports of the Chinese government issuing the Regulations.

Hukou Reform Addressing the Issue of “Illegal Residents”

During this reporting year, authorities in some areas withheld household registration (*hukou*) from children whose parents violated local family planning policies—including children born in excess of birth quotas and children born to unmarried parents—demanding that their parents first pay the necessary “social compensation fees” associated with their births in order to obtain *hukou*.¹²⁰ People who lack *hukou* in China are commonly referred to as “illegal residents” (*heihu*)¹²¹ and face considerable difficulty accessing social benefits typically afforded to registered citizens, including health insurance, public education, and state welfare.¹²² According to 2010 national census data, there were approximately 13 million “illegal residents” in China,¹²³ of whom over 60 percent were children born in violation of family planning policies.¹²⁴ Discriminatory *hukou* policies preventing parents from registering their children violate the UN Convention on the Rights of the Child, to which China is a State Party.¹²⁵

**Hukou Reform Addressing the Issue of
“Illegal Residents”—Continued**

This past year, central authorities took steps to address the issue of “illegal residents.” On December 9, 2015, the Chinese Communist Party’s Central Leading Group for Comprehensively Deepening Reforms, chaired by President and Party General Secretary Xi Jinping, issued an opinion to “delink family planning policies from *hukou* registration, to strengthen the management of *hukou* registration, [and] to comprehensively resolve the issue of *hukou* registration for individuals without *hukou*.”¹²⁶ On January 14, 2016, the State Council General Office issued the Opinion on Resolving Issues of Hukou Registration for Individuals Without Hukou.¹²⁷ The opinion called for “safeguarding the legitimate right of every citizen to register for *hukou* according to law,” and prohibited “the establishment of any preconditions that are not in conformity with *hukou* registration regulations.”¹²⁸ The opinion also specified eight types of “illegal residents” newly eligible to register for *hukou* without preconditions, including those born in violation of family planning policies and those without birth certificates.¹²⁹ Unregistered individuals whose parents failed to pay “social compensation fees,” however, were not included in this list.¹³⁰ At a January 2016 press conference, an NHFPC official claimed that “the issue of 13 million [illegal residents] has largely been addressed,” and that “very few people still lack *hukou* due to factors related to family planning policies.”¹³¹

Provincial-level authorities also made efforts to address the issue of “illegal residents” by loosening *hukou* registration requirements. The Party-run media outlet Legal Evening News reported that as of November 2015, at least 13 provincial-level jurisdictions had removed “social compensation fee” payments as a precondition for obtaining *hukou*.¹³² For example, Guangdong province authorities no longer require “social compensation fee” payments from family planning policy violators as a precondition for obtaining *hukou*;¹³³ instead, authorities will collect “social compensation fee” payments after *hukou* registration.¹³⁴ Some parents, fearing that authorities might forcibly collect “social compensation fees” from them retroactively, remain deterred from registering their children who were born in violation of family planning policies.¹³⁵ Some provincial-level jurisdictions, including Beijing and Shanghai municipalities, continue to require “social compensation fee” payments¹³⁶ and family planning paperwork¹³⁷ as preconditions for *hukou* registration. [For more information on China’s *hukou* system, see Section II—Freedom of Residence and Movement.]

In addition to fines, officials imposed or threatened other punishments for family planning violations. These punishments included job termination,¹³⁸ arbitrary detention,¹³⁹ and abortion.¹⁴⁰ The PRC Population and Family Planning Law prohibits and provides punishments for officials’ infringement on citizens’ personal, property, and other rights while implementing population planning policies.¹⁴¹ In June 2015, the UN Committee against Torture asked the Chinese government to provide information for the Committee’s fifth periodic review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including on “the total number of investigations or prosecutions launched against officials and other persons

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responsible for resorting to coercive and violent measures, such as forced sterilization and forced abortions, to implement the population policy . . . [and] details as to the types of punishment and disciplinary measures applied, and any relevant redress provided.”¹⁴² In its October 2015 response to the Committee, however, the Chinese government did not provide all the relevant data the Committee requested.¹⁴³

Demographic Consequences of Population Control Policies

The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China’s total fertility rate has dropped from 6 births per woman in the early 1970s¹⁴⁴ to an estimated 1.4 to 1.6 births per woman in 2016,¹⁴⁵ below the replacement rate of 2.1 births per woman necessary to maintain a stable population.¹⁴⁶ The fertility rate is even lower in some major cities, such as Shanghai municipality, which has a fertility rate of approximately 0.7 births per woman, reportedly one of the lowest in the world.¹⁴⁷

China’s low fertility rate has contributed to a rapidly aging population and a shrinking workforce. According to a January 2016 National Bureau of Statistics of China report, from 2014 to 2015, China’s working-age population (persons between the ages of 16 and 59) declined by a record 4.87 million people to 910.96 million,¹⁴⁸ continuing a downward trend from the previous year.¹⁴⁹ Experts expect the working-age population to rapidly decline further in the next several decades.¹⁵⁰ At the same time, the elderly population (persons aged 60 or older) increased by approximately 9.58 million in 2015 to 222 million people, or 16.1 percent of the total population.¹⁵¹ According to a 2015 blue book on aging published by research entities affiliated with the Party and government, China’s elderly population is estimated to reach 371 million, or approximately a quarter of the population, by 2030.¹⁵² A People’s Daily report suggested that the elderly population will reach 483 million by 2050, approximately one-third of China’s total population.¹⁵³ These demographic trends are likely to burden China’s health care, social services, and retirement systems,¹⁵⁴ and may weaken China’s economy as labor costs rise and its competitiveness erodes, according to demographic expert Yi Fuxian.¹⁵⁵

The Chinese government’s restrictive family planning policies also have exacerbated China’s sex ratio imbalance.¹⁵⁶ Although Chinese authorities continue to implement a ban on “non-medically necessary sex determination and sex-selective abortion,”¹⁵⁷ some people reportedly continue the practice in response to government-imposed birth limits and in keeping with a traditional cultural preference for sons.¹⁵⁸ According to a National Bureau of Statistics of China report, China’s sex ratio at birth in 2015 was 113.51 males to 100 females (compared with a normal ratio of 103 to 107 males per 100 females).¹⁵⁹ The overall sex ratio in 2015 was 105.02 males to 100 females, and there were approximately 33.66 million more males than females in China (704.14 million males to 670.48 million females).¹⁶⁰

International and domestic demographic experts have expressed concerns that the sex ratio imbalance in China could lead to “anti-social behavior,”¹⁶¹ “violent crime,”¹⁶² “sex crime,”¹⁶³ “prostitution,”¹⁶⁴ and “trafficking of women and children.”¹⁶⁵ This past year, international media reports continued to suggest a link between China’s large number of “surplus males” and the trafficking of foreign women—from countries including Cambodia,¹⁶⁶ Burma (Myanmar),¹⁶⁷ Nepal,¹⁶⁸ North Korea,¹⁶⁹ and Vietnam¹⁷⁰—into China for forced marriage or commercial sexual exploitation.

Reports also indicate that decades of birth limits under China’s population planning policies combined with a traditional preference for sons have helped create a black market for illegal adoptions.¹⁷¹ In January 2016, authorities in Henan province executed Tan Yongzhi, the head of an illegal adoption ring, for his involvement in acquiring and selling more than 20 infants, and 17 buyers also received criminal punishments.¹⁷² As of February 2016, authorities had not been able to locate the parents of these children.¹⁷³ Chen Shiqu, Director of the Ministry of Public Security Anti-Trafficking Office, expressed optimism that the implementation of the universal two-child policy would prevent “trafficking of children” by reducing the “demand for purchasing children.”¹⁷⁴ [For more information on cross-border trafficking and the Chinese government’s conflation of child trafficking with illegal adoption, see Section II—Human Trafficking.]

Notes to Section II—Population Control

¹National Health and Family Planning Commission, “Implement the Universal Two-Child Policy, Promote Balanced Population Development” [Shishi quanmian lianghai zhengce, cujin renkou junheng fazhan], 29 October 15; Peng Xiaofei et al., “China To Adopt the Universal ‘Two-Child’ Policy” [Woguo quanmian fangkai “erhai” zhengce], Beijing Youth Daily, 30 October 15; National People’s Congress Standing Committee, Decision Regarding the Population and Family Planning Law [Quanguo renda changweihui guanyu xiugai renkou yu jihua shengyu fa de jue ding], issued 27 December 15; PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18.

²National Health and Family Planning Commission, “Implement the Universal Two-Child Policy, Promote Balanced Population Development” [Shishi quanmian lianghai zhengce, cujin renkou junheng fazhan], 29 October 15; Yang Qingshan, “NHFPC Responds to the Timeframe of the Family Planning Policies: To Persist for at Least 20 Years” [Wei jiwei huiying jihua shengyu guoce shixian: qima haiyao jianchi 20 nian], China Youth Net, 11 January 16; “State Council Information Office Holds Press Conference on Situation Related to Implementation of the Universal Two-Child Policy and Reform and Improvement of Family Planning Services Management: Text Record” [Guoxinban jiu shishi quanmian lianghai zhengce gaige wanshan jihua shengyu fuwu guanli de youguan qingkuang juxing fabuhui wenzi shilu], reprinted in National Health and Family Planning Commission, 11 January 16.

³PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18; National People’s Congress Standing Committee, Decision Regarding the Population and Family Planning Law [Quanguo renda changweihui guanyu xiugai renkou yu jihua shengyu fa de jue ding], issued 27 December 15. Article 18 of the Population and Family Planning Law stipulates, “the state advocates two children per couple.” For provincial-level regulations limiting how many children married couples may bear see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 28 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 18; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 17; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13.

⁴PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18. For provincial population policies that require couples be married to have children and limit them to bearing two children, see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 28 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 18; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, arts. 17, 41(4); Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, arts. 13, 34.

⁵National People’s Congress, “Answering Journalists’ Questions ‘Regarding the Decision of Amending the Population and Family Planning Law’” [“Guanyu xiugai renkou yu jihua shengyu fa de jue ding” da jizhe wen], reprinted in National Health and Family Planning Commission, 27 December 15. For provincial population planning provisions that allow exceptions for having an additional child, see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 28 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 19; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 18; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13.

⁶See, e.g., Fujian Province People’s Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 29 April 88, amended 28 June 91, 25 October 97, 18 November 00, 26 July 02, 14 December 12, 29 March 14, 19 February 16, art. 9(4–5); Heilongjiang Province People’s Congress Standing Committee, Heilongjiang Province Population and Family Planning Regulations [Heilongjiang sheng renkou

yu jihua shengyu tiaoli], issued 18 October 02, amended 13 December 13, 22 April 14, 17 April 15, 21 April 16, art. 13.

⁷National People's Congress, "Answering Journalists' Questions 'Regarding the Decision of Amending the Population and Family Planning Law'" ["Guanyu xiugai renkou yu jihua shengyu fa de jue ding" da jizhe wen], reprinted in National Health and Family Planning Commission, 27 December 15. For provincial population planning provisions that allow exceptions for having an additional child, see, e.g., Zhejiang Province People's Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 18(1-4); Sichuan Province People's Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13(1); Guangxi Zhuang Autonomous Region People's Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuangzu zizhiqu renkou he jihua shengyu tiaoli], issued 23 March 12, amended 13 January 14, 15 January 16, art. 14(1-5); Jiangxi Province People's Congress Standing Committee, Jiangxi Province Population and Family Planning Regulations [Jiangxi sheng renkou yu jihua shengyu tiaoli], issued 16 June 90, amended 30 June 95, 20 June 97, 29 July 02, 27 March 09, 16 January 14, 20 January 16, reprinted in People's Daily, art. 9(2-3).

⁸See, e.g., Kiki Zhao, "Chinese Who Violated One-Child Policy Remain Wary of Relaxed Rules," New York Times, 8 February 16; Julia Glum, "As China's One-Child Policy Ends, Parents Protest Fines Charged for Additional Kids," International Business Times, 5 January 16; China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist.

⁹See, e.g., Kiki Zhao, "Chinese Who Violated One-Child Policy Remain Wary of Relaxed Rules," New York Times, 8 February 16; China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist.

¹⁰See, e.g., China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist.

¹¹See, e.g., China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist; Wang Lu and Long Feihu, "Take Multiple Measures To Attack 'Two Unnecessary Procedures'" [Duocuo bingju daji "liang fei"], Jingzhou Daily, reprinted in Hanfeng Net, 1 April 16. See also Wolong District Population and Family Planning Commission, "Wolong District 2015 Family Planning Work Summary and 2016 Work Plan" [Wolong qu renkou jisheng gongzuo 2015 nian zongjie ji 2016 nian gongzuo guihua], 25 December 15.

¹²Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 95, endorsed by UN General Assembly resolution 50/203 of 22 December 95, paras. 9(Annex 1), 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms; . . ." (para. 9) and "are convinced that . . . [t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment; . . ." (para. 17).

¹³Programme of Action adopted by the Cairo International Conference on Population and Development, 13 September 94, paras. 7.2, 8.25. Paragraph 7.2 states that, "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."

¹⁴United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, 27 October 95, chap. II, para. 3; chap. VI, para. 12. China was one of the participating States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, Report of the International Conference on Population and Development (ICPD), A/Conf.171/13, 18 October 94, chap. II, sec. C; chap. VI, sec. 1. China was one of the participating States at the ICPD, which reached general agreement on the Programme of Action. The Programme of Action is provided as an annex to the above ICPD report.

¹⁵China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist; Wang Lu and Long Feihu, "Take Multiple Measures To Attack 'Two Unnecessary Procedures'" [Duocuo bingju daji "liang fei"], Jingzhou Daily, reprinted in Hanfeng Net, 1 April 16. See also Zhima Township People's Government, "2015 Population and Family Planning Work Report" [2015 niandu renkou he jihua shengyu gongzuo qingkuang tongbao], 17 January 16; Dongshahe Township People's Government, "Dongshahe Township: Solidify the Family Planning Foundation, Improve Service" [Dongshahe zhen: hangshi jisheng jichu tisheng fuwu shuiping], 28 January 16; Wolong District Population and Family Planning Commission, "Wolong District 2015 Family Planning Work Summary and 2016 Work Plan" [Wolong qu renkou jisheng gongzuo 2015 nian zongjie ji 2016 nian gongzuo guihua], 25 December 15.

¹⁶UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 1; UN Committee against Torture, Concluding Observations of the Committee against Torture: China, adopted by the Committee at its 864th Meeting (3–21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 21. In 2008, the UN Committee against Torture noted again with concern China's "lack of investigation into the alleged use of coercive and violent measures to implement the population policy (A/55/44, para. 122)."

¹⁷United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 8 July 16. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988.

¹⁸UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16.

¹⁹Ibid., para. 51.

²⁰Zhou Xiaoyang, "Feature Story: China's Illegal Residents" [Texie zhongguo heihu], Jiemian, 27 January 16; Kiki Zhao, "Chinese Who Violated One-Child Policy Remain Wary of Relaxed Rules," New York Times, 8 February 16; "Chinese Parents With Two Children Petition To Have Second Registered," Associated Press, reprinted in Japan Times, 5 January 16.

²¹Convention on the Rights of the Child (CRC), adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2, 7–8, 24, 26, 28. Article 2 of the CRC calls upon State Parties to "respect and ensure the rights set forth . . . to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's . . . national, ethnic or social origin . . . birth or other status"; and that "State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." Article 24 sets forth the right of the child to access health care; Article 26 sets forth the right of the child to social security; and Article 28 sets forth the right of the child to free primary education and accessible secondary education and higher education. United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, last visited 8 July 16. China signed the CRC on August 29, 1990, and ratified it on March 2, 1992.

²²International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 10(3). Article 10(3) calls upon States Parties to recognize that "Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions." United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 8 July 16. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.

²³Convention on the Rights of the Child (CRC), adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, last visited 8 July 16. China signed the CRC on August 29, 1990, and ratified it on March 2, 1992. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 8 July 16. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.

²⁴Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], reprinted in Xinhua, 15 November 13; "China To Ease One-Child Policy," Xinhua, 15 November 13.

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⁸⁴Wolong District Population and Family Planning Commission, “Wolong District 2015 Family Planning Work Summary and 2016 Work Plan” [Wolong qu renkou jisheng gongzuo 2015 nian zongjie ji 2016 nian gongzuo guihua], 25 December 15.

⁸⁵Ibid.

⁸⁶Ni Dandan, “Guangdong Families Told To Have Abortion or Lose Job,” *Sixth Tone*, 22 July 16.

⁸⁷Ibid.

⁸⁸Ibid.; Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 28 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 19. Article 19 of the Guangdong Province Population and Family Planning Regulations allows a couple to have an additional child if their child(ren) dies, or if a couple meets other criteria that conform to laws and regulations.

⁸⁹Ni Dandan, “Guangdong Families Told To Have Abortion or Lose Job,” *Sixth Tone*, 22 July 16. For provincial family planning regulations that allow remarried couples to have an additional child, see, e.g., Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 18(1–3); Jiangxi Province People’s Congress Standing Committee, Jiangxi Province Population and Family Planning Regulations [Jiangxi sheng renkou yu jihua shengyu tiaoli], issued 16 June 90, amended 30 June 95, 20 June 97, 29 July 02, 27 March 09, 16 January 14, 20 January 16, reprinted in *People’s Daily*, art. 9(3). See also Guangxi Zhuang Autonomous Region People’s Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuangzu zizhi renkou he jihua shengyu tiaoli], issued 23 March 12, amended 13 January 14, 15 January 16, art. 14(1–5).

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⁹⁴June Cheng, “Pro-Life Activist Faces Pressure To Abort,” *World News Group*, 26 October 15.

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⁹⁵China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist.

⁹⁶Ibid.

⁹⁷PRC Measures for Administration of Collection of Social Maintenance Fees [Shehui fuyang fei zhengshou guanli banfa], issued 2 August 02, effective 1 September 02, arts. 3, 7. See also PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, arts. 18, 41.

⁹⁸See, e.g., Fujian Province People's Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 29 April 88, amended 28 June 91, 25 October 97, 18 November 00, 26 July 02, 14 December 12, 29 March 14, 19 February 16, art. 42. In Fujian province, individuals in violation of local population planning regulations can each be fined up to six times the amount of the average income of a resident in their locality, sometimes more, based on the number of children born in violation of local regulations and their income compared to the local average disposable income of the previous year. See also Hubei Province People's Congress Standing Committee, Hubei Province Population and Family Planning Regulations [Hubei sheng renkou yu jihua shengyu tiaoli], issued 1 December 02, amended 29 November 08, 30 July 10, 27 March 14, 13 January 16, art. 37; "Who Do the Social Compensation Fees Actually 'Support?'" [Shehui fuyang fei jiujiang "yang" le shei?], People's Daily, 22 September 13; Chuan Jiang, "National Health and Family Planning Commission: Social Compensation Fee Arrears To Be Dealt With by Local Governments" [Zhongguo weijiwei: shehui fuyangfei qiankuan you difang zhengfu chuli], BBC, 11 January 16.

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¹⁰⁵Ibid.

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¹²⁵Convention on the Rights of the Child (CRC), adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2, 7-8, 24, 26, 28; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, last

visited 8 July 16. China signed the CRC on August 29, 1990, and ratified it on March 2, 1992. See also UN Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of China, Adopted by the Committee at its Sixty-Fourth Session (16 September–4 October 2013), CRC/C/CHN/CO/3–4, 29 October 13, paras. 39, 40(a–b). In September 2013, the UN Committee on the Rights of the Child conducted a periodic review of China’s compliance with the Convention on the Rights of the Child. In its Concluding Observations, the Committee stated its concern about low rates of birth registration in China—in part due to China’s family planning policies—and recommended that China “reform family planning policies in order to remove all forms of penalties and practices that deter parents or guardians from registering the birth of their children” and “abandon the *hukou* system in order to ensure birth registration for all children . . .”

¹²⁶Jiao Ying, “Family Planning Policies To Be Delinked From Hukou Registration, To Comprehensively Resolve the Issue of ‘Illegal Resident’” [Jihua shengyu deng zhengce jiang yu hukou dengji tuogou quanmian jie jue “heihu” wenti], China National Radio, 10 December 15.

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¹⁴⁰Ibid. See also Wang Lu and Long Feihu, “Take Multiple Measures To Attack ‘Two Unnecessary Procedures’” [Duocuo bingju daji “liang fei”], Jingzhou Daily, reprinted in Hanfeng Net, 1 April 16.

¹⁴¹PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, arts. 4, 39. 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 “infringe[s] on a citizen’s personal rights, property rights, or other legitimate rights and interests” or “abuse[s] his power, neglect[s] his duty, or engage[s] in malpractice for personal gain” in the implementation of population planning policies.

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FREEDOM OF RESIDENCE AND MOVEMENT

Freedom of Residence

During the Commission's 2016 reporting year, the Chinese government continued to unduly restrict the freedom of residence through use of the household registration (*hukou*) system established in 1958.¹ The *hukou* system classifies Chinese citizens as rural or urban, conferring legal rights and access to public services based on their classification.² Implementation of these regulations discriminates against rural *hukou* holders and migrants to urban areas by denying them equitable access to public benefits and services enjoyed by registered urban residents.³ The *hukou* system contravenes international human rights standards guaranteeing freedom of residence and prohibiting discrimination on the basis of "national or social origin, . . . birth or other status."⁴

This past year, the Chinese central government and local authorities continued to implement reforms to the *hukou* system. In 2015, an estimated 292 million people lived outside of the locality where their *hukou* was registered.⁵ The central government reiterated its intent for 100 million people to obtain urban *hukou* by 2020,⁶ and provincial and local governments continued to issue implementing opinions on *hukou* system reform⁷ in line with the State Council's July 2014 reform opinion.⁸ As of August 2016, at least 29 province-level jurisdictions had issued proposals regarding local *hukou* reform planning.⁹ These reform efforts did not generally remove the link between residence and provision of public benefits; under many province-level reform opinions, access to benefits remains tied to holding a local residence permit or *hukou*.¹⁰

As part of the Chinese government's *hukou* reforms, the State Council General Office issued an opinion in December 2015 on providing *hukou* to individuals (known as "illegal residents" or *heihu*) lacking one altogether.¹¹ The opinion lists eight categories of individuals who can apply for *hukou* under the new policy.¹² In January 2016, the Chinese government and state media reported that the new policy "had largely already addressed" *hukou* registration problems for 13 million people,¹³ approximately 60 percent of whom are reported to be people born in violation of local population planning policies.¹⁴ [For more information on the *hukou* system and population planning policy, see "Hukou Reform Addressing the Issue of 'Illegal Residents'" in Section II—Population Control.]

While central government plans relaxed the conditions required for migrants to apply for *hukou* in small- and medium-sized cities,¹⁵ the criteria for applying for *hukou* in large cities remained restrictive.¹⁶ For example, in August 2016, the Beijing municipal government issued provisional measures governing a points system by which migrants can apply for and obtain Beijing *hukou*.¹⁷ Under the provisional measures, applicants receive points toward qualifying for *hukou* according to several factors, including length of residence in Beijing,¹⁸ education level,¹⁹ employment history,²⁰ and desired residential location.²¹ The provisional measures also limit applicants' eligibility based on age,²² contributions to social insurance,²³ compliance with population planning policy,²⁴ and criminal record.²⁵ The provisional measures additionally require applicants to already hold Beijing residence permits.²⁶ The provisional meas-

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ures do not specify a minimum point value needed to obtain Beijing *hukou*, but allow local officials to determine the value each year “according to the population control situation.”²⁷ One expert criticized the provisional measures for discriminating against applicants with less education or working in low-skill fields.²⁸ Other experts had expressed pessimism about a draft of the measures issued in December 2015,²⁹ saying the points system benefited a small, relatively affluent population, leaving out poorer migrant workers who do not share the same qualifications.³⁰

After issuing draft measures on residence permits in December 2014,³¹ in November 2015, the State Council issued provisional regulations on residence permits.³² The provisional regulations, effective from January 1, 2016, aim to “fully cover basic public services and benefits for the urban resident population,” including compulsory education, health services, and legal aid, among others.³³ The provisional regulations maintain the 2014 draft measures’ criteria³⁴ for how restrictive cities’ conditions for applicants may be, allowing larger cities to establish more stringent conditions for those applying for residence permits.³⁵

Two articles from the 2014 draft measures were not included, however, in the provisional regulations.³⁶ The articles would have extended to residence permit holders benefits and services including educational assistance, elder care services, housing protections, and the right of children of permit holders to take college-entrance exams locally,³⁷ and would have allowed permit holders’ relatives to apply for local *hukou* if the permit holder met *hukou* application requirements.³⁸

International Travel

Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed and committed to ratify, provides that “[e]veryone shall be free to leave any country . . .”³⁹ Under Article 12, countries may restrict this right, but only “to protect national security, public order,” and other select public interests.⁴⁰ Chinese laws provide officials the authority to prevent from leaving the country those deemed threatening to state security or whose “exit from China is not allowed.”⁴¹ Chinese officials used this authority to arbitrarily keep government critics, rights defenders, advocates, and others from leaving China.⁴²

The Commission observed the following representative cases during the 2016 reporting year:

- As part of a nationwide crackdown on human rights lawyers and rights advocates beginning in and around July 2015,⁴³ from July 2015 through January 2016, Chinese authorities prevented at least 24 rights lawyers from leaving the country because, according to authorities, their departure from China “could endanger state security.”⁴⁴ Authorities also prevented family members of some lawyers from leaving China.⁴⁵ Rights lawyer **Liu Xiaoyuan** reported that public security bureau officials in Nanchang municipality, Jiangxi province, refused his son a passport to study abroad.⁴⁶
- In April 2016, **Chen Guiqiu**, wife of detained lawyer Xie Yang,⁴⁷ attempted to sue several government agencies after

authorities in Shenzhen municipality, Guangdong province, kept her from traveling to Hong Kong.⁴⁸ The Shenzhen Intermediate People's Court⁴⁹ and Guangdong High People's Court refused to accept her lawsuit.⁵⁰ The Shenzhen court did not provide a reason,⁵¹ but two Guangdong court judges said they did not have jurisdiction over border control decisions because the decisions were part of a criminal investigation.⁵²

- Chinese authorities continued⁵³ to restrict lawyers, rights advocates, and civil society representatives from leaving the country to participate in international human rights events. Officials prevented at least seven rights defenders from attending the November 2015 review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in Geneva.⁵⁴ [For more information on ongoing repression of lawyers, see Section III—Access to Justice.]

- In February 2016, state news agency Xinhua reportedly prohibited a former employee, journalist **Yang Jisheng**, from traveling to the United States to receive a journalism award.⁵⁵ Yang was to attend an award ceremony recognizing his work documenting China's mass famine from 1958 to 1962.⁵⁶ His account of the famine, "Tombstone," is banned in mainland China.⁵⁷

- Chinese authorities refused to allow disabled former lawyer and housing rights advocate **Ni Yulan** to travel to the United States in March 2016 to receive a U.S. State Department award recognizing her rights advocacy and work to promote the rule of law in China.⁵⁸ Ni said that authorities banned her from leaving the country because she had been in contact with rights lawyers who were detained in Tianjin municipality as part of the crackdown on rights lawyers and others beginning in and around July 2015.⁵⁹ Ni reported that after barring her from leaving China, authorities placed her and her husband under "soft detention" (*ruanjin*), a form of extralegal home confinement,⁶⁰ and pressured Ni's landlord and real estate agent to force them to move.⁶¹

- On August 6, 2016, Chinese customs officials in Guangdong reportedly prevented Falun Gong practitioner **Wang Zhiwen** from traveling to the United States, canceling his passport on orders from public security authorities.⁶² Authorities detained Wang in 1999 in connection with a Falun Gong protest in Beijing municipality.⁶³ He served 15 years of a 16-year prison sentence on the charge of "organizing and using a cult to undermine implementation of the law" until his early release in October 2014, after which authorities reportedly kept Wang under constant surveillance.⁶⁴

Domestic Movement

During its 2016 reporting year, the Commission continued to observe reports of Chinese government officials punishing rights advocates and their families and associates, and targeting some members of ethnic minority groups by restricting their freedom of movement. Article 12 of the ICCPR provides that "[e]veryone lawfully within the territory of a State shall, within that territory, have the

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right to liberty of movement . . .”⁶⁵ Authorities increased restrictions on freedom of movement during politically sensitive periods throughout the year.

In December 2015, shortly after the UN Committee against Torture’s review of China’s compliance with the Convention against Torture, organizers of an anti-torture conference for rights lawyers in the Guangxi Zhuang Autonomous Region canceled the event after police interference and harassment.⁶⁶

During the March 2016 meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference in Beijing,⁶⁷ Chinese authorities repeatedly intercepted petitioners who sought meetings in Beijing with government officials and temporarily restricted their movement, placed them under “soft detention,” or forcibly returned them to their places of residence.⁶⁸ Local authorities reportedly criminally or administratively detained many of the petitioners upon their return.⁶⁹ Authorities forced prominent journalist **Gao Yu** to leave Beijing during March 2016.⁷⁰ Gao is on medical parole while serving a five-year prison sentence on the charge of “leaking state secrets.”⁷¹

As in previous years,⁷² before and during the June anniversary of the 1989 Tiananmen protests and their violent suppression, Chinese authorities held rights advocates, activists, and veterans of the 1989 protests in “soft detention” or forced them to leave their homes to prevent them from gathering and commemorating the protests.⁷³

Residents of some ethnic minority areas, in particular Uyghurs and Tibetans, faced strict controls on their freedom of movement. Authorities in parts of the Xinjiang Uyghur Autonomous Region (XUAR) reportedly placed some Uyghurs under surveillance and limited their ability to attend mosques.⁷⁴ XUAR authorities also abolished the “convenience contact card” system⁷⁵ that had restricted Uyghurs’ ability to freely move within the XUAR.⁷⁶ Reports in the past year indicated that authorities in Biru (Driru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region (TAR), placed heavy restrictions on Tibetan Buddhist monks and nuns, including banning them from traveling without prior government authorization.⁷⁷ Chinese authorities reportedly prohibited Tibetan residents of some western provinces from traveling to Lhasa municipality, TAR, in March 2016, around the anniversary of the 2008 Tibetan protests and the Dalai Lama’s 1959 flight from Tibet.⁷⁸ [For more information on government restrictions on Uyghurs and Tibetans, see Section IV—Xinjiang and Section V—Tibet.]

Notes to Section II—Freedom of Residence and Movement

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² Kam Wing Chan, “Crossing the 50 Percent Population Rubicon: Can China Urbanize to Prosperity?” *Eurasian Geography and Economics*, Vol. 53, No. 1 (2012), 67; *China Labour Bulletin*, “Migrant Workers and Their Children,” last visited 15 July 16.

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⁴ International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 2, 13(1).

⁵ National Bureau of Statistics of China, “Announcement of Major Data From 2015 National 1 Percent Population Sample Survey” [2015 nian quanguo 1% renkou chouyang diaocha zhuyao shuju gongbao], 20 April 16.

⁶ State Council, Certain Opinions on Deeply Carrying Out New-Type Urbanization Construction [Guowuyuan guanyu shenru tuijin xinxing chengzhenhua jianshe de ruogan yijian], issued 2 February 16; State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 24 July 14, para. 3. See also National People’s Congress, PRC Outline of the 13th Five-Year Plan for National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shisan ge wu nian guihua gangyao], issued 17 March 16, sec. 8.

⁷ See, e.g., Zhejiang Province People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Zhejiang sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 10 December 15, reprinted in *Jingning She Autonomous County People’s Government*, 25 December 15; Hainan Province People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Hainan sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 24 December 15, reprinted in *Sanya Municipal People’s Government*, 29 December 15.

⁸ State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 24 July 14, para. 15.

⁹ “NDRC: 28 Provinces, Regions, and Municipalities Have Already Put Forward Concrete Proposals for Household Registration System Reform” [Fagaiwei: yi you 28 ge sheng qu shi chutai huji zhidu gaige de juti fang’an], *People’s Daily*, 19 April 16; Tibet Autonomous Region People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Xizang zizhiqu renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 25 May 16. See also “29 Provincial Residence Permits Systems Set, Each Residence Permit’s Value Has Differences” [29 shengfeng juzhuzheng zhidu luodi juzhuzheng hanjin liang ge you butong], *People’s Daily*, 29 January 16.

¹⁰ See, e.g., Hubei Provincial People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 6 September 15, reprinted in *Hubei Province People’s Government Information Transparency Directory*, paras. 9–10; Inner Mongolia Autonomous Region People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Neimenggu zizhiqu renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 8 September 15, secs. 3(2), 4(2.6); Zhejiang Province People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Zhejiang sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 10 December 15, reprinted in *Jingning She Autonomous County People’s Government*, 25 December 15, sec. 4; Hainan Province People’s Government, Implementing Opinion on Further Carrying Out Household Registration System Reform [Hainan sheng renmin zhengfu guanyu jinyibu tuijin huji zhidu gaige de shishi yijian], issued 24 December 15, reprinted in *Sanya Municipal People’s Government*, 29 December 15, 3(9).

¹¹ State Council General Office, Opinion on Resolving Issues of Hukou Registration for Individuals Without Hukou [Guowuyuan bangongting guanyu jiejie wu hukou renyuan dengji hukou wenti de yijian], issued 31 December 15; Chun Han Wong and Laurie Burkitt, “China Moves To Normalize the Status of Millions of People on Margins,” *Wall Street Journal*, 10 December 15; Liu Jingyao, “Resolving ‘Illegal Resident’ Problems Manifests People-Centered Concept” [Jiejue “heihu” wenti zhangxian yi ren wei ben linian], *Xinhua*, 15 January 16.

¹² State Council General Office, Opinion on Resolving Issues of Hukou Registration for Individuals Without Hukou [Guowuyuan bangongting guanyu jiejie wu hukou renyuan dengji hukou wenti de yijian], issued 31 December 15, sec. 2.

¹³ Liu Jingyao, “Resolving ‘Illegal Resident’ Problems Manifests People-Centered Concept” [Jiejue “heihu” wenti zhangxian yi ren wei ben linian], *Xinhua*, 15 January 16; “State Council Information Office Press Conference Text Record Regarding Implementation of the Universal Two-Child Policy and Reform and Improvement of Family Planning Service Management” [Guoxinban jiu shishi quanmin liang hai zhengce gaige wanshan jihua shengyu fuwu guanli de youguan qingkuang juxing fabuhui wenzi shilu], *National Health and Family Planning Commission*, 11 January 16.

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¹⁴ Wang Ling, “Barriers to Resolving the Problem of Illegal Residents: Some Areas Require Social Compensation Fee Payments Before Hukou Registration” [Jiejue heihu wenti yuzu: bufen diqu bu jiao shehui fuyang fei cai luohu], *First Financial*, reprinted in *Sina*, 10 March 16.

¹⁵ State Council, Opinion on Further Carrying Out Household Registration System Reform [Guowuyuan guanyu jinyibu tuijin huji zhidu gaige de yijian], issued 24 July 14, paras. 4–5; Xinpings Guan, “Paulson Policy Memorandum: How To Better Support China’s Migrant Population,” Paulson Institute, November 2015, 7.

¹⁶ “Except for a Few Megacities, Household Registration Restrictions To Be Completely Relaxed” [Chu ji shaoshu chaoda chengshi quanmian fangkai luohu xianzhi], *Beijing News*, 25 January 16; “29 Provincial Residence Permits Systems Set, Each Residence Permit’s Value Has Differences” [29 shengfen juzhuzheng zhidu luodi juzhuzheng hanjin liang ge you butong], *People’s Daily*, 29 January 26.

¹⁷ Beijing Municipality People’s Government, Beijing Municipal Measures for Management of Obtaining Household Registration by Points (Provisional) [Beijing shi jifen luohu guanli banfa (shixing)], issued 11 August 16, effective 1 January 17.

¹⁸ *Ibid.*, art. 5(2).

¹⁹ *Ibid.*, art. 5(3).

²⁰ *Ibid.*, art. 5(5).

²¹ *Ibid.*, art. 5(4).

²² *Ibid.*, art. 4(2).

²³ *Ibid.*, art. 4(3).

²⁴ *Ibid.*, art. 9. See also Beijing Municipality People’s Government, Beijing Municipal Measures for Management of Obtaining Household Registration by Points (Draft for Solicitation of Comments) [Beijing shi jifen luohu guanli banfa (zhengqiu yijian gao)], issued 10 December 15, art. 4(4). The draft measures required applicants to comply with family planning policies, while the provisional measures allow successful applicants to bring with them only those children born according to family planning policies.

²⁵ Beijing Municipality People’s Government, Beijing Municipal Measures for Management of Obtaining Household Registration by Points (Provisional) [Beijing shi jifen luohu guanli banfa (shixing)], issued 11 August 16, effective 1 January 17, arts. 4(4), 5(9). Article 4(4) prohibits individuals with a criminal record (*xingshi fanzui jilu*), while article 5(9) subtracts points from applicants with a record of administrative detention (*xingzheng juliu chufa*) in Beijing.

²⁶ *Ibid.*, art. 4(1).

²⁷ *Ibid.*, art. 8.

²⁸ Wang Luyi, “Lu Ming: Household Registration Points Policy Must Continue To Improve” [Lu ming: jifen luohu zhengce xuyao jixu gaijin], *Caixin*, 12 August 16.

²⁹ Beijing Municipality People’s Government, Beijing Municipal Measures for Management of Obtaining Household Registration by Points (Draft for Solicitation of Comments) [Beijing shi jifen luohu guanli banfa (zhengqiu yijian gao)], issued 10 December 15.

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³¹ State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Solicitation of Comments) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14.

³² State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 26 November 15, effective 1 January 16.

³³ *Ibid.*, arts. 1, 12, 13.

³⁴ State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Solicitation of Comments) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14, art. 16.

³⁵ State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 26 November 15, effective 1 January 16, art. 16.

³⁶ State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Solicitation of Comments) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14, arts. 14, 15; State Council, Provisional Regulations on Residence Permits [Juzhuzheng zanxing tiaoli], issued 26 November 15, effective 1 January 16.

³⁷ State Council Legislative Affairs Office, Measures for Management of Residence Permits (Draft for Solicitation of Comments) [Juzhuzheng guanli banfa (zhengqiu yijian gao)], issued 4 December 14, art. 14.

³⁸ *Ibid.*, art. 15.

³⁹ International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(2).

⁴⁰ *Ibid.*, art. 12(3).

⁴¹ PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], passed 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Administration Law [Zhonghua renmin gongheguo chujing rujing guanli fa], passed 30 June 12, effective 1 July 13, art. 12(5).

⁴² See, e.g., “After Refusing To Allow Activist Home, China Now Bans Him From Leaving,” *Radio Free Asia*, 6 October 15; “China Slaps Exit Ban on Wife, Son of Defected Former Journalist,” *Radio Free Asia*, 7 December 15.

⁴³ CECC, 2015 Annual Report, 8 October 15, 50–51, 272.

⁴⁴ Rights Defense Network, “Feng Zhenghu: Citizen’s Right To Leave Country—33 Lawyers and Others Prevented From Leaving Country and Rights Defense Work” [Feng zhenghu: gongmin chujing quan—33 ming lushi deng ren bei xianzhi chujing ji weiquan biaoqian], 5 February 16; PRC Exit and Entry Administration Law [Zhonghua renmin gongheguo chujing rujing guanli fa], passed 30 June 12, effective 1 July 13, art. 12(5).

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⁴⁵ Rights Defense Network, “Feng Zhenghu: Citizen’s Right To Leave Country—33 Lawyers and Others Prevented From Leaving Country and Rights Defense Work” [Feng zhenghu: gongmin chujing quan—33 ming lushi deng ren bei xianzhi chujing ji weiquan biaoqian], 5 February 16.

⁴⁶ Liu Xiaoyuan, “Lawyer Liu Xiaoyuan: My Son Has Also Been Unable To Obtain a Passport To Study Abroad” [Liu xiaoyuan lushi: wo de haizi ye bu neng ban huzhao chuguo liuxue], Human Rights Campaign in China, 15 October 15. For more information on Liu Xiaoyuan, see the Commission’s Political Prisoner Database record 2011-00355.

⁴⁷ For more information on Xie Yang, see the Commission’s Political Prisoner Database record 2015-00295.

⁴⁸ Rights Defense Network, “Explanation for July 9 Detained Lawyer Xie Yang’s Wife and Professor Chen Guiqiu Being Restricted From Leaving Country” [709 bei bu lushi xie yang qizi chen guiqiu jiaoshou bei xianzhi chujing de shuoming], 6 April 16; Rights Defense Network, “Chen Guiqiu, Wife of July 9 Lawyer Xie Yang, Sues PSB and Other Agencies Over Restriction on Leaving Country” [709 xie yang lushi qizi chen guiqiu jiu bei zuzhi chujing qisu gong’anbu deng jigou], 11 April 16.

⁴⁹ Rights Defense Network, “Chen Guiqiu, Wife of July 9 Lawyer Xie Yang, Sues PSB and Other Agencies Over Restriction on Leaving Country” [709 xie yang lushi qizi chen guiqiu jiu bei zuzhi chujing qisu gong’anbu deng jigou], 11 April 16; Rights Defense Network, “Shenzhen Intermediate People’s Court Rejects Chen Guiqiu’s (Wife of Lawyer Xie Yang) Materials for Administrative Lawsuit Over Restriction on Leaving Country, Trampling on the ‘Administrative Procedure Law’” [Shenzhen shi zhongji fayuan ju shou chen guiqiu (xie yang lushi de qizi) yin bei zu chujing xingzheng susong cailiao jianta “xingzheng susong fa”], 11 April 16.

⁵⁰ Rights Defense Network, “Lawyer Zhang Lei: Guangdong High People’s Court Rejects Chen Guiqiu’s (Wife of Lawyer Xie Yang) Suit Over Exit Ban Against Public Security Bureau, Shenzhen Border Inspection, and Other Agencies” [Zhang lei lushi: guangdong sheng gaoji fayuan ju jue shouli chen guiqiu (xie yang lushi qizi) qisu gong’anbu, shenzhen bianjian deng jigou zuzhi chujing yi an], 18 April 16.

⁵¹ Rights Defense Network, “Shenzhen Intermediate People’s Court Rejects Chen Guiqiu’s (Wife of Lawyer Xie Yang) Materials for Administrative Lawsuit Over Restriction on Leaving Country, Trampling on the ‘Administrative Procedure Law’” [Shenzhen shi zhongji fayuan ju shou chen guiqiu (xie yang lushi de qizi) yin bei zu chujing xingzheng susong cailiao jianta “xingzheng susong fa”], 11 April 16.

⁵² Rights Defense Network, “Lawyer Zhang Lei: Guangdong High People’s Court Rejects Chen Guiqiu’s (Wife of Lawyer Xie Yang) Suit Over Exit Ban Against Public Security Bureau, Shenzhen Border Inspection, and Other Agencies” [Zhang lei lushi: guangdong sheng gaoji fayuan ju jue shouli chen guiqiu (xie yang lushi qizi) qisu gong’anbu, shenzhen bianjian deng jigou zuzhi chujing yi an], 18 April 16.

⁵³ CECC, 2015 Annual Report, 8 October 15, 166.

⁵⁴ UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 38; “Rights Lawyer Confirms Civil Society Representatives Forbidden To Attend Torture Hearing” [Wei quan lushi zhengshi minjian daibiao bei jin chuxi kuxing lingxun], Radio Free Asia, 18 November 15; Rights Defense Network, “Lawyers Zhang Keke, Lin Qilei Not Allowed by ‘Border Control’ To Leave Country, Border Inspection Police Refuse To Issue Any Written Documents” [Zhang keke lushi, lin qilei lushi zao “bianjing kongzhi” buzhun chujing bianjian jingcha ju bu chuju renhe shumian falu wenjian], 10 November 15. The vice-chair of the UN Committee against Torture questioned the “endangering state security” justification Chinese authorities reportedly gave for preventing their travel. UN Committee against Torture, Summary Record of the 1368th Meeting, CAT/C/SR.1368, 20 November 15, para. 92; Nick Cumming-Bruce, “China Faces Sharp Questioning by UN Panel on Torture,” New York Times, 17 November 15.

⁵⁵ Tom Phillips, “Chinese Journalist Banned From Flying to U.S. To Accept a Prize for His Work,” Guardian, 15 February 16; “Yang Jisheng Blocked From Traveling to U.S. To Accept Award” [Yang jisheng bei zu fu mei lingjiang], Radio Free Asia, 16 February 16.

⁵⁶ Nieman Foundation for Journalism, “Chinese Author Yang Jisheng Wins Louis M. Lyons Award for Conscience and Integrity in Journalism,” Harvard University, 7 December 15; Tom Phillips, “Chinese Journalist Banned From Flying to U.S. To Accept a Prize for His Work,” Guardian, 15 February 16; “Yang Jisheng Blocked From Traveling to U.S. To Accept Award” [Yang jisheng bei zu fu mei lingjiang], Radio Free Asia, 16 February 16.

⁵⁷ Michael Forsythe, “Chinese Writer Says He’s Forbidden From Traveling to U.S. for Harvard Prize,” New York Times, 16 February 16; Tom Phillips, “Chinese Journalist Banned From Flying to U.S. To Accept a Prize for His Work,” Guardian, 15 February 16.

⁵⁸ “Chinese ‘Woman of Courage’ Faces Eviction, Travel Ban Ahead of Award,” Radio Free Asia, 28 March 16; Office of Global Women’s Issues, U.S. Department of State, “Biographies of 2016 Award Winners,” 28 March 16. For more information on Ni Yulan, see the Commission’s Political Prisoner Database record 2005-00285.

⁵⁹ “Chinese ‘Woman of Courage’ Faces Eviction, Travel Ban Ahead of Award,” Radio Free Asia, 28 March 16. See also CECC, 2015 Annual Report, 8 October 15, 50–51, 272.

⁶⁰ “Ni Yulan Still Being Suppressed, Again Placed Under Soft Detention After Forced Travel” [Ni yulan xu shou daya bi qian hou fu zao ruanjin], Radio Free Asia, 19 April 16; Megha Rajagopalan and Michael Martina, “Chinese Authorities Hold Disabled Rights Lawyer Under House Arrest,” Reuters, 25 April 16.

⁶¹ “Ni Yulan Again Placed Under Soft Detention by Authorities, Friend Detained Three Hours for Visiting Her” [Ni yulan zai zao dangju ruanjin hao you tanshi bei ju san xiaoshi], Radio Free Asia, 20 April 16.

⁶² Leo Timm, “Steps Away From Freedom, American Family Loses Bid To Rescue Father From China,” Epoch Times, 18 August 16; “United States Calls on China To Allow Falun Gong

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Practitioner To Leave Country” [Meiguo huyu zhongguo yunxu yi ming falun gong xueyuan ziyou chujing], Voice of America, 12 August 16. See also Office of Press Relations, U.S. Department of State, “Daily Press Briefing—August 11, 2016,” 11 August 16. For more information on Wang Zhiwen, see the Commission’s Political Prisoner Record 2004-02191.

⁶³Tian Jing and Tang Rui, “After 15 Years of Unjust Imprisonment, Wang Zhiwen Released, Returns Home, but Still Monitored” [Yuanyu 15 zai wang zhiwen bei shifang huijia reng zao jianshi], New Tang Dynasty Television, 26 October 14.

⁶⁴“United States Calls on China To Allow Falun Gong Practitioner To Leave Country” [Meiguo huyu zhongguo yunxu yi ming falungong xueyuan ziyou chujing], Voice of America, 12 August 16; Tian Jing and Tang Rui, “After 15 Years of Unjust Imprisonment, Wang Zhiwen Released, Returns Home, but Still Monitored” [Yuanyu 15 zai wang zhiwen bei shifang huijia reng zao jianshi], New Tang Dynasty Television, 26 October 14.

⁶⁵International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).

⁶⁶“Chinese Police Ban Anti-Torture Conference by Rights Lawyers,” Radio Free Asia, 11 December 15.

⁶⁷See, e.g., Civil Rights & Livelihood Watch, “Shanghai Authorities Carry Out Two Sessions Clearances, Gao Xuekun and Other Petitioners Detained or Put in Soft Detention” [Shanghai dangju wei lianghui qingchang gao xuekun deng duo ming fangmin bei juliu huo ruanjin], 28 February 16; Civil Rights & Livelihood Watch, “Two Sessions Begin, Zhangzhou, Fujian, Petitioner Li Honghua Held Under Stability Control Conditions at Home” [Lianghui zhaokai fujian zhangzhou fangmin li honghua bei wenkong zai jia], 6 March 16; Civil Rights & Livelihood Watch, “People From Qianjiang Municipality, Hubei Province, in Soft Detention for Two Sessions Again Go to Beijing” [Hubei sheng qianjiang shi lianghui ruanjin renyuan zaici dao jing], 26 March 16.

⁶⁸See, e.g., “Two Sessions Petitioner Interceptions Begin February 11, Decrease in Petitioners in Beijing” [Lianghui jie fang chusi kaishi zai jing fangmin jianshao], New Tang Dynasty Television, 15 February 16; Rights Defense Network, “Two Sessions Stability Maintenance, Hebei Petitioner Zhao Chunhong Held in Black Jail” [Lianghui weiben, hebei nu fangmin zhao chunhong bei guan hei jianyu], 4 March 16; Civil Rights & Livelihood Watch, “Xu Nailai and His Daughter in Soft Detention in Tianjin Hotel Because of Two Sessions Convening” [Xu nailai funu yin lianghui zhaokai bei ruanjin zai tianjin yi jia binguan], 4 March 16; Civil Rights & Livelihood Watch, “Zhanjiang Municipality, Guangdong, Petitioner Chen Jianmei Held in Baoding, Hebei, Hotel” [Guangdong zhanjiang shi fangmin chen jianmei bei guanya zai hebei baoding binguan], 4 March 16; Rights Defense Network, “Changsha, Hunan, Rights Defender Xie Fulin Sent Back After Legally Going to Beijing To Petition” [Hunan changsha weiqian renshi xie fulin yifa dao beijing shangfang bei qianhui], 4 March 16; Rights Defense Network, “Rights Defense Bulletin: Wuxi Citizens Decipher Origin of ‘Zero Petitioning’ in Wuxi During 2016’s National ‘Two Sessions’—Encirclement and Interception, Extralegal Detention, Detention in Black Jails, Paying To Shut Down Accounts, Trafficking Petitioners” [Weiquan jianbao: wuxi gongmin jiemi 2016 nian quanguo “lianghui” qijian wuxi “ling shangfang” youlai—weizhui dujie, wangfa juliu, guan hei jianyu, huaqian xiaohao, fanmai fangmin], 3 April 16.

⁶⁹See, e.g., Civil Rights & Livelihood Watch, “Xin’an County, Henan, Petitioner Pei Zhanying Criminally Detained for Going to Beijing To Petition During Two Sessions” [Henan xin’an xian fangmin pei zhanying lianghui qijian jin jing shangfang bei xingju], 20 March 16; Rights Defense Network, “As Two Sessions Draw Near, Shanghai Casts Wide Net and Detains 4 Rights Defenders; Ding Deyuan Ordered To Serve 7 Days’ Administrative Detention” [Lianghui jiangjin, shanghai dasi juliu 4 wei renquan hanweizhe ding deyuan bei chu xingzheng juliu 7 ri], 23 February 16. For more information, see the Commission’s Political Prisoner Database records 2016-00245 on Pei Zhanying and 2016-00054 on Ding Deyuan.

⁷⁰“Gao Yu ‘Forced To Travel’ During Two Sessions” [Gao yu lianghui qijian “bei luyou”], Radio Free Asia, 18 March 16; “Veteran Chinese Journalist Gao Yu Seen ‘on Vacation’ in Yunnan,” Radio Free Asia, 17 March 16. For more information on Gao Yu, see the Commission’s Political Prisoner Database record 2004-05037.

⁷¹Chris Buckley, “China To Release Journalist Gao Yu From Prison Over Illness,” New York Times, 26 November 15; Jun Mai, “Jailed Chinese Journalist Gao Yu Granted Medical Parole After Appeal in State Secrets Case,” South China Morning Post, 27 November 15.

⁷²See, e.g., CECC, 2014 Annual Report, 9 October 14, 111; CECC, 2015 Annual Report, 8 October 15, 166–67.

⁷³See, e.g., “On Eve of June Fourth, Beijing Scholars’ Dinner Obstructed, Daughter of Xie Tao and Others ‘Under Guard’” [Liusi qianxi beijing xueshe jucan shouzu xie tao zhi nu deng duo ren bei “shanggang”], Radio Free Asia, 20 May 16; “China Clamps Down on Memorial Events Ahead of Tiananmen Crackdown Anniversary,” Radio Free Asia, 26 May 16; “As June Fourth Approaches, Many Places Strengthen Monitoring, Yu Shiwen Plans Hunger Strike Protest” [Liusi linjin gedi jiaqiang jiankong yu shiwen ni jueshi kangyi], Radio Free Asia, 27 May 16; Civil Rights & Livelihood Watch, “As June Fourth Approaches, Sun Dongsheng, Li Xuehui Forced To Leave Beijing, Shanghai’s Chen Baoliang Criminally Detained” [Liusi linjin sun dongsheng, li xuehui bei po li jing shanghai chen baoliang bei xingju], 3 June 16; Rights Defense Network, “Xu Yonghai: I Spent These Last Few Days Around June Fourth 2016 in Soft Detention” [Xu yonghai: wo zai ruanjin zhong duguo 2016 nian liusi zhe ji tian], 6 June 16.

⁷⁴“Controls on Uyghur Villages, Mosques Continue Into New Year,” Radio Free Asia, 6 January 16; Andrew Jacobs, “Xinjiang Seethes Under Chinese Crackdown,” New York Times, 2 January 16.

⁷⁵Yao Tong, “Xinjiang Introduces a Series of Initiatives To Resolve Outstanding Problems Among the Masses” [Xinjiang chutai yi xilie jucuo jieju qunzhong fanying tuchu wenti], Xinjiang Daily, reprinted in Tianshan Net, 30 March 16.

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⁷⁶Andrew Jacobs, "Xinjiang Seethes Under Chinese Crackdown," *New York Times*, 2 January 16; Bai Tiantian, "Xinjiang To End 'Convenience Contact Cards,'" *Global Times*, 31 March 16; CECC, 2014 Annual Report, 9 October 14, 111.

⁷⁷Tibetan Centre for Human Rights and Democracy, "Mass Expulsion of Nuns and Land Grabbing in Tibet's Diru County," 13 October 15; Tibetan Centre for Human Rights and Democracy, "Document Exposes Intensification of State-Sanctioned Religious Repression in Troubled Tibetan County," 9 November 15. See also Bureau of Democracy, Human Rights and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2015: China (Includes Tibet, Hong Kong, and Macau)," 13 April 16, 88.

⁷⁸"Tibetans in Chinese Provinces Blocked From Travel to Lhasa in March," *Radio Free Asia*, 24 March 16.

STATUS OF WOMEN

Public Participation

POLITICAL DECISIONMAKING

The Chinese government is obligated under its international commitments¹ and domestic laws² to ensure gender-equal political participation; however, women continue to be underrepresented in political decisionmaking positions. Female representation remains low or non-existent in key Chinese Communist Party and government leadership positions.³ Overall, representation at upper and lower levels of government continues to fall short of the 30 percent target recommended by the UN Commission on the Status of Women.⁴

CIVIL SOCIETY AND ADVOCACY

During the Commission's 2016 reporting year, the Chinese government restricted many women's rights advocates from providing services and engaging in activism, violating China's obligations under international standards.⁵ One prominent example was the closure, on February 1, 2016, of the Beijing Zhongze Women's Legal Counseling and Service Center (Zhongze), after government authorities reportedly ordered the organization to shut down.⁶ Founded in 1995, Zhongze focused on such issues as domestic violence, gender equality, and sexual harassment in the workplace, and had received widespread recognition and praise for its work, including from the Chinese government and state media.⁷ Observers viewed Zhongze's closure, which occurred amid an ongoing crackdown on non-governmental organizations (NGOs), as a notable sign of the shrinking space for civil society in China.⁸

The Chinese government continued to target individual women's rights advocates with criminal prosecution and other forms of harassment and intimidation. On July 9, 2015, at the onset of the Chinese government's nationwide crackdown on human rights lawyers and advocates,⁹ authorities took prominent female human rights lawyer Wang Yu into custody, and in January 2016, formally arrested her on suspicion of "subversion of state power."¹⁰ Wang worked on a wide range of rights issues, including the representation of Li Tingting, one of five women's rights advocates detained in the spring of 2015, and the women's rights activist Ye Haiyan (also known as Hooligan Sparrow).¹¹ In early August 2016, reports emerged that authorities had released Wang Yu on bail, coinciding with the airing of a prerecorded confession that members of the Chinese human rights community believe was coerced.¹² In April 2016, women's rights and democracy activist Su Changlan—who has been in custody since October 2014—was put on trial in Foshan municipality, Guangdong province, for "inciting subversion of state power."¹³ As of August 2016, authorities had not yet announced a verdict.¹⁴ The indictment issued in Su's case alleged that she had engaged in online "rumor-mongering" and "libel" to "attack the Chinese Communist Party and the socialist system."¹⁵

As discussed in the Commission's 2015 Annual Report, in March 2015, Beijing municipal authorities criminally detained five women's rights advocates (also known as the Feminist Five)¹⁶ in con-

nection with a planned anti-sexual harassment campaign. Following widespread domestic and international outcry, authorities released the five on bail in April 2015, and subjected them to restrictions on their movement and tight police surveillance.¹⁷ In April 2016, police lifted bail conditions for the women, but they are still considered suspects in an investigation for the crime of “gathering a crowd to disturb order in a public place.”¹⁸ Li Tingting, one of the five, described the environment for the feminist movement in China in late 2015 as being at an “all-time low.”¹⁹

Employment Discrimination

China’s labor laws require equal treatment of women in employment practices. The Chinese government is obligated to address discrimination in the workplace under its international commitments²⁰ and domestic laws.²¹ Despite the legal framework prohibiting employment discrimination, a March 2016 article in *Xinhua* stated that “job discrimination against women still pervades Chinese society.”²² According to the World Economic Forum’s 2015 survey, women in China remained underrepresented in management positions²³ and female employees earned 65 percent of male employees’ earnings for similar work.²⁴ The National People’s Congress Committee on Finance and Economic Affairs noted at a November 2015 meeting that employment discrimination became “increasingly serious in the wake of China’s rapid economic development,” and announced plans to draft legislation to address existing discrimination based on factors such as gender.²⁵

During this reporting year, employers in China continued to discriminate against women in recruiting, hiring, compensation, and other employment practices.²⁶ Chinese law prohibits businesses from posting discriminatory advertisements for recruitment,²⁷ but observers noted that weak enforcement enables employers to impose discriminatory conditions,²⁸ and businesses continued to post advertisements specifying gender, personality, and physical appearance requirements.²⁹

More women are suing employers, or prospective employers, for gender-based discrimination.³⁰ In what is believed to be the third gender-based employment discrimination legal case in China, and the first reported discrimination case against a state-owned enterprise to be heard in court, in November 2015, a court in Beijing municipality ruled for plaintiff Ma Hu (pseudonym) in her suit against the Beijing Postal Express and Logistics Co., Ltd.³¹—an affiliate of the national postal service China Post—finding that the defendant had refused to hire Ma because she was a woman.³² Ma had sought 57,570 yuan (US\$8,653) in compensation and an apology, but the court only awarded her 2,000 yuan (US\$300), and rejected her request for an apology.³³ In August 2015, Gao Xiao (pseudonym), a female cook in Guangzhou municipality, Guangdong province, sued a local company for refusing to hire her for a chef’s apprentice position because of her gender.³⁴ After she filed suit, authorities threatened her and her landlord evicted her.³⁵ In April 2016, a Guangzhou court ruled in her favor, but awarded her only 2,000 yuan in compensation.³⁶ The Guangzhou Intermediate People’s Court heard Gao’s appeal of the ruling in August 2016.³⁷ In June 2016, the Yuexiu District People’s Court in

Guangzhou heard an administrative suit Gao filed against the Guangzhou Human Resources and Social Security Bureau for failing to address workplace discrimination in the city.³⁸

Employment discrimination against women based on pregnancy continues to be a serious problem, despite laws protecting the rights of pregnant workers.³⁹ Results from a survey of nearly 1,000 female employees in government and private workplaces conducted by the Xicheng district, Beijing, branch of the All-China Women's Federation and the Law Research Center for Women and Children indicated that over 52 percent of the respondents experienced discrimination when they were pregnant, on maternity leave, or breastfeeding, and as a result, suffered pay cuts, forced transfers, lost promotion and training opportunities, or were pressured to resign.⁴⁰ In one such case, Yin Jing, a shopping mall counter manager in Beijing, was pushed out of her job in 2014 soon after she told her supervisor she was pregnant.⁴¹ In November 2015, a Beijing appeals court awarded Yin Jing 62,237 yuan (US\$9,354) in compensation after she provided evidence that her employer knew she was pregnant when the company transferred her to a location three hours away and then fired her when she refused to transfer.⁴²

Violence Against Women

DOMESTIC VIOLENCE

The PRC Anti-Domestic Violence Law (Anti-DV Law) went into effect on March 1, 2016.⁴³ The National People's Congress passed the legislation in December 2015 after more than a decade of advocacy and organizing by women's rights advocates and Chinese officials.⁴⁴ Challenging the long-held view that domestic violence is a private "family matter," the law requires police and courts to take action in cases of domestic violence.⁴⁵ According to the All-China Women's Federation, nearly 25 percent of married Chinese women have experienced violence in their marriage.⁴⁶

Women's rights advocates celebrated the passage of the law but also expressed concerns.⁴⁷ For example, advocates heralded a range of positive measures in the law, including that it applies to non-married, co-habiting partners in addition to married couples,⁴⁸ and that the definition of domestic violence specifies both physical and psychological abuse.⁴⁹ The law clarifies, moreover, a range of legal protections for victims, and requires public security officers to respond immediately to reports of domestic violence.⁵⁰ Rights advocates, nevertheless, criticized the law for omitting two common forms of abuse—sexual violence and economic coercion—from the definition of domestic violence, and for the law's silence with respect to same-sex couples.⁵¹

The Anti-DV Law authorizes courts to issue protection orders (also referred to as restraining orders) as stand-alone rulings to domestic violence victims or those facing a "real danger" (*xianshi weixian*) of domestic violence.⁵² The law stipulates that courts must rule on a protection order application within 72 hours, or within 24 hours in urgent situations.⁵³ Such orders may include a variety of protections for the applicant, including requiring the abuser to move out of the residence.⁵⁴

STATE-AUTHORIZED VIOLENCE

Officials in China reportedly continued to use coercion and violence against women while implementing family planning policies, in contravention of international standards.⁵⁵ The UN Committee against Torture (Committee) noted in the concluding observations following its November 2015 review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that it was "concerned at reports of coerced sterilization and forced abortions."⁵⁶ The Committee also expressed regret that the Chinese government had failed to provide information the Committee requested on investigations of such reports, as well as information on redress provided to past victims.⁵⁷ [For more information, see Section II—Population Control.]

During the course of the Committee's review, the Chinese government also failed to respond to questions posed by the Committee relating to reports of violence inflicted on women in "black jails," including the rape of Li Ruirui in 2009 and the suspicious deaths of Li Shulian in 2010 and Wang Delan in 2013.⁵⁸ The Chinese government similarly ignored the Committee's request for information about the cases of eight women who had been detained and abused at the Masanjia Women's Reeducation Through Labor Center in Yuhong district, Shenyang municipality, Liaoning province, and whom authorities subsequently imprisoned in 2014 after the women attempted to seek justice.⁵⁹ [For more information on "black jails" and other forms of arbitrary detention, see Section II—Criminal Justice.]

Notes to Section II—Status of Women

¹Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 7. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to “ensure to women, on equal terms with men,” the right “[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government[.]” United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 13 July 16. China signed the convention on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles.

²PRC Law on the Protection of Women’s Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, amended 28 August 05, effective 1 December 05, art. 11; PRC Electoral Law of the National People’s Congress and Local People’s Congresses [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6. Both of these laws stipulate that an “appropriate number” of female deputies should serve at all levels of people’s congresses.

³“China Political Leaders” [Zhongguo zhengyao], People’s Daily, Chinese Communist Party News, last visited 20 July 16; “Chinese Communist Party 17th Congress Central Leadership Organization Members” [Zhongguo gongchandang di shiqi jie zhongyang lingdao jigou chengyuan], China Internet Information Center, last visited 13 July 16. Within Party leadership, only 2 of the 25 members of the Political Bureau of the Communist Party Central Committee (Politburo) are women, and there are no women among the 7 members of the Politburo Standing Committee—the most powerful governing body in China. There are no women serving as Party secretaries at the provincial level. In government leadership, women hold 2 out of 25 national-level ministerial positions and 2 out of 31 governorships of provinces, provincial-level municipalities, and special autonomous regions (1 of the 2 female governors has provisional, or “acting,” status as of July 2016). In the 12th National People’s Congress, which began in 2013, women held 699 out of the 2,987 seats (23.4 percent). Women’s Studies Institute of China, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7),” September 2014, 1–2. For more information on female members of the Politburo since 1945, see CECC, 2015 Annual Report, 8 October 15, 176, endnote 5.

⁴Women’s Studies Institute of China, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China Under Article 19 of the Convention on the Elimination of All Forms of Discrimination against Women: Temporary Special Measures and the Political and Public Life (Article 4 & 7),” September 2014, 1–2. Women made up 23.4 percent of the 12th National People’s Congress and 22.6 percent of all village committee members. Permanent Mission of the People’s Republic of China to the UN, “Introductory Statement by H.E. Mme. Song Xiuyuan, Head of the Chinese Delegation, Consideration of China’s Combined Seventh and Eighth Periodic Reports by the Committee on the Elimination of Discrimination against Women,” 23 October 14, sec. 3. The target of 30 percent female representation in leadership positions by 1995 was recommended by the UN Commission on the Status of Women at its 34th session in 1990. “Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women,” UN Chronicle, Vol. 27, No. 2, June 1990.

⁵Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 20(1); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 21, 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 14 July 16. China has signed but not ratified the ICCPR.

⁶Rights Defense Network, “Authorities Force China Women’s Rights NGO ‘Zhongze Women’s Legal Counseling and Service Center’ To Shut Down” [Zhongguo nuquan NGO “zhongze funu falu zixun fuwu zhongxin” zao dangju qiangpo xuangao jiesan], 29 January 16. See also Yaxue Cao, “Guo Jianmei, Zhongze, and the Empowerment of Women in China,” China Change, 14 February 16.

⁷Yaxue Cao, “Guo Jianmei, Zhongze, and the Empowerment of Women in China,” China Change, 14 February 16; Didi Kirsten Tatlow, “China Is Said To Force Closing of Women’s Legal Aid Center,” New York Times, Sinosphere (blog), 29 January 16.

⁸Rights Defense Network, “Authorities Force China Women’s Rights NGO ‘Zhongze Women’s Legal Counseling and Service Center’ To Shut Down” [Zhongguo nuquan NGO “zhongze funu falu zixun fuwu zhongxin” zao dangju qiangpo xuangao jiesan], 29 January 16; Didi Kirsten Tatlow, “China Is Said To Force Closing of Women’s Legal Aid Center,” New York Times, Sinosphere (blog), 29 January 16. See also Yaxue Cao, “Guo Jianmei, Zhongze, and the Empowerment of Women in China,” China Change, 14 February 16.

⁹American Bar Association, “Chinese Lawyer Wang Yu To Receive Inaugural ABA International Human Rights Award,” 8 July 16. For more information on Wang Yu, see the Commission’s Political Prisoner Database record 2015-00252. For further information about the crack-down on rights lawyers and advocates that began in and around July 2015, see CECC, 2015 Annual Report, 8 October 15, 272.

¹⁰Human Rights Watch, “Arrests Reflect Xi Jinping’s Broader Repression of Rights Activism,” 14 January 16.

¹¹Chris Buckley, “China Arrests Rights Lawyer and Her Husband on Subversion Charges,” New York Times, 13 January 16; “A Human Rights Film China Wants Canned,” Agence France-

Presse, reprinted in Straits Times, 9 June 16. For more information on Li Tingting, see the Commission's Political Prisoner Database record 2015-00116.

¹²Emily Rauhala, "Jailed Chinese Lawyer Reappears To Deliver a 'Confession,' but the Script Seems Familiar," Washington Post, 1 August 16; "China Releases Prominent Human Rights Lawyer on Bail," Associated Press, reprinted in New York Times, 1 August 16; Josh Chin, "Chinese Activist Wang Yu Seen 'Confessing' in Video," Wall Street Journal, 1 August 16. See also American Bar Association, "Chinese Lawyer Wang Yu To Receive Inaugural ABA International Human Rights Award," 8 July 16.

¹³Human Rights Campaign in China, "For Four Essays, Foshan's Su Changlan To Be Tried April 21 for Inciting Subversion of State Power" [Yi si pian wenzhang wei you bei shandong dianfu guojia zhengquan zui qisu de foshan su changlan an jiang yu 4 yue 21 ri kaiting shenli], 19 April 16. For more information on Su Changlan, see the Commission's Political Prisoner Database record 2014-00406.

¹⁴"Trials Postponed Again for Foshan Rights Defenders Su Changlan, Chen Qitang" [Foshan weiquan renshi su changlan, chen qitang shenxun zai bei yanqi], Radio Free Asia, 10 August 16.

¹⁵Human Rights Campaign in China, "For Four Essays, Foshan's Su Changlan To Be Tried April 21 for Inciting Subversion of State Power" [Yi si pian wenzhang wei you bei shandong dianfu guojia zhengquan zui qisu de foshan su changlan an jiang yu 4 yue 21 ri kaiting shenli], 19 April 16.

¹⁶Amid the domestic and international outcry for the release of the five women's rights advocates, "Feminist Five" emerged as a label and social media hashtag to identify them. See, e.g., "Before International Women's Day, Feminist Five and Their Lawyers Are Called in by Police," China Change, 6 March 16; "Chinese Police Step Up Pressure on Feminist Five," Radio Free Asia, 23 September 15.

¹⁷"One Year On, China's Five Feminists Remain Under Tight Surveillance," Radio Free Asia, 1 March 16.

¹⁸Didi Kirsten Tatlow, "Police Remove Bail Conditions on 5 Chinese Feminists Detained Last Year," New York Times, Sinosphere (blog), 13 April 16; "One Year On, China's Five Feminists Remain Under Tight Surveillance," Radio Free Asia, 1 March 16; Human Rights in China, "Supporting Women's Rights in China," 14 April 16; CECC, 2015 Annual Report, 8 October 15, 173. For more information on the "five feminists," see the Commission's Political Prisoner Database records 2015-00114 on Wei Tingting, 2015-00115 on Wang Man, 2015-00116 on Li Tingting, 2015-00117 on Wu Rongrong, and 2015-00118 on Zheng Churan.

¹⁹Philip Wen, "China's Few Defiant Feminists Jailed, Harassed, Watched," Sydney Morning Herald, 12 December 15.

²⁰Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 11(1); United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 3 August 16. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 7; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 14 July 16. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.

²¹PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 48; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 13; PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, amended 28 August 05, effective 1 December 05, art. 2.

²²"Discrimination Against Pregnant Woman Riles Netizens," Xinhua, reprinted in China Daily, 5 March 16.

²³World Economic Forum, "The Global Gender Gap Report 2015: China," 18 November 15. Eighteen percent of firms have women in senior management positions, according to the World Economic Forum Global Gender Gap Report.

²⁴Ibid.

²⁵"NPC Deputies Recommended the Development of an Employment Anti-Discrimination Law To Improve Mechanisms for Protecting Equal Employment Rights" [Renda daibiao jianyi zhiding fan jiuye qishi fa, wanshan pingdeng jiuye quan baozhang jizhi], China Internet Information Center, 4 November 15.

²⁶"Discrimination Against Pregnant Woman Riles Netizens," Xinhua, reprinted in China Daily, 5 March 16; "Women Complain About Gender Discrimination in Workplace," China Daily, 8 March 16; "Catalyst Quick Take: Women in the Workforce: China," Catalyst, 8 July 16. See also CECC, 2015 Annual Report, 8 October 15, 173.

²⁷PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, arts. 12, 13. Gender-based discrimination against employees or applicants for employment is prohibited under Articles 12 and 13 of the PRC Labor Law. See also Ministry of Human Resources and Social Security, Decision Regarding Revising "PRC Employment Services and Employment Management Regulations" [Guanyu xiugai "jiuye fuwu yu jiuye guanli guiding" de jue ding], issued 29 December 14, effective 1 February 15, arts. 20, 58.

²⁸"Building a Society With Equal Employment for Women," Sina, translated in Women of China, 6 February 15; China Labour Bulletin, "Workplace Discrimination," last visited 5 August 16; Jonathan Kaiman, "In China, Feminism Is Growing—And So Is the Backlash," Los Angeles Times, 15 June 16.

²⁹"Chinese Activists Probe Colleges Over Sexist Job Adverts," Radio Free Asia, 31 March 16; China Labour Bulletin, "Workplace Discrimination," last visited 5 August 16; Luo Wangshu, "Woman Sues Logistics Firm for Discrimination," China Daily, 29 September 15; "Women Com-

plain About Gender Discrimination in Workplace,” China Daily, 8 March 16; Mao Kaiyun, “‘Already Nourished’ Becomes the Standard To Measure Suspected Employment Discrimination” [“Yiyu” cheng jiuye fama shexian qishi], Beijing Morning Post, reprinted in Sina, 8 March 16.

³⁰China Labour Bulletin, “Workplace Discrimination,” last visited 5 August 16.
³¹Nuquan Zhi Sheng (genderinchina), “She Was the First Woman To Sue a State-Owned Enterprise for Gender-Based Employment Discrimination, Then Won” [Ta shi zhongguo di yi ge zhuanggao guoqi jiuye xingbie qishi de nusheng, ranhou ying le], Weibo post, 3 November 15, 10:59 a.m.; Maria Siow, “Gender Discrimination Lawsuit in China Creates Buzz Among Activists,” Channel NewsAsia, 20 September 15; Luo Wangshu, “Woman Sues Logistics Firm for Discrimination,” China Daily, 29 September 15.

³²Nuquan Zhi Sheng (genderinchina), “She Was the First Woman To Sue a State-Owned Enterprise for Gender-Based Employment Discrimination, Then Won” [Ta shi zhongguo di yi ge zhuanggao guoqi jiuye xingbie qishi de nusheng, ranhou ying le], Weibo post, 3 November 15, 10:59 a.m.; Maria Siow, “Gender Discrimination Lawsuit in China Creates Buzz Among Activists,” Channel NewsAsia, 20 September 15; “Waiting for Verdict in China Gender-Based Employment Discrimination Case” [Zhongguo jiuye xingbie qishi an dengdai fayuan panjue], Radio Free Asia, 25 September 15; China Labour Bulletin, “Workplace Discrimination,” last visited 5 August 16.

³³Nuquan Zhi Sheng (genderinchina), “She Was the First Woman To Sue a State-Owned Enterprise for Gender-Based Employment Discrimination, Then Won” [Ta shi zhongguo di yi ge zhuanggao guoqi jiuye xingbie qishi de nusheng, ranhou ying le], Weibo post, 3 November 15, 10:59 a.m.; China Labour Bulletin, “Workplace Discrimination,” last visited 5 August 16.

³⁴Lin Jie, “Woman Rejected for Kitchen Apprenticeship Due to Gender” [Yi nusheng yingpin chufang xuetu yin xingbie zao ju], China Youth Daily, reprinted in People’s Daily, 18 September 15; Jonathan Kaiman, “In China, Feminism Is Growing—And So Is the Backlash,” Los Angeles Times, 15 June 16.

³⁵Jonathan Kaiman, “In China, Feminism Is Growing—And So Is the Backlash,” Los Angeles Times, 15 June 16.

³⁶Ibid.

³⁷China Labour Bulletin, “Guangzhou Chef Goes to Court Again in Gender Discrimination Battle,” 22 August 16.

³⁸Ibid.

³⁹“Women Complain About Gender Discrimination in Workplace,” China Daily, 8 March 16; China Labour Bulletin, “Workplace Discrimination,” last visited 5 August 16; China Labour Bulletin, “Pregnant Women Workers Struggle To Defend Their Rights in China’s Factories,” 1 December 15; “Discrimination Against Pregnant Woman Riles Netizens,” Xinhua, reprinted in China Daily, 5 March 16; “Gender Inequality Still Exists in the Workplace,” China Women’s News, reprinted in Women of China, 3 August 16; PRC Law on the Protection of Women’s Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, amended 28 August 05, effective 1 December 05, art. 27. An employer may not rescind the labor contract of an employee during “pregnancy, childbirth, or while nursing.” PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 29(3).

⁴⁰“Gender Inequality Still Exists in the Workplace,” China Women’s News, reprinted in Women of China, 3 August 16.

⁴¹China Labour Bulletin, “Pregnant Women Workers Struggle To Defend Their Rights in China’s Factories,” 1 December 15; China Labour Bulletin, “Workplace Discrimination,” last visited 5 July 16.

⁴²Ibid.

⁴³PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16.

⁴⁴“Legislators Approve China’s First Law Against Domestic Violence,” Xinhua, 27 December 15; “China’s Domestic Violence Law Gets Mixed Reception,” Voice of America, 29 December 15; Wang Xiaodong, “Law To Get Tough on Domestic Violence,” China Daily, 5 March 15; Robin Runge, “Operating in a Narrow Space To Effect Change: Development of a Legal System Response to Domestic Violence in China,” in *Comparative Perspectives on Gender Violence: Lessons From Efforts Worldwide*, eds. Rashmi Goel and Leigh Goodmark (Oxford: Oxford University Press, 2015), 31. In her essay detailing the advocacy efforts and challenges leading up to the final adoption of the PRC Anti-Domestic Violence Law, Robin Runge notes that anti-domestic violence advocates and women’s rights scholars in China have been advocating for the past 25 years for the Chinese government to recognize domestic violence as a crime in both law and policy. For more background regarding the drafting of the law, see also CECC, 2015 Annual Report, 8 October 15, 174–75.

⁴⁵PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, arts. 15, 23; “China Exclusive: China’s Anti-Domestic Violence Laws To Protect Wives,” Xinhua, 30 December 15; China Law Translate, “Thicker Than Water: An Overview of China’s New Domestic Violence Law,” 31 December 15.

⁴⁶“China Exclusive: China’s Anti-Domestic Violence Laws To Protect Wives,” Xinhua, 30 December 15; Emily Rauhala, “Domestic Abuse Is Thriving in China’s Culture of Silence,” Washington Post, 2 May 16. According to the All-China Women’s Federation, only a fraction of abused wives report domestic violence.

⁴⁷Emily Rauhala, “China’s Domestic Violence Law Is a Victory for Feminists. But They Say It Doesn’t Go Far Enough,” Washington Post, 29 December 15; “China’s Domestic Violence Law Gets Mixed Reception,” Voice of America, 29 December 15; “Activists Welcome China’s 1st Domestic Violence Law,” Associated Press, 28 December 15; “China’s First Anti-Domestic Violence Law Is Formally Unveiled” [Zhongguo shoubu fan jiaobao fa zhengshi chutail], Radio Free Asia, 28 December 15.

⁴⁸Emily Rauhala, “China’s Domestic Violence Law Is a Victory for Feminists. But They Say It Doesn’t Go Far Enough,” Washington Post, 29 December 15; “China’s Domestic Violence Law

Gets Mixed Reception,” *Voice of America*, 29 December 15; “China’s First Anti-Domestic Violence Law Is Formally Unveiled” [Zhongguo shoubu fan jiabao fa zhengshi chutai], *Radio Free Asia*, 28 December 15; PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, arts. 2, 37.

⁴⁹“Activists Welcome China’s 1st Domestic Violence Law,” *Associated Press*, 28 December 15; PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16 art. 2.

⁵⁰“China Exclusive: China’s Anti-Domestic Violence Laws To Protect Wives,” *Xinhua*, 30 December 15; “China’s First Anti-Domestic Violence Law Is Formally Unveiled” [Zhongguo shoubu fan jiabao fa zhengshi chutai], *Radio Free Asia*, 28 December 15; PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, arts. 2, 13, 15–17, 19, 23–32, 37.

⁵¹Emily Rauhala, “China’s Domestic Violence Law Is a Victory for Feminists. But They Say It Doesn’t Go Far Enough,” *Washington Post*, 29 December 15; “China’s Domestic Violence Law Gets Mixed Reception,” *Voice of America*, 29 December 15; “China’s First Anti-Domestic Violence Law Is Formally Unveiled” [Zhongguo shoubu fan jiabao fa zhengshi chutai], *Radio Free Asia*, 28 December 15; “Activists Welcome China’s 1st Domestic Violence Law,” *Associated Press*, 28 December 15; PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16.

⁵²PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, arts. 23, 28; China Law Translate, “Thicker Than Water: An Overview of China’s New Domestic Violence Law,” 31 December 15.

⁵³PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, art. 28; “Activists Welcome China’s 1st Domestic Violence Law,” *Associated Press*, 28 December 15.

⁵⁴PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, art. 29; China Law Translate, “Thicker Than Water: An Overview of China’s New Domestic Violence Law,” 31 December 15.

⁵⁵Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on 27 October 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, paras. 115, 124(b); UN Women, *Convention on the Elimination of All Forms of Discrimination against Women, General Recommendations Made by the Committee on the Elimination of Discrimination against Women*, last visited 24 June 16, General Recommendation No. 19 (11th Session, 1992), paras. 22, 24(m); General Recommendation No. 21 (13th Session, 1994), paras. 21–23.

⁵⁶UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 51.

⁵⁷*Ibid.*, paras. 51, 52.

⁵⁸UN Committee against Torture, *List of Issues in Relation to the Fifth Periodic Report of China*, adopted by the Committee at its 54th Session (20 April–15 May 2015), CAT/C/CHN/Q/5/Add.1, 15 June 15, paras. 17(a), 18; Chinese Human Rights Defenders, “CHRD and Coalition of NGOs Information Submission to the UN Committee Against Torture for Consideration in List of Issues—February 2015,” 9 February 15, paras. 8(b) (including endnote 16), 14(a). For background on the types of abuse female detainees face in black jails, see Chinese Human Rights Defenders, “‘We Can Beat You to Death With Impunity’: Secret Detention & Abuse of Women in China’s ‘Black Jails,’” October 2014, 1, 8–16.

⁵⁹UN Committee against Torture, *List of Issues in Relation to the Fifth Periodic Report of China*, adopted by the Committee at its 54th Session (20 April–15 May 2015), CAT/C/CHN/Q/5/Add.1, 15 June 15, para. 17(a); Chinese Human Rights Defenders, “CHRD and Coalition of NGOs Information Submission to the UN Committee Against Torture for Consideration in List of Issues—February 2015,” 9 February 15, para. 8(b) (including endnote 16). For more information on the eight former detainees of the Masanjia Women’s Reeducation Through Labor (RTL) Center who were subsequently imprisoned, see the following records in the Commission’s Political Prisoner Database: 2015-00307 on Shi Junmei, 2015-00347 on Su Dezhen, 2015-00348 on Sun Rongyou, 2015-00349 on Zhao Lifan, 2015-00350 on Shi Guiying, 2015-00351 on Zhong Shujuan, 2015-00352 on Zhu Jianyun, and 2015-0353 on Li Li. For more information on Masanjia and the RTL system, see CECC, “Special Topic Paper: Prospects for Reforming China’s Reeducation Through Labor System,” 9 May 13.

HUMAN TRAFFICKING

Trends and Developments

During the Commission's 2016 reporting year, China remained a country of origin¹ and destination² for the trafficking of men, women, and children, as defined under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol).³ According to United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), men, women, and children reportedly were trafficked within China's borders for forced labor, forced marriage, and sexual exploitation.⁴ UN-ACT specifically highlighted the problems of forced marriage as well as forced begging and street performing in China.⁵ In addition to domestic human trafficking,⁶ cross-border trafficking was a significant concern.⁷ The International Organization for Migration (IOM) and International Labour Organization (ILO) reported that international criminal networks were driving an increase in human trafficking of Chinese nationals, particularly women, to Southeast Asia, Europe, and Africa.⁸ UN-ACT also reported that anecdotal evidence pointed to an increase in cross-border trafficking from China to Southeast Asia.⁹ The Commission observed media reports of an increase in the trafficking of women from Burma (Myanmar), Cambodia, Vietnam, and Nepal to China for forced marriage or sexual exploitation.¹⁰

Experts noted a dearth of accurate statistics on the scale of human trafficking in the region due to a variety of factors, including the hidden and often disorganized nature of the crime, governments' collusion with human traffickers, confusion over the definition of human trafficking, and the use of problematic methodologies in data collection.¹¹

FORCED LABOR AND NORTH KOREAN WORKERS IN CHINA

This past year, the Commission observed reports of North Korean laborers in China working under conditions experts described as forced or slave labor.¹² According to a September 2015 report by Marzuki Darusman, the United Nations Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), in recent years the DPRK government sent over 50,000 North Korean nationals to work abroad in conditions that "amount[ed] to forced labor."¹³ The Asan Institute for Policy Studies estimated in 2013 that 19,000 such workers were in China.¹⁴ According to Greg Scarlatoiu, Executive Director of the Committee for Human Rights in North Korea, the overseas workers earned between US\$150 and US\$230 million per year for the DPRK government.¹⁵ North Korean workers reportedly worked long hours in substandard conditions for low pay, and in some cases workers received no pay.¹⁶ According to the UN report, DPRK security agents accompanied the workers abroad, restricted their freedom of movement, confiscated their passports, and subjected them to constant surveillance.¹⁷ The U.S. State Department and the UN TIP Protocol include forced labor within their respective definitions of human trafficking.¹⁸ [For more information on North Korean refu-

gees and the risk of human trafficking, see Risk Factors in this section and Section II—North Korean Refugees in China.]

FORCED LABOR IN ADMINISTRATIVE DETENTION CENTERS

Although the Chinese government abolished the reeducation through labor (RTL) system in 2013,¹⁹ similar forms of arbitrary detention employing forced labor remain in place. The RTL system was a form of administrative punishment in which detainees were detained without trial²⁰ and subjected to forced labor.²¹ RTL detainee labor constituted human trafficking as defined by the UN TIP Protocol.²² Following the abolition of RTL, authorities have reportedly continued to use similar forms of administrative detention, including “custody and education” and compulsory drug detoxification,²³ in which detainees perform forced labor.²⁴ Zhang Sujun, Vice Minister of the Ministry of Justice, said in November 2014 that most RTL facilities were converted to compulsory drug detoxification centers,²⁵ and in June 2015 he reported that the number of individuals held in detoxification centers had increased by about 29 percent compared to the previous year.²⁶ In February 2016, the China National Narcotics Control Commission (CNNCC) reported that although the number of drug users remained stable in 2015, the total number of individuals investigated and detained for drug use increased compared to 2014.²⁷ CNNCC did not report the number of suspected drug users being held in compulsory drug detoxification centers.²⁸

Risk Factors

China’s ongoing human trafficking problem stems from a variety of social, economic, and political factors. According to UN-ACT, internal migrant workers in China were vulnerable to being trafficked for forced labor.²⁹ Migrant workers’ children, often unable to migrate with their parents, were reportedly at risk for forced labor, forced marriage, and sexual exploitation.³⁰ Individuals with disabilities were at risk for forced labor and forced begging.³¹ The IOM and ILO reported that poor rural women were vulnerable to trafficking from China to Southeast Asia, Europe, and Africa.³² Poverty and political instability contributed to human trafficking from Southeast Asia to China for forced labor and sexual exploitation.³³

North Korean refugees who escaped into China also remained at risk of human trafficking. The Chinese government continued to treat North Korean refugees as economic migrants, repatriating all undocumented North Korean migrants.³⁴ Although border crossings have reportedly decreased in recent years,³⁵ the majority of North Koreans who crossed the border into China were women, and their reliance on smugglers left them vulnerable to trafficking for forced marriage and sexual exploitation.³⁶ A UN report noted that female North Korean workers sent to China were also at risk of sexual exploitation.³⁷ [For more information, see Section II—North Korean Refugees in China.]

China’s sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias for sons³⁸—created a demand for marriageable women that may contribute to human trafficking for forced marriage and sexual exploi-

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tation.³⁹ According to estimates by the National Bureau of Statistics of China, in 2015, China had 33.66 million more men than women.⁴⁰ The official sex ratio at birth, while lower than previous years,⁴¹ remained high at approximately 113.5 boys born for every 100 girls.⁴² According to demographers, a typical sex ratio at birth is within the range of 103 to 107 boys born for every 100 girls.⁴³ In December 2015, the Chinese government adjusted its population policy to allow all married couples to have two children.⁴⁴ Experts disagreed over the extent to which this new policy would further reduce the sex ratio imbalance.⁴⁵ [For more information on China's population policies, see Section II—Population Control.]

Anti-Trafficking Efforts

The Chinese government increased punishments for buyers of trafficked women and children under domestic law, but the number of human trafficking convictions fell. On November 1, 2015, an amendment to the PRC Criminal Law took effect⁴⁶ that included a change to Article 241 regarding buyers of trafficked women and children.⁴⁷ Previously, buyers could avoid criminal liability if they did not harm the victim or prevent authorities from rescuing the victim.⁴⁸ The amended law provides that buyers will face criminal liability,⁴⁹ although they may receive lighter or reduced punishments.⁵⁰ In March 2016, the Supreme People's Court announced that in 2015, courts nationwide handled 853 human trafficking cases and convicted 1,362 individuals.⁵¹ This represented an almost 56-percent decline in the number of cases and a nearly 63-percent decline in the number of convictions compared to 2010.⁵² [For information on how the definition of human trafficking under Chinese law contributes to the unreliability of government trafficking statistics, see Anti-Trafficking Challenges in this section.]

During this reporting year, the Chinese government continued to participate in regional efforts to combat human trafficking. In November 2015, the governments of China and Cambodia drafted a Memorandum of Understanding to address the trafficking of Cambodian women to China for forced marriage.⁵³ The Chinese government continued its involvement in the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT),⁵⁴ participating in a joint workshop of COMMIT and the Association of Southeast Asian Nations (ASEAN) in December 2015.⁵⁵

Anti-Trafficking Challenges

Although the PRC Criminal Law prohibits human trafficking,⁵⁶ China's domestic legislation remains inconsistent with UN TIP Protocol standards.⁵⁷ The UN TIP Protocol definition of human trafficking involves three components: the action of recruitment, transfer, harboring, or receipt of persons; the means of force, coercion, fraud, deception, or control; and "the purpose of exploitation," including sexual exploitation or forced labor.⁵⁸ The definition of trafficking under Chinese law⁵⁹ does not clearly cover all forms of trafficking covered under Article 3 of the UN TIP Protocol,⁶⁰ such as certain types of non-physical coercion⁶¹ or offenses against male victims.⁶² Although the China Action Plan to Combat Trafficking in Persons (2013–2020), issued by the State Council in January

2013, revised the Chinese term for trafficking to include all persons (*guaimai renkou*),⁶³ the amended PRC Criminal Law, which took effect on November 1, 2015, referred to only women and children (*guaimai funu ertong*).⁶⁴

The PRC Criminal Law is also overly broad compared with the UN TIP Protocol in that its definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the end purpose of these actions.⁶⁵ Under the UN TIP Protocol, illegal adoptions are considered trafficking only if the end purpose of the sale is exploitation, such as sexual exploitation or forced labor.⁶⁶ According to the U.S. State Department, the inconsistencies between China's legal definition of human trafficking and international standards contributed to the unreliability of data in official reports and statistics on the number of trafficking cases China's criminal justice system handles.⁶⁷

Hong Kong

During the reporting year, Hong Kong was a destination for human trafficking, with migrant domestic workers particularly at risk of exploitation for forced labor.⁶⁸ According to the Hong Kong Census and Statistics Department's 2015 annual digest, as of 2014, there were over 330,000 migrant domestic workers working in households in Hong Kong, the majority of whom came from the Philippines and Indonesia.⁶⁹ In December 2015, the UN Committee against Torture noted its concern "over numerous reports of cases of exploitation of migrant domestic workers."⁷⁰ In March 2016, the migrants' rights non-governmental organization Justice Centre Hong Kong (JCHK)⁷¹ released findings from a survey of over 1,000 migrant domestic workers, finding that 17 percent of respondents were working under conditions of forced labor.⁷² JCHK also found that 66.3 percent of respondents showed "strong signs of exploitation" such as excessive working hours.⁷³

The UN Committee against Torture as well as domestic and international non-governmental organizations expressed concern that Hong Kong's laws did not adequately address human trafficking.⁷⁴ While China acceded to the UN TIP Protocol in 2010, the Chinese central government has not extended the Protocol to apply to Hong Kong.⁷⁵ Moreover, the definition of human trafficking in Hong Kong's Crimes Ordinance covered only the cross-border movement of persons "for the purpose of prostitution," not forced labor or other forms of trafficking.⁷⁶ The UN Committee against Torture and JCHK further noted that two regulations—requiring migrant domestic workers to live with their employers⁷⁷ and to leave Hong Kong within two weeks of termination of a contract⁷⁸—contributed to migrants' risk of exploitation for forced labor.⁷⁹

In January 2016, one alleged victim of human trafficking challenged the Hong Kong government in court, arguing that Hong Kong's Bill of Rights Ordinance requires the Hong Kong government to enact stronger anti-trafficking legislation.⁸⁰ The man who brought the legal challenge reportedly took a position in Hong Kong as a domestic worker, but his employer instead forced him to work in an office from 2007 to 2010.⁸¹ During this time, his employer and the employer's family physically abused him, withheld his passport, and refused to pay him.⁸² A labor tribunal reportedly

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awarded the man less than 15 percent of the HK\$220,000 (US\$28,000) he claimed the employer owed him.⁸³ The Hong Kong High Court heard testimony about the case in January 2016.⁸⁴ As of August 2016, the Commission had not observed any further information on the status of the legal challenge. [For more information on Hong Kong, see Section VI—Developments in Hong Kong and Macau.]

Notes to Section II—Human Trafficking

¹ See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2016, 130; International Organization for Migration and International Labour Organization, “Overview: Project Activities Throughout the Year and the Way Forward,” EU-China Dialogue on Migration and Mobility Support Project Newsletter, Issue 2, January 2016, 4; “Brussels Warns That Mass Migration to EU May Exacerbate Human Trafficking,” Deutsche Welle, 19 May 16.

² See, e.g., United Nations Office of Drugs and Crime, “Protecting Peace and Prosperity in Southeast Asia: Synchronizing Economic and Security Agendas,” February 2016, 26; Taylor O’Connell and Ben Sokhean, “Human Trafficking Up, Spurred by Migration,” Cambodia Daily, 26 February 16; Pratchya Dulal, “When Danger Lurks Close to One’s Home,” Kathmandu Post, 15 December 15.

³ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a). This protocol is also commonly referred to as the Palermo Protocol because it was adopted in Palermo, Italy, in 2000. China acceded to the Protocol on February 8, 2010. United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 10 June 16. For information on how international standards regarding forced labor fit into the framework of the UN TIP Protocol, see International Labour Organization, International Labour Office, “Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement,” 2005, 10; International Labour Organization, International Labour Office, “Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children,” 2012, 12, 19.

⁴ “China,” United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), last visited 15 April 16.

⁵ *Ibid.*

⁶ See, e.g., Jun Mai, “Women Held in a China Pigsty To Be Sold as Brides by Trafficking Gang Had Mental Impairments,” South China Morning Post, 15 October 15; Mimi Lau, “Diary of a Sex Slave: Police Rescue 5 Girls, Including a 12-Year-Old, From Sex Ring in West China; Five More Still Missing,” South China Morning Post, 2 November 15.

⁷ See, e.g., International Organization for Migration and International Labour Organization, “Overview: Project Activities Throughout the Year and the Way Forward,” EU-China Dialogue on Migration and Mobility Support Project Newsletter, Issue 2, January 2016, 4; “China,” United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), last visited 15 April 16; Gopal Sharma, “Rise in Nepali Women Trafficked to China, South Korea—Rights Commission,” Thomson Reuters Foundation, 27 April 16.

⁸ International Organization for Migration and International Labour Organization, “Overview: Project Activities Throughout the Year and the Way Forward,” EU-China Dialogue on Migration and Mobility Support Project Newsletter, Issue 2, January 2016, 4.

⁹ “China,” United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), last visited 15 April 16.

¹⁰ Soe Maung and Swan Ye Htut, “Police Colonel Addresses Child Abduction Rumours, Human Trafficking,” Myanmar Times, 3 February 16; Saing Soenthrith and Aria Danaparamita, “Trilateral Agreement Signed To Combat Human Trafficking,” Cambodia Daily, 18 January 16; Taylor O’Connell and Ben Sokhean, “Human Trafficking Up, Spurred by Migration,” Cambodia Daily, 26 February 16; Lucy Nguyen, “Vietnamese Woman Jumps Out of Car in China To Escape Human Traffickers,” Thanh Nien News, 15 March 16; Gopal Sharma, “Rise in Nepali Women Trafficked to China, South Korea—Rights Commission,” Thomson Reuters Foundation, 27 April 16.

¹¹ See, e.g., Jessie Brunner, East-West Center, “Inaccurate Numbers, Inadequate Polices: Enhancing Data To Evaluate the Prevalence of Human Trafficking in ASEAN,” 2015, vi–vii; Dan Southerland, “Progress in Fight Against Human Trafficking in Asia Hard To Measure,” Radio Free Asia, 6 April 16; Janie A. Chuang, “Exploitation Creep and the Unmaking of Human Trafficking Law,” American Journal of International Law, Vol. 108, No. 4 (October 2014), 609–10; United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “UN-ACT Research Strategy: Vulnerabilities, Trends and Impact,” 2015, 1. For publication date of UN-ACT report, see United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “Research,” last visited 23 July 16.

¹² See, e.g., Michael Larkin, “Interview: Behind North Korea’s Use of ‘Slave Labor,’” The Diplomat, 8 October 15; Edith M. Lederer, “UN Investigator: North Koreans Doing Forced Labor Abroad,” Associated Press, 28 October 15; “North Koreans Endure ‘Forced Labor’ in China To Earn Money for the Regime,” Radio Free Asia, 6 November 15.

¹³ UN General Assembly, Situation of Human Rights in the Democratic People’s Republic of Korea, A/70/362, 8 September 15, paras. 24, 26. See also Shin Chang-Hoon and Go Myong-Hyun, Asan Institute for Policy Studies, “Beyond the UN COI Report on Human Rights in DPRK,” 11 December 14, 21–30; International Network for the Human Rights of North Korean Overseas Labor, “The Conditions of the North Korean Overseas Labor,” December 2012, 19–21.

¹⁴ Shin Chang-Hoon and Go Myong-Hyun, Asan Institute for Policy Studies, “Beyond the UN COI Report on Human Rights in DPRK,” 11 December 14, 30.

¹⁵ Michael Larkin, “Interview: Behind North Korea’s Use of ‘Slave Labor,’” The Diplomat, 8 October 15.

¹⁶ *Ibid.*; Brian Padden, “Activists Seek Better Conditions for North Korean Migrant Laborers,” Voice of America, 23 December 15; “North Koreans Endure ‘Forced Labor’ in China To Earn Money for the Regime,” Radio Free Asia, 6 November 15; UN General Assembly, Situation of

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Human Rights in the Democratic People's Republic of Korea, A/70/362, 8 September 15, para. 27.

¹⁷UN General Assembly, Situation of Human Rights in the Democratic People's Republic of Korea, A/70/362, 8 September 15, para. 27. See also Seol Song Ah, "North Korean Restaurants in Dandong Failing To Pay Workers' Salaries," Daily NK, 28 March 16; Brian Padden, "Activists Seek Better Conditions for North Korean Migrant Laborers," Voice of America, 23 December 15.

¹⁸U.S. Department of State, "What Is Modern Slavery?" last visited 11 April 16; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a). For information on how international standards regarding forced labor fit into the framework of the UN TIP Protocol, see International Labour Organization, International Labour Office, "Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, International Labour Office, "Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children," Second Edition, 2012, 12, 19.

¹⁹National People's Congress Standing Committee, Decision on Abolishing Laws and Regulations Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jue ding], issued and effective, 28 December 13; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2016, 130.

²⁰Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 5; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jue ding], issued 3 August 57, item 3; State Council, Supplementary Provisions on Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang de buchong guiding], issued 29 November 79, items 1–2.

²¹Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 17–18; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13; State Council, Decision on the Issue of Reeducation Through Labor [Guowuyuan guanyu laodong jiaoyang wenti de jue ding], issued 3 August 57, item 2.

²²UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a). Reeducation through labor (RTL) inmate labor can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as RTL facility authorities engaged in the "harboring" and "receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation." According to Article 3(a), exploitation includes "forced labour." ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2. Article 2.1 of the Forced or Compulsory Labour Convention defines "forced or compulsory labour" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Article 2.2(c) makes an exception for "Any work or service extracted from any person as a consequence of a conviction in a court of law . . ." As RTL inmates were detained without trial, this exception did not apply. For more information on conditions RTL inmates faced, including "the threat or use of force," see, e.g., Amnesty International, "Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China," ASA 17/042/2013, 17 December 13, 17–33; Human Rights Watch, "China: Fully Abolish Re-Education Through Labor," 8 January 13. See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2016, 130.

²³Amnesty International, "China: Submission to the United Nations Committee Against Torture," 28 October 15, 17; Alexandra Harney et al., "U.S. Downplayed Evidence of Abuses in Chinese Detention Camps," Reuters, 30 December 15; Chi Yin and Jerome A. Cohen, "Lack of Due Process Mars China's War on Drugs," East Asia Forum, 20 July 15; Huang Qi, 64 Tianwang, "He Peng of Xichang, Sichuan, Escorted From Two Sessions, Sent to Drug Detoxification Center" [Sichuan xichang he peng lianghai yafan song jiedusuo], 14 March 16. For relevant legal provisions, see PRC Narcotics Law [Zhonghua renmin gongheguo jindu fa], passed 29 December 07, effective 1 June 08, arts. 38, 41, 43, 47; State Council, Drug Detoxification Regulations [Jiedu tiaoli], issued 26 June 11; Ministry of Justice, Judicial and Administrative Bureaus Compulsory Drug Detoxification Work Regulations [Sifa xingzheng jiguan qiangzhi geli jiedu gongzuo guiding], issued 3 April 13, effective 1 June 13; State Council, Measures on Custody and Education of Prostitutes [Maiyin piaochang renyuan shourong jiaoyu banfa], issued 4 September 93, amended 8 January 11.

²⁴Ministry of Justice, Judicial and Administrative Bureaus Compulsory Drug Detoxification Work Regulations [Sifa xingzheng jiguan qiangzhi geli jiedu gongzuo guiding], issued 3 April 13, effective 1 June 13, art. 43; Alexandra Harney et al., "U.S. Downplayed Evidence of Abuses in Chinese Detention Camps," Reuters, 30 December 15. See also Human Rights Watch, "Where Darkness Knows No Limits: Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China," January 2010, 27–31; Asia Catalyst, "Custody and Education: Arbitrary Detention for Female Sex Workers in China," December 2013, 8, 25–27.

²⁵Sun Ying, "Ministry of Justice: Vast Majority of Nation's Former Reeducation Through Labor Centers Have Been Turned Into Compulsory Drug Detoxification Centers" [Sifabu: quanguo jueda duoshu yuan laojiao changsuo zhuan wei qiangzhi geli jiedu changsuo], China National Radio, 5 November 14.

²⁶ Sun Chunying, “Establish and Improve Judicial-Administrative Drug Detoxification System With Chinese Characteristics” [Jianli he wanshan zhongguo tese sifa xingzheng jiedu zhidu], *Legal Daily*, 1 June 15.

²⁷ China National Narcotics Control Commission, “2015 Report on Narcotics Trends in China” [2015 nian zhongguo dupin xingshi baogao], 18 February 16, reprinted in *China Narcotics Net*, 18 February 16.

²⁸ *Ibid.*

²⁹ United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “China,” last visited 7 April 16.

³⁰ Lucy Hornby, “FT Seasonal Appeal: China’s Missing Children,” *Financial Times*, 2 December 15.

³¹ Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2016, 130; Supreme People’s Procuratorate and China Disabled Persons’ Federation, *Opinion on Procuratorial Work To Ensure Protection of the Legal Rights and Interests of Persons With Disabilities* [Guanyu zai jiancha gongzuo zhong qieshi weihu canji ren hefa quanyi de yijian], issued 8 December 15, para. 4.

³² International Organization for Migration and International Labour Organization, “Overview: Project Activities Throughout the Year and the Way Forward,” *EU-China Dialogue on Migration and Mobility Support Project Newsletter*, Issue 2, January 2016, 4.

³³ UN Office on Drugs and Crime, “Protecting Peace and Prosperity in Southeast Asia: Synchronizing Economic and Security Agendas,” February 2016, 21; Anemi Wick, “Trafficked Vietnamese Brides” [Bei guaimai de yuenan xinniangu], *Deutsche Welle*, 13 February 16; Andrew R.C. Marshall, “Led by China, Mekong Nations Take on Golden Triangle Narco-Empire,” *Reuters*, 15 March 16; Get It Right This Time: A Victims-Centered Trafficking in Persons Report, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 22 March 16, Testimony of Matthew Smith, Executive Director of Fortify Rights. See also United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “COMMIT SOM/IMM Concluded,” 5 May 15.

³⁴ UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, paras. 46–47; Human Rights Watch, “World Report 2016: Events of 2015,” 2016, 430.

³⁵ Anna Fifield, “Just About the Only Way To Escape North Korea Is if a Relative Has Already Escaped,” *Washington Post*, 31 March 16; Human Rights Watch, “North Korea—World Report 2016: Events of 2015,” 2016, 429–30; Chun Su-jin and Kim So-hee, “More Elite Flee Though Pyongyang Tightens Up,” *Korea JoongAng Daily*, 13 April 16.

³⁶ Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15; Human Rights Watch, “World Report 2016: Events of 2015,” 2016, 429–30.

³⁷ UN General Assembly, *Situation of Human Rights in the Democratic People’s Republic of Korea*, A/70/362, 8 September 15, para. 42.

³⁸ Dan Southerland, “Progress in Fight Against Human Trafficking in Asia Hard To Measure,” *Radio Free Asia*, 6 April 16; Liberty Asia and Thomson Reuters Foundation, “From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia,” November 2014, 44; Population Reference Bureau, “PRB Discuss Online: Will China Relax Its One-Child Policy?” 22 February 11.

³⁹ Dan Southerland, “Progress in Fight Against Human Trafficking in Asia Hard To Measure,” *Radio Free Asia*, 6 April 16; Get It Right This Time: A Victims-Centered Trafficking in Persons Report, Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Committee on Foreign Affairs, U.S. House of Representatives, 22 March 16, Testimony of Mark Lagon, President, Freedom House; Liberty Asia and Thomson Reuters Foundation, “From Every Angle: Using the Law To Combat Human Trafficking in Southeast Asia,” November 2014, 44.

⁴⁰ National Bureau of Statistics of China, “2015 National Economy Steadily Progressing and Stable” [2015 nian guomin jingji yunxin wen zhong you jin, wen zhong you hao], 19 January 16.

⁴¹ Hu Hao, “China’s Sex Ratio at Birth Falls Sixth [Year] in a Row” [Woguo chusheng renkou xingbie bi liu lian jiang], *Xinhua*, 4 February 15; Chen Xianling, “China’s Sex Ratio Highest in the World, [In] 34 Years 30 Million ‘Extra’ Men Born” [Woguo xingbie bi pian gao shijie di yi 34 nian “duo” chu 3000 wan nanxing], *Southern Metropolitan Daily*, 11 February 15; “China’s Sex Ratio at Birth Declines 4 Years in a Row,” *Xinhua*, 5 March 13.

⁴² National Bureau of Statistics of China, “2015 National Economy Steadily Progressing and Stable” [2015 nian guomin jingji yunxin wen zhong you jin, wen zhong you hao], 19 January 16.

⁴³ See, e.g., UN Department of Economic and Social Affairs, “The World’s Women 2015: Trends and Statistics,” 2015, 6; Christophe Z. Guilmoto, “Skewed Sex Ratios at Birth and Future Marriage Squeeze in China and India, 2005–2100,” *Demography*, Vol. 49 (2012), 77–78; Stuart Basten and Georgia Verropoulou, “‘Maternity Migration’ and the Increased Sex Ratio at Birth in Hong Kong SAR,” *Population Studies*, Vol. 67, No. 3 (2013), 325; Population Control in China: State-Sponsored Violence Against Women and Children, Hearing of the Congressional-Executive Commission on China, 30 April 15, Testimony of Dr. Nicholas Eberstadt, Henry Wendt Chair in Political Economy, American Enterprise Institute for Public Policy Research, 2.

⁴⁴ National People’s Congress Standing Committee, *Decision Regarding Amending the Population and Family Planning Law* [Quanguo renda changweihui guanyu xiugai renkou yu jihua shengyu fa de jue ding], issued 27 December 15.

⁴⁵ Shen Lu and Katie Hunt, “China’s One-Child Policy Goes but Heartache Remains,” *CNN*, 31 December 15; “Sex Ratio Imbalance in China Giving Many Men ‘Difficulty With Marriage’”

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[Zhongguo dalu nannu bili shiheng ling daliang nanxing “hunpei nan”], Radio Free Asia, 19 January 16; Dan Southerland, “Progress in Fight Against Human Trafficking in Asia Hard To Measure,” Radio Free Asia, 6 April 16.

⁴⁶National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15.

⁴⁷Ibid., item 15.

⁴⁸PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 241; International Organization for Migration and International Labour Organization, “Recent Migration-Related Policy Developments,” EU-China Dialogue on Migration and Mobility Support Project Newsletter, Issue 2, January 2016, 2.

⁴⁹“Xinhua Insight: Infant Trafficking Rooted in Poverty, Ignorance of Law,” Xinhua, 24 January 16; “It’s a Crime, I Tell Ya: Major Changes in China’s Criminal Law Amendment 9,” China Law Translate (blog), 27 September 15; International Organization for Migration and International Labour Organization, “Recent Migration-Related Policy Developments,” EU-China Dialogue on Migration and Mobility Support Project Newsletter, Issue 2, January 2016, 2; Chen Liping, “Pointing Out Seven Major Highlights of the Criminal Law Amendment (Nine) Draft” [Dian] xing fa xiuzheng’an (jiu) cao’an de qi da liangdian], Legal Daily, 28 October 14.

⁵⁰National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, item 15. This wording is slightly different from earlier drafts of the amendment. The first draft provided that buyers of trafficked women who did not prevent the women from returning home and buyers of children who had not harmed them could receive a light or reduced punishment, or be “exempt” from punishment. The second draft provided that buyers could receive a light or reduced punishment in cases involving trafficked children, or be “exempt” from punishment in cases that involved trafficked women. National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu) (cao’an)], 3 November 14, item 13; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) (Draft) (Second Reading) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu) (cao’an) (er ci shen yi gao)], 6 July 15, item 15.

⁵¹Xu Jun, “High Incidence of Trafficking in Women and Children Beginning To Be Contained” [Guaimai funu ertong fanzui gaofa taishi chubu ezh], People’s Daily, 8 March 16.

⁵²Ibid.

⁵³Chhay Channyda, “China-Kingdom MOU Targets Illicit Bride Market,” 12 March 16; Caitlin Richards, United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “Cambodia and China Partnering To Protect Vulnerable Migrant Women,” UN-ACT (blog), 10 December 15.

⁵⁴Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, signed 29 October 04, reprinted in UN Action for Cooperation against Trafficking in Persons, last visited 14 July 16. The six signatories to the MOU were Cambodia, China, Lao PDR, Burma (Myanmar), Thailand, and Vietnam.

⁵⁵United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), “UN-ACT Project Updates,” UN-ACT Newsletter, January 2016; “Police To Attend Anti-Trafficking Meeting,” Myanmar Times, 13 October 15.

⁵⁶PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240.

⁵⁷Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include the protection and rehabilitation of victims of trafficking (see UN TIP Protocol, Article 6.3), the addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol, Article 3(a)), and the trafficking of men (covered under the definition of “trafficking in persons” in Article 3(a) of the UN TIP Protocol). See UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03.

⁵⁸United Nations Office on Drugs and Crime, “What Is Human Trafficking?” last visited 22 June 16; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a, c, d). Note that for children under age 18, the means described in Article 3(a) are not required for an action to constitute human trafficking. For information on how international standards regarding forced labor fit into the framework of the UN TIP Protocol, see International Labour Office, International Labour Organization, “Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement,” 2005, 7–15; International Labour Office, International Labour Organization, “Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children,” Second Edition, 2012, 12, 19.

⁵⁹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240. The PRC Criminal Law defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.”

⁶⁰UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized

Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a). See also United Nations Office on Drugs and Crime, “What Is Human Trafficking?” last visited 22 June 16.

⁶¹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 240, 244, 358. For additional information on this topic, see Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” 19 June 13, 130. According to this report, “it remains unclear whether [articles 240, 244, and 358] have prohibited the use of common non-physical forms of coercion, such as threats of financial or reputational harm, or whether acts such as recruiting, providing, or obtaining persons for compelled prostitution are covered.”

⁶²PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240. The PRC Criminal Law defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.”

⁶³State Council General Office, “China Action Plan To Combat Trafficking in Persons (2013–2020)” [Zhongguo fandui guaimai renkou xingdong jihua (2013–2020 nian)], 2 March 13.

⁶⁴National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240. The amendment did not include a change to Article 240 of the PRC Criminal Law, which defines human trafficking using the term “trafficking in women and children” (*guaimai funu ertong*). Item 15 of the PRC Criminal Law Amendment revising Article 241 of the PRC Criminal Law refers only to women and children.

⁶⁵PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 240. The PRC Criminal Law defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.”

⁶⁶UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a, c). The end result of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and Protocols Thereto, A/55/383/Add. 1, 3 November 00, para. 66.

⁶⁷Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2016, 131. For examples of the conflation of illegal adoption with human trafficking during the Commission’s 2016 reporting year, see, e.g., “Key Figure in Guangxi Cross-Border Infant Trafficking Case Executed” [Guangxi teda kuaguo fan ying an zhu fan bei zhixing sixing], Legal Daily, reprinted in People’s Daily, 17 August 16; Xu Jun, “High Incidence of Trafficking in Women and Children Beginning To Be Contained” [Guaimai funu ertong fanzui gaofa taishi chubu ezhi], People’s Daily, 8 March 16; “Xinhua Insight: Infant Trafficking Rooted in Poverty, Ignorance of Law,” Xinhua, 24 January 16; “Death Penalty Implemented for Trafficker of 22 Children” [Guaimai 22 ming ertong zuifan bei zhixing sixing], Xinhua, 29 January 16.

⁶⁸UN Office on Drugs and Crime, “Protecting Peace and Prosperity in Southeast Asia: Synchronizing Economic and Security Agendas,” February 2016, 34; Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 6–7, 52, 64; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2016, 194.

⁶⁹Census and Statistics Department, Hong Kong Special Administrative Region, “Hong Kong Annual Digest of Statistics” [Xianggang tongji niankan], October 2015, 43. See also Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 6, 20. Note that the Hong Kong government refers to migrant domestic workers as “foreign domestic helpers.”

⁷⁰UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China With Respect to Hong Kong, China, adopted by the Committee at its 1392nd and 1393rd Meetings (3 December 2015), CAT/C/CHN-HKG/CO/5, 3 February 16, para. 20.

⁷¹Justice Centre Hong Kong, “Who We Are,” last visited 15 July 16.

⁷²Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 7, 33, 52.

⁷³*Ibid.*, 7, 54.

⁷⁴UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China With Respect to Hong Kong, China, adopted by the Committee at its 1392nd and 1393rd Meetings (3 December 2015), CAT/C/CHN-HKG/CO/5, 3 February 16, para. 20; Justice Centre

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⁷⁵ United Nations Treaty Collection, Chapter XVIII, 12.a., Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 23 July 16. See also UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, adopted by the Committee at its 59th session (20 October–7 November 2014), CEDAW/C/CHN/CO/7–8, 14 November 14, para. 56.

⁷⁶ Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 2 August 12, sec. 129(1); Hong Kong Bar Association, “Hong Kong Bar Association’s Submission to the United Nations Committee Against Torture,” 17 October 15, para. 22; Liberty Asia and Reed Smith Richards Butler, “Legal Overview of Human Trafficking in Hong Kong,” 2015, 15.

⁷⁷ Hong Kong Special Administrative Region Government, Immigration Department, Visa/Extension of Stay Application Form for Domestic Helper From Abroad, last visited 18 July 16, 6(ii); Hong Kong Special Administrative Region Government, Immigration Department, Employment Contract (for a Domestic Helper Recruited From Abroad), last visited 18 July 16, 3; Hong Kong Special Administrative Region Government, Immigration Department, “Foreign Domestic Helpers,” last visited 18 July 16, Q30. See also Danny Lee, “Hong Kong Domestic Helpers Arrested in Crackdown on ‘Live-Out’ Maids,” South China Morning Post, 29 January 15.

⁷⁸ Hong Kong Special Administrative Region Government, Immigration Department, Visa/Extension of Stay Application Form for Domestic Helper From Abroad, last visited 18 July 16, 6(vi); Hong Kong Special Administrative Region Government, Immigration Department, “Conditions of Employment for Foreign Domestic Helpers: A General Guide to the Helper,” last visited 18 July 16, 3; Hong Kong Special Administrative Region Government, Immigration Department, “Foreign Domestic Helpers,” last visited 18 July 16, Q33, Q44. See also Adrienne Chum, “Helping Hands: The Two-Week Rule,” HK Magazine, 30 July 15.

⁷⁹ UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China With Respect to Hong Kong, China, adopted by the Committee at its 1392nd and 1393rd Meetings (3 December 2015), CAT/C/CHN-HKG/CO/5, 3 February 16, para. 20; Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 23.

⁸⁰ Adam Severson, “Reviewing Hong Kong’s Human Trafficking Case,” Justice Centre Hong Kong (blog), 15 January 16; Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 26; Eddie Lee, “South Asian in Judicial Review Had To Return to Hong Kong for Unpaid Wages, High Court Hears,” South China Morning Post, 15 January 16; Legislative Council of the Hong Kong Special Administrative Region, Hong Kong Bill of Rights Ordinance (Cap. 383) [Di 383 zhang xianggang renquan fa’an tiaoli], amended 30 June 97, sec. 8, art. 4. See also Astrid Zwegnert, “Trafficking Victim To Challenge Hong Kong’s Lack of Forced Labor Law in Court,” Thomson Reuters Foundation, 16 July 15.

⁸¹ “Man Tricked Into Working in Hong Kong, Then Forced To Work Unpaid, Beaten: Lawyers,” Agence France-Presse, reprinted in Straits Times, 12 January 16; Eddie Lee, “South Asian in Judicial Review Had To Return to Hong Kong for Unpaid Wages, High Court Hears,” South China Morning Post, 15 January 16; Justice Centre Hong Kong, “Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong,” March 2016, 26.

⁸² Roland Lim, “Landmark Case To Test Human Trafficking Laws in Hong Kong,” Channel News Asia, 12 January 16; Eddie Lee, “South Asian in Judicial Review Had To Return to Hong Kong for Unpaid Wages, High Court Hears,” South China Morning Post, 15 January 16; Eddie Lee, “I Have Faith in Hong Kong Government, South Asian Seeking Trafficking Review Tells Court,” South China Morning Post, 12 January 16.

⁸³ “Man Tricked Into Working in Hong Kong, Then Forced To Work Unpaid, Beaten: Lawyers,” Agence France-Presse, reprinted in Straits Times, 12 January 16; Eddie Lee, “South Asian in Judicial Review Had To Return to Hong Kong for Unpaid Wages, High Court Hears,” South China Morning Post, 15 January 16.

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NORTH KOREAN REFUGEES IN CHINA

Introduction

During the Commission's 2016 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, execution, and other inhuman treatment.¹ The Chinese government regards North Koreans who enter China without proper documentation as illegal economic migrants² and maintains a policy of forcible repatriation based on a 1986 border protocol with the DPRK.³ China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees (1951 Convention) and its 1967 Protocol, to which China has acceded.⁴

China is obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "grounds for believing that [they] would be in danger of being subject to torture."⁵ In November 2015, the UN Committee against Torture (Committee) conducted its fifth periodic review of China's compliance with the Convention.⁶ In its concluding observations, the Committee stated its concerns about China's lack of "national asylum legislation and administrative procedures" for determining refugee status, as well as China's "rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons."⁷ The Committee urged China to address these concerns by incorporating the "principle of non-refoulement" into domestic legislation, "immediately ceas[ing] forcible repatriation of undocumented migrants and victims of trafficking" to the DPRK, and allowing "UNHCR personnel unimpeded access to nationals of the [DPRK] . . . in order to determine if they qualify for refugee status."⁸

Repatriation of Refugees and Border Conditions

This past year, heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face. In November 2015, Human Rights Watch reported an October 2015 case in which Vietnamese authorities detained nine North Korean refugees—including an 11-month-old infant—near the China-Vietnam border and later transferred them to Chinese authorities in the Guangxi Zhuang Autonomous Region.⁹ Chinese authorities subsequently transferred the group to a military base in Tumen city, Yanbian Korean Autonomous Prefecture, Jilin province, near the China-North Korea border, causing concerns that authorities planned to repatriate them.¹⁰ China's Ministry of Foreign Affairs refused to answer a media inquiry from Radio Free Asia regarding the condition of these nine North Korean refugees.¹¹ As of August 2016, the Commission had not observed any updates about the group.

Heightened border security may be limiting the outflow of refugees from the DPRK, as demonstrated by the smaller number of refugees reaching South Korea.¹² South Korean Ministry of Unifi-

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cation data reportedly showed that the number of refugees who reached South Korea decreased from 1,397 in 2014 to 1,277 in 2015,¹³ continuing the trend of a significant decline in the number of refugees entering South Korea since 2011.¹⁴

Crackdown on Foreign Aid Workers

During this reporting year, Chinese and North Korean authorities continued to crack down on organizations and individuals—including foreign aid workers, Christian missionaries and churches, and non-governmental organizations—that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.¹⁵ In January 2016, Chinese authorities indicted Canadian citizen Kevin Garratt, accusing him of “spying and stealing China’s state secrets.”¹⁶ Garratt and his wife operated a coffee shop near the North Korean border in Dandong municipality, Liaoning province, and were reportedly involved in assisting North Korean refugees.¹⁷

North Korean Workers in China

During this reporting year, the Commission observed reports of North Korean laborers in China working under exploitative conditions. According to Greg Scarlatou, Executive Director of the Committee for Human Rights in North Korea, the DPRK government sent about 50,000 North Korean nationals to work overseas and subjected them to “very harsh conditions of work” that “amount to forced labor.”¹⁸ These “harsh” work conditions reportedly include long working hours with little or no time off,¹⁹ “strict supervision” by North Korean agents,²⁰ confiscation of pay,²¹ violence,²² health and safety hazards,²³ and sexual harassment and exploitation.²⁴ [For more information on North Korean workers in China, see Section II—Human Trafficking.]

This past year, some North Korean restaurant workers escaped to South Korea from their work sites in China. According to media reports, the DPRK government operated more than 130 restaurants overseas, about 100 of which were located in China, earning approximately US\$10 million per year for the DPRK government.²⁵ One South Korean media outlet reported that about 350 to 400 North Koreans, including 50 minors, worked at these restaurants in China.²⁶

- **April 2016.** According to South Korean media reports, a group of 13 North Korean restaurant workers in Ningbo municipality, Zhejiang province, escaped to South Korea via a Southeast Asian country.²⁷ On April 11, China’s Ministry of Foreign Affairs spokesperson Lu Kang confirmed the incident at a press conference, and emphasized that the restaurant workers left China with valid passports.²⁸

- **May 2016.** Three North Korean restaurant workers in Weinan municipality, Shaanxi province, reportedly escaped to South Korea via Thailand without passports.²⁹

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for trafficked

North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.³⁰ Sources indicate that the majority of North Korean refugees leaving the DPRK are women,³¹ many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.³² The Chinese government's refusal to recognize these women as refugees denies them legal protection and encourages the trafficking of North Korean women and girls within China.³³ China is obligated under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to take measures to safeguard trafficking victims and suppress all forms of trafficking in women.³⁴

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to a lack of legal resident status in China. According to some estimates, the population in China of children born to North Korean women ranges between 20,000 and 30,000.³⁵ The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.³⁶ Despite this stipulation and a December 2015 policy change to register 13 million "illegal residents" (*heihu*) who lack household registration (*hukou*) in China,³⁷ Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality,³⁸ and their North Korean mothers remain deterred from registering these children due to fear of repatriation.³⁹ Without proof of resident status, these children are unable to access education and other public services.⁴⁰ In some cases, bribery of local officials has reportedly allowed a very small number of children to obtain identification documents.⁴¹ The denial of nationality rights and access to education for these children contravenes China's obligations under international law, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.⁴²

Notes to Section II—North Korean Refugees in China

¹UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In the Concluding Observations on the Fifth Periodic Report of China, the UN Committee against Torture noted “over 100 testimonies received by United Nations sources . . . in which nationals of the Democratic People’s Republic of Korea indicate that persons forcibly repatriated to the Democratic People’s Republic of Korea have been systematically subjected to torture and ill-treatment.” Sophie Richardson, Human Rights Watch, “Dispatches: China’s Tired Line on Human Rights in North Korea,” Dispatches (blog), 15 March 16; Zhang Mengyuan, “Thailand Complains That North Korean Refugees Are a Heavy Burden, Over Two Thousand North Koreans Entered Into [Thailand] Illegally” [Taiguo baoyuan tuobeizhe cheng zhongfu nian yu liang qian chaoxianren feifa rujing], Hudu News, reprinted in Sohu, 26 January 16; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; Xu Jiadong, “If Forcibly Repatriated by the CCP, [They] Could Face Torture and Death” [Tuobeizhe ruo bei zhonggong qiangxing qianfan jiang mianlin kuxing he siwang], Aboluowang, 26 November 15.

²Christine Chung, Committee for Human Rights in North Korea, “China Responds to the Committee against Torture,” HRNK Insider (blog), 4 December 15; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; “Human Rights Watch Calls on China To Not Repatriate Nine North Korean Refugees” [Renquan guancha yu zhongguo wu qianfan jiu ming chaoxian nanmin], Radio Free Asia, 21 November 15.

³Democratic People’s Republic of Korea Ministry of State Security, People’s Republic of China Ministry of Public Security, Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, signed 12 August 86, art. 4(1), reprinted in North Korea Freedom Coalition. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of “calamity or unavoidable factors.” See also “China’s Policy Change Toward North Korea Disastrous for Defectors” [Zhongguo dui chao zhengce chuxian bianhua yangji tuobeizhe de chujing], Radio Free Asia, 24 November 15.

⁴Convention Relating to the Status of Refugees, adopted on 28 July 51 by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429(V) of 14 December 50, entry into force 22 April 54, arts. 1(A2), 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.” Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution 2198 (XXI) of 16 December 66, entry into force 4 October 67. See also UN Office of the High Commissioner for Refugees, “UNHCR, Refugee Protection and International Migration,” 17 January 07. According to the UN High Commissioner for Refugees, “People who leave their own country for non-refugee related reasons may nevertheless acquire a well-founded fear of persecution in their own country following their departure. An economic migrant may . . . become a ‘refugee sur place’, when there is an armed conflict or violent change of regime in that person’s country of origin, or when the government or other actors in that country begin to inflict human rights violations on the community of which that migrant is a member.”

⁵Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The Chinese government ratified the Convention on October 4, 1988.

⁶UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 1.

⁷Ibid., para. 46.

⁸Ibid., para. 47.

⁹Human Rights Watch, “China: Don’t Return Nine North Korean Refugees,” 21 November 15; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; “Human Rights Watch Calls on China To Not Repatriate Nine North Korean Refugees” [Renquan guancha yu zhongguo wu qianfan jiu ming chaoxian nanmin], Radio Free Asia, 21 November 15.

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¹²Lee Jin-a, “High Cost Puts Squeeze on Would-Be NK Defectors,” Korea Times, 19 April 16; Chun Su-jin and Kim So-hee, “More Elite Flee Though Pyongyang Tightens Up,” Korea

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¹⁴"North Korean Defectors Arriving in South Korea in 2015 About Half the Number Compared to Before Kim Jong-un's Rule" [2015 nian di han tuobeizhe jiao jin zheng'en zhizheng qian jian ban], Yonhap News Agency, 4 January 16. The number of North Koreans who defected to the South was 2,706 in 2011. Lin Senhai, "Korean Media: Under Kim Jong-un's Rule in North Korea, 'Defectors' Entering South Korea Reduced by Half" [Hanmei: jin zheng'en zhizheng chaoxian hou jinru hanguo de "tuobeizhe" jian ban], Global Times, 5 January 16; "South Korea: The Number of North Korean Defectors Who Arrived in South Korea This Past Year Reduced to Half Compared to Before Kim Jong-un's Rule" [Han: qunian di han tuobeizhe renshu jiao jin zheng'en shangtai qian shao yiban], South China Morning Post, 5 January 16; Chun Su-jin and Kim So-hee, "More Elite Flee Though Pyongyang Tightens Up," Korea JoongAng Daily, 13 April 16.

¹⁵Elizabeth Shim, "More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work," United Press International, 19 November 15; "North Korean Refugees Come in Contact With the Christian Faith Near the Chinese Border, First Taste of Freedom" [Tuobeizhe zai zhongguo bianjing jiechu jidu xinyang, chu chang ziyou ziwei], Union of Catholic Asian News, 19 October 15; Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," Guardian, 5 February 16; Stefan J. Bos, "Breaking News: Korean Christian Worker Feared Kidnapped by North Korea," BosNewsLife, 21 April 16.

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¹⁹Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16; Adam Taylor, "The Weird World of North Korea's Restaurants Abroad," Washington Post, 8 April 16; Seol Song Ah, "Pay Cuts, Longer Hours for N. Korean Workers in China," Daily NK, 25 April 16.

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²⁵"N. Korean Restaurant Staff Who Defected En Masse Worked in China: Source," Yonhap News Agency, 10 April 16; "N.K. Hit by Int'l Sanctions Closes Over 30 Restaurants Abroad: Source," Yonhap News Agency, 12 July 16; Kim So-hee and Kim Hyoung-gu, "More Overseas Workers of North May Flee," Korea JoongAng Daily, 11 April 16.

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²⁸Ministry of Foreign Affairs, "On April 11, 2016, Ministry of Foreign Affairs Spokesperson Lu Kang Holds Regular Press Conference" [2016 nian 4 yue 11 ri waijiaobu fayanren lu kang zhuchi lixing jizhehui], 11 April 16.

²⁹Elizabeth Shim, "Two North Korea Restaurant Workers in Thailand Detention, Report Says," United Press International, 25 May 16; Elizabeth Shim, "Three North Korean Waitresses Defect to South Korea," United Press International, 1 June 16; Kim Jin-cheol, "S. Korea Taking Very Different Approach to Latest Defection of N. Korean Restaurant Staff," Hankyoreh, 3 June 16.

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³¹Sokeel Park, Liberty in North Korea, “Most North Korean Refugees Are Women. Here’s Why,” 8 March 16; Lin Senhai, “Korean Media: Under Kim Jong-un’s Rule in North Korea, Defectors Entering South Korea Reduced by Half” [Hanmei: jin zheng’en zhizheng chaoxian hou jinru hangou de “tuobeizhe” jian ban], *Global Times*, 5 January 16; Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15.

³²Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15. See also Sokeel Park, Liberty in North Korea, “Most North Korean Refugees Are Women. Here’s Why,” 8 March 16.

³³Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015.

³⁴Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 6; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6, 9.

³⁵Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 4; Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16.

³⁶PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed, issued, and effective 10 September 80, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China having both a father and mother who are Chinese nationals or having one parent who is a Chinese national shall have Chinese nationality.”

³⁷Jiao Ying, “Family Planning Policies To Be Delinked From Hukou Registration, To Comprehensively Resolve the Issue of ‘Illegal Residents’” [Jihua shengyu deng zhengce jiang yu hukou dengji tuogou quanmian jieju “heihu” wenti], *China National Radio*, 10 December 15; Wang Ling, “Barriers To Resolving the Problem of Illegal Residents: Some Areas Require Social Compensation Fee Payments Before Obtaining Hukou” [Jiejue heihu wenti yu zu: bufen diqu yaoqiu bujiao shehui fuyangfei cai neng luohu], *Chinese Business Network*, 10 March 16.

³⁸Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15.

³⁹Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015.

⁴⁰Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 8; Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15.

⁴¹Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 88.

⁴²Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2(1), 7, 28(1a). 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. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 13. Under Article 13, China recognizes that everyone has a right to education, including a free and compulsory primary education.

PUBLIC HEALTH

Health Care Reform

The Chinese government and Communist Party advanced policy priorities for health care reform during the Commission's 2016 reporting year.¹ Among them was a January 2016 announcement merging the New Rural Cooperative Medical Scheme (NRCMS) and the Urban Resident-Based Basic Medical Insurance Scheme (URBMI), two of China's three health insurance schemes,² to improve medical access and resources in rural areas for 802 million people covered by NRCMS³ and the distribution of benefits for 314 million people covered by URBMI.⁴ While precursor pilot projects that consolidated NRCMS and URBMI reported positive effects,⁵ uniform management of the merged schemes may be a challenge, according to one health official, because local-level governments are authorized to choose the government agency responsible for local oversight.⁶ In addition, migrant workers may lack adequate coverage under the merger unless the government addresses the limited portability of insurance benefits across provincial lines.⁷

Government entities also addressed the problem of "commotions at hospitals" (*yi'nao*) that have flared up over patient-doctor disputes and grievances with medical treatment,⁸ some of which have become violent and resulted in fatalities of medical personnel.⁹ Four ministries issued measures in March 2016 to improve hospital security.¹⁰ In addition, in the Ninth Amendment to the PRC Criminal Law, which became effective in November 2015, impeding medical care was specified as a "social order" disturbance under Article 290, thereby strengthening the legal basis to impose harsher criminal penalties in the prosecution of *yi'nao*.¹¹

Transparency and Accountability

Propaganda officials issued censorship directives to media outlets¹² to prohibit reporting on health-related issues deemed politically sensitive—such as patient-doctor disputes¹³ and scalping tickets to shorten patients' wait times in hospital lines¹⁴—or to limit coverage to authorized versions of the news—such as the U.S. Government's blocking two shipments of contaminated pharmaceutical products from Tianjin municipality for import to the United States.¹⁵ A state-funded news outlet's article in March 2016 about a business in Shandong province that distributed unrefrigerated vaccines in more than 20 provinces since 2010¹⁶ was "taken offline," and a censorship directive instructed that there be no further reprints or "hyp[ing]" of the article.¹⁷ The news about the vaccines generated considerable public concern,¹⁸ including joint letters from lawyer groups to high-level government entities that demanded government accountability, access to information, and stronger legal remedies.¹⁹ Official media and the government later reported on the government's actions to investigate the perpetrators of the illegal vaccine business as well as possible health risks from tainted vaccines.²⁰

Parents who advocated for government accountability over harm to their children's health and well-being encountered a range of official responses. In March 2016, for example, public security offi-

cials in Beijing municipality criminally detained five parent advocates for 30 days for protesting problematic vaccines.²¹ In April, authorities reportedly transferred 1,000 parents participating in a protest outside the National Health and Family Planning Commission in Beijing to an unofficial detention center.²² Some of the parents at that protest reportedly filed lawsuits before being detained.²³

Implementation of the PRC Mental Health Law

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) as a “form of retaliation and punishment by Chinese authorities against activists and government critics”²⁴ reportedly remains a serious problem in China²⁵ despite the PRC Mental Health Law’s (MHL) prohibition of such abuse.²⁶ Prior to the UN Committee against Torture’s review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention) in November 2015, a network of human rights organizations highlighted the case of the ongoing psychiatric hospitalization of a former factory worker, Xing Shiku, as an example of the Chinese government’s disregard for its obligations as a State Party to the Convention.²⁷ Other cases of individuals who remain detained in psychiatric facilities against their will for reportedly politically motivated reasons include Xia Funian, Wang Hedi, Xu Dajin, Wang Shou’an, and Zhang Wenhe.²⁸

The Chinese government has prioritized mental health policy as part of the “right to health” in national human rights efforts in recent years,²⁹ yet officials and experts have observed a range of challenges in the implementation of the MHL since it became effective in 2013. These challenges include gaps in the legal framework regarding compulsory treatment³⁰ and involuntary hospitalization procedures;³¹ a need for more psychiatric facilities³² and community-based rehabilitation services,³³ and the psychiatrists and mental health specialists to staff them;³⁴ poor coordination of responsibilities among the government agencies tasked with mental health work;³⁵ and the financial burdens of accessing medical treatment without adequate insurance.³⁶ Some localities issued plans to implement the National Mental Health Work Plan (2015–2020)³⁷ with the launch of pilot projects in 37 municipalities³⁸ and the drafting of new or revised local mental health regulations.³⁹ A focus on individuals with severe mental disorders deemed at risk of violent behavior⁴⁰ is evident in the national and local mental health policy agendas.⁴¹ Wang Guoqiang, Vice Minister of the National Health and Family Planning Commission, reportedly stated in June 2016 that new pilot projects should “strengthen the management work of those with severe mental disorders who are at risk of causing disruptive incidents and troubles [*zhaoshi zhaohuo*].”⁴² A Party-run media outlet, however, reported that the rate of “disruptive” incidents committed by individuals with mental illness is lower than that of the population at large, yet public stigma against those with psychosocial disorders persists.⁴³

Rights Protection and Health-Based Discrimination

Although Chinese laws and regulations contain provisions to prohibit discrimination due to disability and some health-based conditions,⁴⁴ two Chinese scholars observed a gap between law and practice in rights protection for persons with disabilities in a law review article of March 2016, noting the “phenomenon of ‘heavy legislation, light implementation’” and infrequent citation in court decisions to laws protecting the rights of persons with disabilities.⁴⁵ Provisions on employment discrimination and the right to work in the PRC Law on the Protection of the Rights of Persons with Disabilities were cited in a case dating from 2014 among a group of 10 model cases published by the Supreme People’s Court in May 2016, all of which featured the protection of the rights of persons with disabilities.⁴⁶ In the 2014 case’s second instance (appeals) court decision, those provisions were used as the legal basis to dismiss the employer-defendant’s claim that the employee-plaintiff had misled the company by not stating she had a disability when she signed a labor contract.⁴⁷ In May, a court in Guizhou province awarded financial compensation to the plaintiff in a case that legal experts noted was the first in which a court found in favor of a plaintiff claiming employment discrimination due to HIV/AIDS.⁴⁸ The court verdict reportedly did not acknowledge the incident as employment discrimination.⁴⁹

Persons with disabilities and health-related conditions in China continued to face obstacles in attaining equal access to employment⁵⁰ and education.⁵¹ In July and August 2016, for example, official media outlets reported on two cases in which individuals with visual impairments were denied university enrollment⁵² and government employment⁵³ based on physical eligibility standards.⁵⁴ Five lawyers subsequently called for a governmental review of the physical eligibility standards for university enrollment.⁵⁵ Rights Defense Network, moreover, reported on blind individuals who faced harassment and detention for advocacy. In November 2015, authorities in Hefei municipality, Anhui province, took at least five blind advocates into custody for blocking an elevator while they sought to meet with the director of the Hefei branch of the China Disabled Persons Federation about access to welfare and social services.⁵⁶

Notes to Section II—Public Health

¹China's 13th Five-Year Plan, Hearing of the U.S.-China Economic and Security Review Commission, 27 April 16, Testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations and Professor, School of Diplomacy and International Relations, Seton Hall University, 2.

²State Council, Opinion on the Integration of Urban-Rural Residents' Basic Health Care Insurance System [Guowuyuan guanyu zhenghe chengxiang jumin jiben yiliao baoxian zhidu de yijian], issued 3 January 16; "Reconciling City and Country: China's Lessons for a Divided World," *Lancet*, Vol. 387, 23 January 16, 311; Xiong-Fei Pan, Jin Xu, and Qingyue Meng, "Correspondence: Integrating Social Health Insurance Systems in China," *Lancet*, Vol. 387, 26 March 16, 1274–75. The State Council Opinion stipulates that provinces and provincial-level municipalities and regions should develop comprehensive plans for the merger by June 2016 and detailed implementation plans by the end of 2016.

³"Reconciling City and Country: China's Lessons for a Divided World," *Lancet*, Vol. 387, 23 January 16, 311; Qingyue Meng et al., "Consolidating the Social Health Insurance Schemes in China: Towards an Equitable and Efficient Health System," *Lancet*, Vol. 386, 10 October 15, 1485, Table 1. Data are from 2013 official statistics.

⁴State Council, Opinion on the Integration of Urban-Rural Residents' Basic Health Care Insurance System [Guowuyuan guanyu zhenghe chengxiang jumin jiben yiliao baoxian zhidu de yijian], issued 3 January 16, sec. 1; "Reconciling City and Country: China's Lessons for a Divided World," *Lancet*, Vol. 387, 23 January 16, 311; Liu Jiaying and Shi Rui, "Urban-Rural Residents' Health Insurance Merged, but Jurisdiction of Management Authority Unknown" [Chengxiang jumin yibao binggui guanli quan guishu bukezhi], *Caixin*, 13 January 16.

⁵Qingyue Meng et al., "Consolidating the Social Health Insurance Schemes in China: Towards an Equitable and Efficient Health System," *Lancet*, Vol. 386, 10 October 15, 1487.

⁶Liu Jiaying and Shi Rui, "Urban-Rural Residents' Health Insurance Merged, but Jurisdiction of Management Authority Unknown" [Chengxiang jumin yibao binggui guanli quan guishu bukezhi], *Caixin*, 13 January 16.

⁷Xiong-Fei Pan, Jin Xu, and Qingyue Meng, "Correspondence: Integrating Social Health Insurance Systems in China," *Lancet*, Vol. 387, 26 March 16, 1274–75.

⁸"[Editorial] Curing 'Medical Commotions' Once and for All Will Necessarily Depend on Rational Communication Between Doctors and Patients" [[Shelun] genzhi "yi'nao" xu kao yihuan lixing goutong pingtail], *Southern Metropolitan Daily*, 1 April 16; Sarah Biddulph, "Resolving Medical Disputes and Causing Havoc in Hospitals (*Yinao*)" in *The Stability Imperative: Human Rights and Law in China* (Vancouver: UBC Press, 2015), 126–28, 135–36, 144–70.

⁹Chris Buckley, "A Danger for Doctors in China: Patients' Angry Relatives," *New York Times*, 18 May 16; *China Digital Times*, "Translation: Why One Doctor Put Down the Scalpel," 19 May 16. See also CECC, 2014 Annual Report, 9 October 14, 124.

¹⁰Hu Hao, "Four Ministries Jointly Issue Circular To Strengthen the Protection of Medical Order" [Si bumen lianhe xiafa tongzhi jiaqiang weihu yiliao zhixu], *Xinhua*, 30 March 16. See also Sarah Biddulph, "Resolving Medical Disputes and Causing Havoc in Hospitals (*Yinao*)" in *The Stability Imperative: Human Rights and Law in China* (Vancouver: UBC Press, 2015), 160–61.

¹¹Wu Liufeng, "Amendments to Criminal Law (Ninth) Will Be Implemented Next Month, for Disturbances at Hospitals and Substituting for Test-Takers, Criminal Sentences of at Most 7 Years" [Xing fa xiuzheng'an (jiu) xia yue shishi yi'nao, tikao zuigao huoxing 7 nian], *Western China Metropolitan Daily*, reprinted in *China News Net*, 19 October 15; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 290. See also Sarah Biddulph, "Resolving Medical Disputes and Causing Havoc in Hospitals (*Yinao*)" in *The Stability Imperative: Human Rights and Law in China* (Vancouver: UBC Press, 2015), 150, 161–63.

¹²*China Digital Times*, a news aggregation website based in California, translates propaganda directives and posts them to its website under the heading Ministry of Truth at <http://chinadigitaltimes.net/china/directives-from-the-ministry-of-truth/>.

¹³"Minitrue: 21 Rules on Coverage of the Two Sessions," 6 March 16, reprinted in *China Digital Times*, 8 March 16, item 3; Didi Kirsten Tatlow, "What Chinese Media Mustn't Cover at the '2 Sessions,'" *New York Times*, *Sinosphere* (blog), 9 March 16.

¹⁴"Minitrue: 21 Rules on Coverage of the Two Sessions," 6 March 16, reprinted in *China Digital Times*, 8 March 16, item 19; Didi Kirsten Tatlow, "What Chinese Media Mustn't Cover at the '2 Sessions,'" *New York Times*, *Sinosphere* (blog), 9 March 16.

¹⁵*China Digital Times*, "Minitrue: Don't Hype Tainted Tianjin Pharma Products," 24 December 15.

¹⁶*China Digital Times*, "Minitrue: Unrefrigerated Vaccines Worth Hundreds of Millions of Yuan Flow Into 18 Provinces: Possibly Affecting Human Life" [Zhenlibu: shuyi yuan yimiao wei lengcang liuru 18 shengfen: huo yingxiang renming], 22 March 16; Li Jing, "Vaccine Scandal: Hundreds Involved Across 24 Provinces in China," *South China Morning Post*, 20 March 16.

¹⁷*China Digital Times*, "Minitrue: Don't Hype Article on Illegal Vaccines," 22 March 16.

¹⁸Chris Buckley, "China's Vaccine Scandal Threatens Public Faith in Immunizations," *New York Times*, 18 April 16.

¹⁹"Wang Shengsheng and 12 Other Lawyers' Letter to China's State Council: Request for the Protection of the Public's Right To Know and Right to Relief in the Vaccines Criminal Case" [Wang shengsheng deng 13 wei lushi zhi zhongguo guowuyuan: guanyu zai yimiao fanzui an zhong baohu zhiqing quan he juji quan de yaoqiu], 28 March 16, reprinted in *Rights Defense Network*; "Volunteer Lawyers Group Working on the Problem Vaccines Incident Make Suggestions Regarding Certification and Remedial Measures in the Problematic Vaccines Incident—

Permit Collective Lawsuits and Establish Relief Funds for Those Harmed by Medicine” [Wenti yimiao shijian zhiyuan lushi tuan guanyu yimiao anjian jianding yu jiuji jizhi de jianyi—yunxu jiti susong, jianli yao hai jiuji jijin], 9 April 16, reprinted in Rights Defense Network, 10 April 16; Michael Woodhead, “Illegal Vaccine Fallout: Clinics Deserted as Public Lose [sic] Confidence; Lawyers Support Patients’ Rights; Failure Blamed on ‘Private Market,’” China Medical News (blog), 29 March 16.

²⁰Chen Fei, “SPP To Supervise Handling of Illegal Vaccine Business Cases” [Zuigaojian guapai duban feifa jingying yimiao xilie an], Xinhua, 22 March 16; “Illegal Vaccine Business Case in Ji’nan, Shandong, Investigative Group From Multiple Agencies Arrives in Shandong and Starts Handling Investigative Work” [Shandong ji’nan feifa jingying yimiao xilie anjian bumen lianhe diaocha zu fu shandong kaizhan anjian diaocha chuli gongzuo], Xinhua, 29 March 16; National Health and Family Planning Commission, “Risk Assessment Report on Safety and Effectiveness of Suspect Vaccines From the Cases of the Illegal Vaccine Business in Ji’nan, Shandong” [Shandong ji’nan feifa jingying yimiao xilie anjian she’an yimiao jiezhong anquanxing he youxiaoxing fengxian pinggu baogao], 13 April 16.

²¹Rights Defense Network, “Vaccine Victim Yi Wenlong, Accused of ‘Picking Quarrels and Provoking Trouble’ Was Among Five Criminally Detained, All Were Released” [Bei kong “xunxin zishi” zao xingju de yimiao shouhaizhe yi wenlong deng wu ren yi quanbu shifang], 12 April 16. For an example of an individual detained for discussing the tainted vaccines on social media, see Human Rights Campaign in China, “Because Hunan Citizen Liu Junjun Discussed the Tainted Vaccines Incident in a WeChat Friend Group, Authorities Administratively Detained Him for Six Days for Intentionally Disrupting Public Order” [Hunan gongmin liu junjun yin zai weixin pengyou quan taolun du yimiao shijian zao dangju yi guyi raoluan gonggong zhixu zui xingzheng juliu liu tian], 6 April 16.

²²Chinese Parents Sue Amid Protests Over Tainted Vaccines,” Radio Free Asia, 19 April 16.

²³Ibid.

²⁴Civil Rights & Livelihood Watch, “2015 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], February 2016; Chinese Human Rights Defenders, “[CHRB] Forced Psychiatric Commitment of Dissidents Continues as Police Act Above Enacted Law (4/29–5/5, 2016),” 5 May 16.

²⁵Civil Rights & Livelihood Watch, “2015 Year-End Summary on Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], February 2016.

²⁶PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

²⁷Network of Chinese Human Rights Defenders et al., “Civil Society Report Submitted to the Committee against Torture,” 26 October 15, para. 58. In 2014, a UN expert group that examines cases of arbitrary detention asserted that King’s detention in a psychiatric facility in Harbin municipality, Heilongjiang province, for more than seven years violated international legal norms. See UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 69th Sess., No. 8/2014 (China), A/HRC/WGAD/2014/xx, 20 May 14, paras. 41, 42, 47; Chinese Human Rights Defenders, “UN Working Group Finds China’s Psychiatric Detention of Petitioner ‘Arbitrary,’” 21 July 14. For more information on Xing Shiku, see the Commission’s Political Prisoner Database record 2011-00093.

²⁸Chinese Human Rights Defenders, “[CHRB] Forced Psychiatric Commitment of Dissidents Continues as Police Act Above Enacted Law (4/29–5/5, 2016),” 5 May 16.

²⁹State Council Information Office, “Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012–2015),” 14 June 16, sec. 4.

³⁰“Open Solicitation of Comments on Compulsory Treatment Center Regulations, Standardizing System To Control Persons With Mental Illness Who Cause Disturbances” [Qiangzhi yiliaosuo tiaoli gongkai zhengqiu yijian guifan zhaoshi zhaohuo jingshenbingren guan zhi du], China National Radio, 10 June 16; Shen Fan and Zhao Fuduo, “Prevent ‘Forcible Commitment to Psychiatric Facilities,’ Scholar Recommends Compulsory Treatment Be Incorporated Into Human Rights Protection System” [Fangzhi “bei jingshenbing” xuezhe jianyi qiangzhi yiliao naru renquan baozhang tixi], Caixin, 15 June 16.

³¹Shen Fan and Zhao Fuduo, “Prevent ‘Forcible Commitment to Psychiatric Facilities,’ Scholar Recommends Compulsory Treatment Be Incorporated Into Human Rights Protection System” [Fangzhi “bei jingshenbing” xuezhe jianyi qiangzhi yiliao naru renquan baozhang tixi], Caixin, 15 June 16; Zhou Shenghao, “Under Laws and Regulations, Protecting the Rights of and Preventing Risks From Persons With Mental Illness” [Falü guizhi xia jingshen zhang’ai huanzhe de quanyu baozhang he fengxian fangkong], Sanming Municipality Public Security Bureau, last visited 15 May 16; Yang Shao and Bin Xie, “Approaches to Involuntary Admission of the Mentally Ill in the People’s Republic of China: Changes in Legislation From 2002 to 2012,” Journal of the American Academy of Psychiatry and the Law, Vol. 43, No. 1 (March 2015), 35–44.

³²Wei Fangchao, “Mental Health Work Plan Issued, Will Seek Responsibility When Persons With Severe Mental Disorders Cause Incidents” [Jingshen weisheng gongzuo guihua fabu yanzhong jingshen zhang’ai huanzhe zhaoshi jiang zhuize], China Internet Information Center, 18 June 15; National Health and Family Planning Commission, “October Regular Press Release Material: Situation on Progress Throughout Country on Mental Health Work” [10 yue lixing fabuhui cailiao: quanguo jingshen weisheng gongzuo jin zhan qingkuang], 9 October 15. According to official statistics, there are 1,650 psychiatric facilities and approximately 20,000 psychiatrists in China.

³³Li Hongmei, “In China, Individuals With Severe Mental Illness Reach 4.3 Million Persons” [Woguo yanzhong jingshenbing huanzhe da 430 wan ren], People’s Daily, 13 January 16; “Society Needs [Them], but No Way To Get a Business Registration” [Shehui you xuqiu dan gongshang zhuce meifa tongguo], China Youth Daily, 3 April 16.

³⁴ Shiwei Liu and Andrew Page, “Reforming Mental Health in China and India,” *Lancet*, 18 May 16.

³⁵ National Health and Family Planning Commission, “October Press Release Material: Situation on Progress Throughout Country on Mental Health Work” [10 yue lixing fabuhui cailiao: quanguo jingshen weisheng gongzuo jinzhan qingkuang], 9 October 15; Zhou Shenghao, “Under Laws and Regulations, Protecting the Rights of and Preventing Risks From Persons With Mental Illness” [Falu guizhi xia jingshen zhang’ai huanzhe de quanyi baozhang he fengxian fangkong], Sanming Municipality Public Security Bureau, last visited 15 May 16.

³⁶ Fiona J. Charlson et al., “The Burden of Mental, Neurological, and Substance Use Disorders in China and India: A Systematic Analysis of Community Representative Epidemiological Studies,” *Lancet*, 18 May 16, 12; Zhou Shenghao, “Under Laws and Regulations, Protecting the Rights of and Preventing Risks From Persons With Mental Illness” [Falu guizhi xia jingshen zhang’ai huanzhe de quanyi baozhang he fengxian fangkong], Sanming Municipality Public Security Bureau, last visited 15 May 16.

³⁷ State Council General Office, “National Mental Health Work Plan (2015–2020)” [Quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)], 18 June 15. For examples of local implementing plans, see, e.g., “Sichuan Establishes Comprehensive Mental Health Services Management System” [Sichuan jianli jingshen weisheng zonghe fuwu guanli jizhi], *Sichuan Daily*, 18 April 16; Hangzhou Municipal People’s Government, Implementing Opinion on Further Strengthening Integrated Management Work on Mental Health [Hangzhou shi renmin zhengfu guanyu jinyibu jiaqiang jingshen weisheng zonghe guanli gongzuo de shishi yijian], issued 17 February 16; Inner Mongolia Autonomous Region People’s Government General Office, “Inner Mongolia Autonomous Region Implementing Plan for the ‘National Mental Health Work Plan (2015–2020)’” [Neimenggu zizhiqu shishi “quanguo jingshen weisheng gongzuo guihua (2015–2020 nian)” fang’an], 5 May 16.

³⁸ Li Huifang, “Chaoyang District, Beijing, Launches National Mental Health Integrated Management Pilot Project” [Beijing shi chaoyang qu quanguo jingshen weisheng zonghe guanli shidian gongzuo qidong], *People’s Daily*, 20 October 15. According to the *People’s Daily* report, there are 37 pilot sites throughout the country. For examples of pilot sites, see Wenquan Township People’s Government, “Haidian District, Beijing Municipality, Implementation Plan for Wenquan Township Fulfilling ‘Haidian District’s Launch of the National Mental Health Integrated Management Pilot Project’” [Guanyu wenquan zhen luoshi “haidian qu kaizhan quanguo jingshen weisheng zonghe guanli shidian gongzuo fang’an” de shishi fang’an], 25 April 16, reprinted in Haidian District People’s Government, 27 April 16; Yangpu District Health and Family Planning Commission et al., Shanghai Municipality, “Yangpu District, Shanghai Municipality Mental Health Integrated Management Pilot Project Implementing Plan (2015–2017)” [Shanghai shi yangpu qu jingshen weisheng zonghe guanli shidian gongzuo shishi fang’an (2015–2017)], 9 October 15; Huangpi District People’s Government Office, Wuhan Municipality, Hubei Province, “Implementing Plan for Huangpi District’s Launch of the National Mental Health Integrated Management Pilot Project” [Huangpi qu kaizhan quanguo jingshen weisheng zonghe guanli shidian gongzuo shishi fang’an], 22 January 16; Taicang City People’s Government, Suzhou Municipality, Jiangsu Province, “Taicang City Mental Health Integrated Management Pilot Project” [Taicang shi jingshen weisheng zonghe guanli shidian gongzuo fang’an], 14 March 16.

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THE ENVIRONMENT

Introduction

While the Chinese government pointed to areas of progress in environmental protection and enforcement during the Commission's 2016 reporting year,¹ air,² water,³ and soil pollution⁴ challenges remained and continued to be a source of public discontent.⁵ The Chinese government and Communist Party took regulatory⁶ and policy action⁷ to increase environmental protection and combat climate change; however, officials continued to tightly control media reporting and commentary on the environment,⁸ and extralegally detained environmental⁹ and statistics bureau officials.¹⁰ A former energy official alleged that Chinese authorities used torture to force him to confess to corruption.¹¹ Official government and media reports indicated that there were some improvements in public participation,¹² yet authorities continued to harass, and in some cases detain, environmental advocates.¹³ U.S.-China cooperation on environmental and climate change issues continued.¹⁴

Health Effects and Economic Costs of Pollution

Chinese and international media reports focusing on air pollution this past year revealed that the problem remains severe, with ongoing economic¹⁵ and public health¹⁶ implications. Government-published statistics from 2015 indicated that 80 percent of monitored cities failed to meet national air quality standards,¹⁷ and one international study estimated that 1.6 million premature deaths per year in China were linked to air pollution.¹⁸ According to one Chinese researcher, the government's current emissions reduction targets are inadequate and "more aggressive policies are urgently needed."¹⁹ The Chinese Academy of Environmental Planning estimated that the costs of pollution in China were 3.5 percent of GDP as of 2010, totaling 1.54 trillion yuan (approximately US\$238 billion),²⁰ while a non-profit institution estimated the costs of air pollution in China as totaling at least 6.5 percent of GDP (approximately US\$442 billion).²¹

Air Pollution in Beijing Municipality: "Red Alerts" and Changing Benchmarks
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<p>In one example of costly government action taken this past year, authorities in Beijing municipality issued air pollution "red alerts" from December 8 to 10²² and December 19 to 22, 2015,²³ implementing emergency measures such as shutting down schools, prohibiting the driving of cars, and advising Beijing residents to wear face masks outside.²⁴ In February 2016, however, authorities raised the threshold for "red alerts."²⁵ One Chinese environmental expert noted that if the threshold had not been raised, the number of "red alerts" per year would have resulted in "high social and economic cost[s]."²⁶</p>

Air Pollution in Beijing Municipality: “Red Alerts” and Changing Benchmarks—Continued

Chinese and international experts have expressed concern that Chinese government reporting on air pollution is misleading and that authorities have “manipulated” public information on air quality “in order to influence people’s expectations.”²⁷ In September 2013, for example, the Beijing municipal government set a target that fine particulate concentrations would decrease by around 25 percent from 2012 levels by 2017.²⁸ In 2015, the Beijing government reported improvement in the city’s annual fine particulate concentrations compared to 2014 levels.²⁹ Beijing’s fine particulate concentration levels, however, had not improved from the original 2012 benchmark.³⁰

Media and research reports this past year also showed that water and soil pollution in China remained areas of significant concern.³¹ In April 2016, the Ministry of Water Resources reported that nearly 50 percent of ground water was of “extremely bad” quality and another 30 percent was “bad.”³² According to a prominent Chinese environmental expert, water designated as “bad” is not safe for human contact.³³ With regard to soil pollution in China, a senior government official cautioned that the problem is “serious,” stating “it’s not easy to be optimistic.”³⁴ In May 2016, the State Council issued an Action Plan for Soil Pollution Prevention and Control with a goal that 90 percent of polluted land would be safe for use by 2020.³⁵

Environmental Censorship and Environmental Emergencies

During this reporting year, Chinese authorities continued to censor reporting (“guide public opinion”) on the environment and environmental emergencies.³⁶ In February 2016, China’s Minister of Environmental Protection, Chen Jining, avoided answering a question about the March 2015 film “Under the Dome,” which examined air pollution in China and received over 200 million views in China before authorities ordered its removal.³⁷ Chen had previously praised the film.³⁸ During the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2016, the Central Propaganda Department reportedly prohibited Chinese media from reporting on the smog.³⁹ Chinese authorities also restricted reporting on environmental emergencies, including the August 2015 explosion of a hazardous goods warehouse in Tianjin municipality,⁴⁰ the December 2015 landslide in Shenzhen municipality,⁴¹ and widespread flooding across China in summer 2016.⁴² In 2015, the officially reported number of “environmental emergencies” declined to 330,⁴³ down from 471 in 2014 and 712 in 2013.⁴⁴

Anticorruption Campaign Targeting Environmental Officials

During the reporting year, Chinese authorities extralegally detained and investigated senior environmental and statistics bureau officials for alleged corruption-related offenses, and one former energy official alleged that he had been tortured. In November 2015, Minister of Environmental Protection Chen Jining said that China

“must strengthen the legal construction over environmental protection and protect the environment in a lawful manner.”⁴⁵ Chinese authorities, however, utilized *shuanggui* procedures⁴⁶ to investigate officials for corruption in cases involving alleged offenses that may have affected the environment and statistical data.⁴⁷ *Shuanggui* is an extralegal form of detention used for Party officials that violates Chinese law⁴⁸ and contravenes international standards on arbitrary detention.⁴⁹ [For more information on *shuanggui*, see Section II—Criminal Justice.] In February 2016, a former senior National Energy Administration official alleged that government authorities tortured him to confess to corruption.⁵⁰ Recent examples from the anticorruption campaign included:

- **Zhang Lijun.** In July 2015, Party authorities detained Zhang Lijun, a former Vice Minister of the Ministry of Environmental Protection.⁵¹ His detention reportedly was linked to accepting bribes to manipulate state emissions standards to permit the sale of vehicles that would not otherwise have complied with emissions standards.⁵² In December, Party authorities expelled Zhang from the Party.⁵³
- **Wang Bao’an.** In January 2016, Party authorities detained the Director of the National Bureau of Statistics of China (NBS) Wang Bao’an.⁵⁴ Although some media reports indicated that Wang’s detention may have been due to his previous work at the Ministry of Finance,⁵⁵ other reports noted that Wang’s detention raised questions about the government’s energy and economic reporting.⁵⁶ In February, state-run news agency Xinhua reported that the Central Commission for Discipline Inspection had found that “some leading [NBS] cadres” were “seeking personal gains through abuse of powers including data fabrication.”⁵⁷ Wang previously met with a senior U.S. energy official to discuss cooperation regarding energy statistics work.⁵⁸
- **Xu Yongsheng.** In February 2016, Xu Yongsheng, a former deputy director of the National Energy Administration, reportedly claimed during his trial at the Beijing No. 1 Intermediate People’s Court that authorities had used torture to force him to sign a confession.⁵⁹ Authorities alleged that Xu, who was first detained in May 2014, had accepted 5.6 million yuan (approximately US\$800,000) from eight state-owned enterprises in exchange for licenses for 27 power plants.⁶⁰

Progress and Challenges in Environmental Enforcement

Official reports indicated that amid ongoing challenges, authorities strengthened environmental enforcement in some areas. For example, according to the Supreme People’s Court, Chinese courts concluded 78,000 civil and 19,000 criminal environmental cases in 2015.⁶¹ The criminal cases concluded represented an increase of 18.8 percent over 2014.⁶² According to the Ministry of Environmental Protection (MEP), in 2015, environmental authorities punished 191,000 firms for violating environmental regulations and fined polluters 4.25 billion yuan (approximately US\$654 million)—a 34-percent increase over 2014.⁶³ MEP reportedly faced challenges in collecting fines from state-owned enterprises and other politi-

cally connected companies.⁶⁴ In some cases, MEP attempted to put pressure on provincial and local officials by summoning them to Beijing⁶⁵ to discuss environmental violations and pollution in person.⁶⁶ MEP also continued to implement 2015 revisions⁶⁷ to the PRC Environmental Protection Law (EPL) that allow for the imposition of daily fines for violating emissions standards. A Chinese expert, however, criticized MEP for issuing daily fines in an insufficient number of cases.⁶⁸ In one example that drew national criticism,⁶⁹ in March 2016, local environmental officials in Gaoyou city, Yangzhou municipality, Jiangsu province, penalized the Guangming Chemical Plant with a fine of 603 yuan (approximately US\$92) after it reportedly released pollution into the water in violation of legal standards, causing significant fish deformities.⁷⁰

Local government officials showed concern about the cost of environmental protection against the backdrop of a slowing economy and overcapacity.⁷¹ In one example, the mayor of Shijiazhuang municipality in Hebei province reportedly criticized environmental protection efforts, lamenting that government measures, including those taken against inefficient industry and heavily polluting industry, had cost the city government 12 billion yuan (approximately US\$1.8 billion) in revenue due to decreased industrial production.⁷²

Regulatory Developments

During the reporting year, there were some encouraging environmental regulatory developments, but also areas of significant concern.⁷³ In October 2015, the Chinese government reportedly announced plans to revise the PRC Environmental Impact Assessment Law and the Regulations on Planning Environmental Impact Assessments.⁷⁴ In December 2015, the National People's Congress (NPC) released draft revisions to the PRC Wild Animal Protection Law.⁷⁵ Experts in China and abroad raised concerns⁷⁶ that the draft revisions could provide a legal basis for animal exploitation for the purposes of captive breeding, Chinese traditional medicine, and wildlife shows.⁷⁷ In July 2016, the NPC passed an amended PRC Wild Animal Protection Law.⁷⁸ An international non-governmental organization described the amended law as a "missed opportunity" and expressed concern that the amendment provides a legal basis for the sale of products from endangered species including tigers and elephants.⁷⁹ Amid serious concerns about air quality in China,⁸⁰ the PRC Air Pollution Prevention and Control Law, which the NPC passed on August 29, 2015, took effect on January 1, 2016.⁸¹

Public Participation and Harassment of Environmental Advocates

The revised PRC Environmental Protection Law (EPL), which took effect on January 1, 2015, provided a stronger legal basis for public participation in environmental public interest lawsuits,⁸² yet citizens continued to face obstacles in their pursuit of environmental justice.⁸³ According to one Chinese law professor, Chinese courts showed "major progress" in 2015 in their acceptance of 53 environmental public interest lawsuits.⁸⁴ In October 2015, in the first case filed under the revised EPL, the Nanping Intermediate

People's Court in Nanping municipality, Fujian province, issued a 1.46 million yuan (US\$230,000) verdict against a quarry for illegally dumping waste material in a suit brought by the environmental non-governmental organizations (NGOs) Friends of Nature and Fujian Green Home.⁸⁵ In January 2016, the Supreme People's Court upheld a judgment greater than 160 million yuan (US\$26 million) in water pollution litigation brought by the Taizhou City Environmental Protection Association, a government-organized NGO, against six chemical companies in Taizhou municipality, Jiangsu province.⁸⁶

Chinese authorities detained and harassed some environmental advocates who challenged government actions on the environment. Examples from the past reporting year included:

- In November 2015, the Panjin Intermediate People's Court in Panjin municipality, Liaoning province, reportedly upheld a first-instance judgment that imposed a 12-year prison sentence on environmentalist Tian Jiguang for extortion, embezzlement, and misappropriation of funds.⁸⁷ Tian is the founder and leader of the Panjin City Association of Volunteers for the Protection of the Spotted Seal. Chinese authorities reportedly detained him in October 2013 for a blog post he wrote criticizing water pollution by a state-owned enterprise.⁸⁸ In April 2016, the Panjin Intermediate People's Court issued a decision accepting a retrial request filed by Tian's wife; however, during the retrial the prior judgment remained effective.⁸⁹
- The Chinese public also expressed their frustrations in a number of environmental protests during the reporting year. In October 2015, Chinese authorities detained a large number of people during protests outside a cement factory in Guangdong province.⁹⁰ In March 2016, authorities in Urad (Wulate) Middle Banner, Inner Mongolia Autonomous Region, reportedly detained 20 protesters for giving interviews to foreign reporters about their efforts to protect their grazing lands.⁹¹ In April 2016, parents in Changzhou municipality, Jiangsu, protested and environmental groups filed litigation concerning a school built next to three chemical factories that reportedly illegally dumped hazardous substances near a school site, allegedly causing some students to become seriously ill.⁹² In June 2016, two individuals were detained for protesting a waste incineration plant in Ningxiang county, Changsha municipality, Hunan province.⁹³ In August 2016, thousands of people reportedly protested government-approved plans to build a nuclear processing plant in Lianyungang municipality, Jiangsu.⁹⁴

Climate Change and International Cooperation

This past year, although China remained the largest emitter of carbon dioxide, the Chinese government committed to increasing efforts to address climate change and environmental protection. In 2015, China was the largest source of carbon dioxide emissions in the world,⁹⁵ and the National Bureau of Statistics of China (NBS) reportedly released revised data indicating that China's annual coal consumption over the past decade had been as much as 17 per-

cent greater than previously reported.⁹⁶ In March 2016, as part of the 13th Five-Year Plan, Chinese authorities announced a 2020 target for total energy consumption.⁹⁷ According to one media report,⁹⁸ the target announced in March 2016⁹⁹ represented an increase from an official target announced in November 2014.¹⁰⁰ In 2015, China's power sector reportedly added 64 gigawatts of coal-fired generating capacity, compared to an increase of around 35 gigawatts in 2014, after central government officials transferred approval authority over new power plants to local governments.¹⁰¹

During this reporting year, the governments of the United States and China closely cooperated on climate change and environmental protection, including the following examples:

- In June 2016, 39 of the 120 reported outcomes of the eighth round of the U.S.-China Strategic and Economic Dialogue Strategic Track were related to cooperation on climate change and energy (27 outcomes) and cooperation on environmental protection (12 outcomes).¹⁰²
- In September 2015, during Chinese President Xi Jinping's visit to Washington, D.C., President Barack Obama and President Xi issued a joint statement reaffirming their commitment to addressing climate change.¹⁰³
- In April 2016, China signed the Paris Agreement under the United Nations Framework Convention on Climate Change.¹⁰⁴ The Chinese government submitted, in June 2015, an Intended Nationally Determined Contribution to the United Nations Framework Convention on Climate Change for the Paris Agreement to "lower carbon dioxide emissions per unit of Gross Domestic Product by 60–65 percent from the 2005 level" by 2030.¹⁰⁵

Notes to Section II—The Environment

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⁹⁶Chris Buckley, “China Burns Much More Coal Than Reported, Complicating Climate Talks,” *New York Times*, 3 November 15; Tom Phillips, “China Underreporting Coal Consumption by up to 17%, Data Suggests,” *Guardian*, 4 November 15; Ayaka Jones, *Today in Energy*, “Recent Statistical Revisions Suggest Higher Historical Coal Consumption in China,” Energy Information Administration (EIA), U.S. Department of Energy, 16 September 15. The September 2015 EIA report noted an upward revision in China’s previously reported coal consumption figures of up to 14 percent based on new preliminary Chinese government data. In November 2015, the *New York Times* reported an upward revision of up to 17 percent based on the final Chinese government data.

⁹⁷National People’s Congress, PRC Outline of the 13th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shisan ge wunian guihua gangyao], issued 17 March 16, chap. 43(1).

⁹⁸Michael Lelyveld, “China Raises Energy Consumption Cap,” *Radio Free Asia*, 28 March 16.

⁹⁹*Ibid.*; National People’s Congress, PRC Outline of the 13th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shisan ge wunian guihua gangyao], issued 17 March 16, chap. 43(1). In March 2016, the National People’s Congress set a 2020 target for annual primary energy consumption of 5 billion tons of standard coal equivalent.

¹⁰⁰Michael Lelyveld, “China Raises Energy Consumption Cap,” *Radio Free Asia*, 28 March 16; State Council General Office, “Energy Development Strategic Action Plan (2014–2020)” [Nengyuan fazhan zhanlue xingdong jihua (2014–2020 nian)], issued 7 June 14; “China Unveils Energy Strategy, Targets for 2020,” *Xinhua*, 19 November 14. In November 2014, the State Council set a target for annual primary energy consumption of 4.8 billion tons of standard coal equivalent for 2020.

¹⁰¹“China’s Coal-Fired Power Producers Set To Play the ‘Rebalancing’ Game,” *South China Morning Post*, 17 April 16.

¹⁰²Office of the Spokesperson, U.S. Department of State, “U.S.-China Strategic & Economic Dialogue Outcomes of the Strategic Track,” 7 June 16, items 40–78.

¹⁰³Office of the Press Secretary, The White House, “U.S.-China Joint Presidential Statement on Climate Change,” 25 September 15; “Full Text: Outcomes List of President Xi Jinping’s State Visit to the United States,” *Xinhua*, 25 September 15.

¹⁰⁴UN Framework Convention on Climate Change, Adoption of the Paris Agreement, FCCC/CP/2015/L.9/Rev.1, 12 December 15; “China Signs Paris Agreement on Climate Change,” *Xinhua*, 23 April 16.

¹⁰⁵“China Submits Its Climate Action Plan Ahead of 2015 Paris Agreement,” United Nations Framework Convention on Climate Change, UN Climate Change Newsroom, 30 June 15; UN Framework Convention on Climate Change, Adoption of the Paris Agreement, FCCC/CP/2015/L.9/Rev.1, 12 December 15; “Spotlight: China Makes Active Contribution for Breakthrough at Paris Climate Talks,” *Xinhua*, 13 December 15.

III. Development of the Rule of Law

CIVIL SOCIETY

Introduction

Chinese non-governmental organizations (NGOs) vary in scope and focus, and illustrate complex levels of organization in an evolving regulatory environment. Government-registered NGOs are one subset of Chinese NGOs. According to the Ministry of Civil Affairs, at the end of 2015, China had 661,861 registered “social organizations” (*shehui zuzhi*)—the official term for NGOs—that consisted of 329,122 non-governmental, non-commercial organizations (*minban feiqiye danwei*), a 12.6-percent increase from the previous year; 4,762 foundations (*jjinhui*); and 327,977 social associations (*shehui tuanti*).¹ Whereas many registered NGOs in China are government-organized non-governmental organizations (GONGOs),² organizations founded by citizens who have few or no ties with the state, nevertheless, make up a significant subset of Chinese NGOs.³ Many of these NGOs remain unregistered or are registered as business entities due to restrictions and barriers to registration.⁴ In 2010, a Chinese scholar estimated that 90 percent of NGOs are unregistered,⁵ while more recent estimates from 2014 range from 40 to 70 percent.⁶ The number of unregistered NGOs in China reportedly ranges from 1 million to 8 million.⁷ While recent regulatory developments have strengthened the legal basis for public participation in some ways,⁸ the Chinese government continued to limit the space in which civil society groups are permitted to work.⁹

Continued Crackdown and the “Chilling Effect” on Civil Society

During the Commission’s 2016 reporting year, the Chinese government and Communist Party continued to deepen a crackdown that began in 2013 on non-governmental organizations (NGOs) and civil society advocates¹⁰ working on labor,¹¹ women’s rights,¹² and rights defense advocacy.¹³ In addition to the government’s “unprecedented attack” on more than 300 rights lawyers and advocates beginning in and around July 2015,¹⁴ the international NGO Chinese Human Rights Defenders (CHRD) reported that authorities detained 22 human rights defenders for “political” crimes in 2015 on suspicion of “inciting subversion of state power,” equal to the number of individuals reportedly detained under the same charge from 2012 to 2014.¹⁵ [For more information and updates on cases from the July 2015 crackdown on Chinese lawyers, see Section III—Access to Justice.] CHRD also recorded 11 cases of human rights defenders arrested on suspicion of “subversion of state power” in January 2016, “surpassing the documented number from 2012 to 2014 combined.”¹⁶ The intensified pressure from central and local government authorities reportedly had a “chilling effect”¹⁷ on the media,¹⁸ labor NGOs,¹⁹ charity workers,²⁰ and academics,²¹ as well as on international NGOs.²² As one international labor expert noted, the crackdown on civil society appears to be “specifically aimed at the pillars of civil society that have been most effective in pushing the government to do things.”²³

During the reporting year, authorities targeted some domestic NGOs and their staff, as illustrated in the following examples:

- In December 2015, public security officials harassed or detained at least 25 labor advocates affiliated with labor NGOs in Guangdong province,²⁴ including staff from the Panyu Workers' Services Center,²⁵ the Nan Fei Yan Social Work Services Center,²⁶ Haige Labor Services Center,²⁷ and the Panyu Workers' Mutual Assistance Group.²⁸ In January 2016, authorities formally arrested Zeng Feiyang,²⁹ Zhu Xiaomei,³⁰ Meng Han,³¹ and He Xiaobo³² reportedly for their organizing work and activities; and released Zhu Xiaomei and He Xiaobo on bail in February³³ and April 2016,³⁴ respectively.
- In January 2016, public security authorities from Beijing municipality reportedly ordered the Beijing Zhongze Women's Legal Counseling and Service Center (Zhongze) to close.³⁵ Zhongze, founded by lawyer Guo Jianmei in 1995 as the Center for Women's Law Studies and Legal Services of Peking University, pioneered impact litigation in domestic violence, sexual harassment, and other women's rights issues.³⁶ Zhongze also implemented projects in rural women's land rights³⁷ and submitted reports to the UN Committee on the Elimination of Discrimination against Women that reviewed the Chinese government's compliance with the Convention on the Elimination of all Forms of Discrimination against Women.³⁸ Despite ongoing difficulties over the years,³⁹ such as in 2010 when Peking University rescinded its sponsorship of the organization, Guo's work is recognized domestically and internationally.⁴⁰

Chinese authorities also targeted an international staff member of a legal rights advocacy group during this reporting year. In January 2016, authorities detained Peter Dahlin, a Swedish rights advocate who cofounded the Chinese Urgent Action Working Group, an organization based in Beijing municipality that trained and supported Chinese rights defenders,⁴¹ for three weeks under suspicion of "funding criminal activities harmful to China's national security" before expelling him from the country.⁴² On January 19, while Dahlin was in detention, state television aired a prerecorded confession of him admitting to "[violating] Chinese law" and "[causing] harm to the Chinese government."⁴³ Dahlin later stated in an interview with the New York Times that Chinese authorities had scripted the confession.⁴⁴ Officials accused Dahlin's group of receiving foreign funding to train "agents" to "endanger state security."⁴⁵ Chinese state media highlighted Dahlin's partnership with Wang Quanzhang,⁴⁶ a lawyer at the Fengrui Law Firm in Beijing,⁴⁷ whom authorities detained during the crackdown on lawyers and rights advocates that began in and around July 2015.⁴⁸ Official state media also linked Dahlin's detention to Xing Qingxian, a rights advocate accused of aiding human rights lawyer Wang Yu's son in his attempt to leave China.⁴⁹

The Chinese government's crackdown on NGOs and staff violates rights guaranteed in China's Constitution,⁵⁰ as well as international standards on freedom of speech and association set forth in the International Covenant on Civil and Political Rights⁵¹ and the Declaration on Human Rights Defenders.⁵² In response to China's crackdown on civil society, in February 2016, the UN High

Commissioner for Human Rights Zeid Ra'ad Al Hussein raised concerns and sought clarification from the Chinese government about the recent arrests of lawyers and harassment of NGO workers.⁵³ In March 2016, the United States and 11 other nations issued a joint statement at the UN Human Rights Council that expressed concern regarding “China’s deteriorating human rights record.”⁵⁴ A U.S. Department of State spokesperson reportedly remarked that the joint statement was “the first collective action taken regarding China at the Human Rights Council since its inception in 2007.”⁵⁵

Legislative Developments

In the past year, the National People’s Congress passed two major laws that pertain to civil society—the PRC Charity Law and the PRC Law on the Management of Overseas NGO Activities in Mainland China. A labor expert called the new laws “the most consequential nonprofit laws passed in the history of the PRC.”⁵⁶ Observers noted that the Charity Law may promote philanthropy in China and foster better accountability and credibility as the charity sector develops.⁵⁷ Yet, they also expressed concerns that the laws’ tighter restrictions⁵⁸ will likely limit NGOs’ access to domestic and international funding, thereby jeopardizing the survival of some NGOs.⁵⁹

PRC Charity Law

The National People’s Congress (NPC) passed the PRC Charity Law in March 2016⁶⁰ after issuing two drafts for public comment in October 2015 and January 2016.⁶¹ Chinese officials released the law against the backdrop of several highly publicized charity-related scandals.⁶² Chinese leaders expressed hope that the law will help fight poverty⁶³ and encourage charitable giving.⁶⁴ Chinese experts have expressed hope that it may improve governance and transparency.⁶⁵

Key provisions include the following:

- **Registration.** While observers noted that the Charity Law removes the requirement for charities to find a supervisory organization to register with civil affairs departments,⁶⁶ Article 20 defers the authority to stipulate specific registration management methods to the State Council.⁶⁷
- **Fundraising.** Articles 22 and 23 permit registered charities to engage in public fundraising, including through radio, television, newspapers, and the Internet, after obtaining a public fundraising qualification certificate, which organizations can apply for after being lawfully registered for two years.⁶⁸
- **Transparency.** Articles 72 and 73 require organizations to publicly disclose information on the organization’s charter, members, plans, activities, fundraising, and the use of funds.⁶⁹
- **Preventing misconduct.** Provisions prohibit and provide punishment for embezzlement and misuse of funds, including revocation of registration, by any organization or individual associated with an organization.⁷⁰

PRC Charity Law—Continued

International human rights organizations and media reports have highlighted concerns over certain provisions of the law, as follows:

- **Endangering state security.** Article 104 provides the legal basis for authorities to criminally prosecute and shut down groups deemed to “endanger state security,”⁷¹ a vague charge human rights groups say authorities can use to crack down on human rights advocacy⁷² and limit sources of funding for independent groups.⁷³
- **Registration.** One media report suggested that some charitable organizations may choose not to register due to authorities’ suspicions regarding their activities.⁷⁴
- **Implementation.** Some reports noted that while the law includes positive provisions, implementation at the local level will determine its impact on Chinese civil society groups.⁷⁵
- **Tax benefits.** Articles 79 to 84⁷⁶ provide what experts worry are vaguely defined rules entitling beneficiaries, organizations, and donors to tax benefits.⁷⁷

PRC Law on the Management of Overseas NGO Activities in Mainland China⁷⁸

On April 28, 2016, the National People’s Congress (NPC) passed the PRC Law on the Management of Overseas NGO Activities in Mainland China,⁷⁹ scheduled to take effect on January 1, 2017,⁸⁰ after much deliberation and two drafts.⁸¹ The final version of the law appeared to address some concerns expressed during the public comment process.⁸² Revisions included more specificity in the definition of “overseas NGOs,”⁸³ which an expert interpreted to encompass “industry and trade associations, chambers of commerce, [and] development and human rights NGOs . . .”;⁸⁴ allowing more than one representative office per organization in China;⁸⁵ and extending the length of time that a representative office’s registration is valid.⁸⁶

International observers, nevertheless, continued to raise concerns with several of the new law’s provisions, including:

- **Registration authority given to Ministry of Public Security (MPS) and provincial-level public security offices.** Whereas the Ministry of Civil Affairs has management authority over domestic NGOs,⁸⁷ Article 41 authorizes public security officials to manage registration, conduct annual inspections, and investigate “illegal activities” of international NGOs (INGOs).⁸⁸ Article 11 requires the formal consent of a government-approved professional supervisory unit (PSU) in order for INGOs to register with MPS.⁸⁹ Articles 46 and 47 provide for public security officials—under specific conditions—to shut down INGO activities, confiscate property, detain INGO personnel, and criminally prosecute “illegal activities.”⁹⁰

**PRC Law on the Management of Overseas NGO Activities in
Mainland China—Continued**⁷⁸

- **Endangering national security.** Article 5 prohibits INGOs from carrying out activities that “endanger China’s national unity, security, [or] ethnic unity” or “harm China’s national interests and the public interest . . .”⁹¹ It also prohibits INGOs from engaging in or funding “for-profit” or “political” activities, as well as “illegally engaging in and funding religious activities.”⁹²
- **Additional registration requirement.** Article 9 requires that INGOs set up and register a representative office or, if they want to carry out temporary activities, they must “file a record according to law” (*yi fa bei’an*).⁹³ Foreign organizations that have not registered or “filed a record” are forbidden from funding or partnering with domestic NGOs.⁹⁴
- **Restrictions on temporary activity.** Articles 16 and 17 require INGOs without representative offices in China to partner with “Chinese partner units,” which include state agencies, mass organizations, public institutions, or social organizations, in order to “file a record.”⁹⁵ The duration of temporary activities is limited to one year, and extensions are dependent on making new filings.⁹⁶
- **Reporting requirement.** Articles 19 and 31 require that representative offices of INGOs submit an annual activity plan for the following year by December 31⁹⁷ and work reports on the previous year—including financial information, activities, and personnel and institutional changes—by January 31 to their PSUs for annual inspections by the relevant public security offices.⁹⁸
- **Possible exemptions.** Article 53 provides ambiguous language for how “overseas schools, hospitals, science and engineering technology research institutions, and academic organizations” are treated under the law, and places them under the authority of “relevant national provisions.”⁹⁹ Experts questioned whether this exempts these organizations from the provisions of the law.¹⁰⁰

International observers called on the Chinese government to repeal the legislation, and warned that the law could be used as a tool of intimidation and suppression of dissenting views;¹⁰¹ a mechanism for exerting greater control over civil society;¹⁰² and an intensified effort to “stifle” groups in certain civil society sectors.¹⁰³ The U.S. Government expressed concern that the law may constrain U.S.-China people-to-people exchanges and relations.¹⁰⁴ A Chinese lawyer called the law a form of “national security legislation,” and said it signaled a “fundamental change” in China’s regulation of INGOs to a “national-security focused model” that discourages INGOs’ “presence and activity.”¹⁰⁵ A Chinese professor at Tsinghua University’s School of Public Policy and Management cautioned that the concentration of approval authority and the new and complex approval process within the public security bureaucracy could result in a “stagnation effect” on INGO activity in China.¹⁰⁶

Other Regulatory Developments

During the past year, the Chinese government released plans and draft revisions to the three major regulations that pertain to the registration and management of civil society organizations as

part of a broad decision on revising regulations.¹⁰⁷ The Ministry of Civil Affairs (MCA) released revised drafts for public comment of all three regulations.¹⁰⁸ Following the February 2016 State Council administrative revision of the Regulations on the Registration and Management of Social Organizations,¹⁰⁹ the MCA released a revised draft of the same regulation for public comment in August 2016 which would permit direct registration for business associations, research organizations, charities, and service organizations.¹¹⁰ Drafters changed the title of the Regulations on the Management of Non-Governmental, Non-Commercial Enterprises to Regulations on the Management of Social Service Organization Registration, renaming “non-governmental, non-commercial units” as “social service organizations.”¹¹¹ Provisions in the draft Regulations on the Management of Foundations specify how charitable foundations should be classified and regulated.¹¹² In addition, Article 4 of all three draft regulations stipulates that Communist Party groups must be established within organizations.¹¹³ In August 2016, the Party Central Committee and State Council jointly released an opinion on reforming social organization management, emphasizing the Party’s leadership over civil society and setting 2020 as the target year for establishing a uniform registration and management system throughout the country.¹¹⁴

Regulatory Environment

The regulatory environment for Chinese NGOs continues to be challenging to navigate. Authorities continue to require some NGOs to secure the sponsorship of a governmental or quasi-governmental organization in order to be eligible for registration at civil affairs bureaus.¹¹⁵ This “dual management system”¹¹⁶ subjects NGOs to differentiated treatment based on authorities’ perception of a group’s political sensitivity.¹¹⁷ Facing strict government control and barriers to registering as social organizations,¹¹⁸ many Chinese NGOs register instead as business entities or remain unregistered.¹¹⁹ Without registered status, NGOs have difficulty obtaining government funding or receiving donations from the private sector¹²⁰ and often rely more heavily on international funding, which has become more difficult to secure in the new regulatory environment.¹²¹

Experts noted that NGOs without government affiliation are at a disadvantage compared to quasi-governmental or government-organized non-governmental organizations (GONGOs) with respect to public fundraising and government procurement. A 2014 China Academy of Social Sciences report highlighted GONGOs’ monopoly over fundraising as one of the reasons independent NGOs receive little funding.¹²² According to a government official, government procurement of services may contribute to the uneven development of government-affiliated and grassroots NGOs.¹²³ Amid the concern about the lack of a fair assessment mechanism for procurement,¹²⁴ in February 2016, officials in Chengdu municipality, Sichuan province, reportedly released the first guidelines in China for the evaluation of government procurement of public services.¹²⁵

Notes to Section III—Civil Society

- ¹ Pan Yue, “MCA Registered a Total of 661,861 Social Organizations,” *People’s Daily*, 15 April 2016.
- ² Shawn Shieh, “Mapping the Dynamics of Civil Society,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 48.
- ³ *Ibid.*, 52–53; Deng Guosheng, “The State of and Obstacles to Chinese Grassroots NGO Development” [*Zhongguo caogen NGO fazhan de xianzhuang yu zhang’ai*], *Social Outlook*, reprinted in *Shanda* 960, Vol. 5 (June 2010). These organizations are often referred to as grassroots (*caogen*) organizations.
- ⁴ Isabel Hilton et al., “The Future of NGOs in China: A ChinaFile Conversation,” *Asia Society, ChinaFile* (blog), 14 May 15; Shawn Shieh, “Mapping the Dynamics of Civil Society,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 52–53.
- ⁵ Deng Guosheng, “The State of and Obstacles to Chinese Grassroots NGO Development” [*Zhongguo caogen NGO fazhan de xianzhuang yu zhang’ai*], *Social Outlook*, reprinted in *Shanda* 960, Vol. 5 (June 2010).
- ⁶ Shawn Shieh, “Mapping the Dynamics of Civil Society,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 53.
- ⁷ Deng Guosheng, “The State of and Obstacles to Chinese Grassroots NGO Development” [*Zhongguo caogen NGO fazhan de xianzhuang yu zhang’ai*], *Social Outlook*, reprinted in *Shanda* 960, Vol. 5 (June 2010). In 2010, Tsinghua University professor Deng Guosheng estimated that there were 1 to 1.5 million grassroots NGOs in China, of which 90 percent were unregistered. “Chinese Civil Society: Beneath the Glacier,” *Economist*, 12 April 14; Kristie Lu Stout, “People Power in the People’s Republic of China,” *CNN*, 26 June 14. In 2014, the *Economist* estimated that there were 1.5 million unregistered groups while *CNN* reported 2 million. Li Fan, “The Current State of Civil Society in China” [*Woguo gongmin shehui de xianzhuang*], *Tianze Economic Research Institute (Unirule), Biweekly Forum*, 12 September 14. Li Fan, director of World and China Institute, a Chinese NGO research center, claimed that China has 8 million unregistered NGOs, while Hu Xingdou, an economics professor at the Beijing Institute of Technology, and Xu Xin, a law professor at Beijing Institute of Technology, both questioned Li’s claim, saying that Li’s definition of what constitutes an NGO was too broad. His calculations included groups such as quasi-governmental mass organizations, spin-off government units, business associations, recreational clubs, virtual groups, and rural mutual aid groups.
- ⁸ Karl Bourdeau and Daniel Schulson, “‘Citizen Suits’ Under China’s Revised Environmental Protection Law: A Watershed Moment in Chinese Environmental Litigation?” *JD Supra Business Advisor*, 10 March 16; Shawn Shieh, “Grassroots NGOs Win Landmark Environmental Public Interest Lawsuit,” *NGOs in China* (blog), 17 November 15; Cui Zheng and Kong Lingyu, “Progress for NGOs Battling Polluters in Court,” *Caixin*, 3 December 15. Despite potential progress for environmental grassroots NGOs to bring public interest lawsuits, few NGOs have the capacity and resources to file cases and courts have rejected more cases than they have accepted.
- ⁹ Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRD Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016.
- ¹⁰ “China Steps Up Crackdown on Civil Society, Rights Advocates,” *Democracy Digest*, 13 January 16.
- ¹¹ “Chinese Police Raid Labor Rights Groups, Detain at Least Five Activists,” *Radio Free Asia*, 7 December 15; *China Labour Bulletin*, “Labour Activists Detained for Doing the Job of the Trade Union,” 5 December 15; “Guangdong Authorities Arrest Labor Rights Advocates,” *Congressional-Executive Commission on China*, 21 January 16.
- ¹² Didi Kirsten Tatlow, “China Is Said To Force Closing of Women’s Legal Aid Center,” *New York Times*, *Sinosphere* (blog), 29 January 16.
- ¹³ Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRD Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016.
- ¹⁴ *Ibid.*; *China Human Rights Lawyers Concern Group*, “[‘709 Crackdown’] Latest Data and Development of Cases as of 1800 4 July 2016,” 4 July 16. See also CECC, 2015 Annual Report, 8 October 15, 272.
- ¹⁵ Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRD Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016.
- ¹⁶ *Ibid.*
- ¹⁷ Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge: Cambridge University Press, 2013), 58. Hildebrandt explains use of the term “chilling effect” in the context of civil society as the internalization of the fear of a negative state response to the point that civil society actors do not contemplate taking actions that might put themselves in jeopardy.
- ¹⁸ Freedom House, “Freedom on the Net 2015: China Report,” October 2015.
- ¹⁹ Mimi Lau, “Mother of Detained Labour Activist Takes on State Media—And Forced Into Hardest Decision of Her Life,” *South China Morning Post*, 1 May 16.
- ²⁰ Verna Yu, “Charity Workers in China Say NGOs Being ‘Pulled Out by the Roots,’” *South China Morning Post*, 22 January 16.
- ²¹ Orville Schell, “Crackdown in China: Worse and Worse,” *New York Review of Books*, 21 April 16.
- ²² Chinese Human Rights Defenders, “China: Repeal Overseas NGO Law & Protect Freedom of Association,” 28 April 16.
- ²³ James Griffiths, “China on Strike,” *CNN*, 29 March 16.
- ²⁴ “Guangdong Police ‘Root Out’ Labor NGOs, Provoking Serious Concern” [*Guangdong jingfang “saodang” laogong NGO yinfa yanzhong guanzhul*], *Voice of America*, 6 December 15; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Ar-

resting Leaders,” China Change, 10 December 15; “Guangdong Authorities Arrest Labor Rights Advocates,” Congressional-Executive Commission on China, 21 January 16.

²⁵“Four Detained Labor Rights Defenders Arrested, Two Out on Bail, Attack Aimed at Panyu Workers’ Services Center” [Bei zhua lao wei renshi si pibu liang qubao maotou zhi zhi panyu dagongzu], Radio Free Asia, 10 January 16.

²⁶“Guangdong Police ‘Root Out’ Labor NGOs, Provoking Serious Concern” [Guangdong jingfang “saodang” laogong NGO yinfa yanzhong guanzhu], Voice of America, 6 December 15.

²⁷Rights Defense Network, “Police Suddenly Crack Down on Four Guangdong Labor NGOs, ‘Haige Labor Services Center,’ ‘Panyu Workers’ Services Center,’ ‘Sunflower Women Workers’ Center,’ ‘Nan Fei Yan,’ Leaders and Workers Disappear After Being Taken Away” [Guangdong si laogong NGO “haige laogong fuwu bu”, “panyu dagongzu”, “xiangyanghua nugong zhongxin”, “nan fei yan” turan zaodao jingfang daya, fuzeren ji yuangong bei daizou hou shilian], 3 December 15.

²⁸Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders,” China Change, 10 December 15.

²⁹Rights Defense Network, “12/3 Guangzhou Labor NGO Cases’ Arrests Approved Today for Four Individuals, One Released, Two Disappeared” [“12.3 guangzhou laogong NGO an” jin si ren bei pi daibu, yi ren huoshi, liang ren wuxialuo], 8 January 16. For more information on Zeng Feiyang, see the Commission’s Political Prisoner Database record 2015-00427.

³⁰Ibid. For more information on Zhu Xiaomei, see the Commission’s Political Prisoner Database record 2015-00428.

³¹Ibid. For more information on Meng Han, see the Commission’s Political Prisoner Database record 2014-00026.

³²Ibid. For more information on He Xiaobo, see the Commission’s Political Prisoner Database record 2015-00431.

³³China Labour Bulletin, “Labour Activist Zhu Xiaomei Released After Two Months in Detention,” 4 February 16.

³⁴Guo Rui, “One of Those Arrested in Guangdong Labor NGO Case, He Xiaobo Released on Bail” [Guangdong laogong NGO an beibu ren zhi yi he xiaobo yi qubao houshen], Phoenix News, 8 April 16.

³⁵Rights Defense Network, “Authorities Force China Women’s Rights NGO ‘Zhongze Women’s Legal Aid Center’ To Shut Down” [Zhongguo nuquan NGO “zhongze funu falu zixun fuwu zhongxin” zao dangju qiangpo xuangao jiesan], 29 January 16; Jiang Jie and Chen Heying, “Women’s Legal Aid Center in Beijing Closed,” Global Times, 2 February 16.

³⁶Hai-Ching Yang, “An Alternative to Impact Litigation in China: The Procurator as a Legal Avenue for Cases in the ‘Private Family Sphere’ of Domestic Violence,” Pacific Rim Law & Policy Journal, Vol. 20, No. 1 (January 2011), 244–45.

³⁷Yaxue Cao, “Guo Jianmei, Zhongze, and the Empowerment of Women in China,” China Change, 14 February 16.

³⁸See, e.g., Anti-Domestic Violence Network/Beijing FanBao, Beijing Zhongze Women’s Legal Consulting Services Center, and China Women’s University, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Violence Against Women (General Recommendation No. 19),” September 2014; Beijing Zhongze Legal Consulting Services Center, China Association for Employment Promotion, and Women’s Studies Institute of China, “The Shadow Report of Chinese Women’s NGOs on the Combined Seventh and Eighth Periodic Report Submitted by China under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women,” September 2014; Women Human Rights Defenders International Coalition, “China: WHRDIC Condemns Closure of Women’s Legal Aid Center in China,” reprinted in World Organisation Against Torture, February 2016.

³⁹Human Rights in China, “Women’s Rights NGO Responds to Cancellation by Peking University,” 7 April 10.

⁴⁰Yaxue Cao, “Guo Jianmei, Zhongze, and the Empowerment of Women in China,” China Change, 14 February 16; Lu Congcong and Chen Rui, “Guo Jianmei, Alumna From Entering Class of ’79: I’m Very Happy To Be a Public Interest Lawyer” [79 ji xiaoyou guo jianmei zuo gongyi lushi, wo hen kuaile], Peking University Law School, Alumni Affairs, last visited 25 July 16.

⁴¹Chinese Urgent Action Working Group, “Urgent Action: Statement on the Detention of Peter Dahlin,” China Change, 12 January 16.

⁴²Ibid.; Chris Buckley, “China To Expel Peter Dahlin, Swedish Human Rights Advocate,” New York Times, 25 January 16.

⁴³Edward Wong, “China Uses Foreigners’ Televised Confessions To Serve Its Own Ends,” New York Times, 21 January 16; Chris Buckley, “China To Expel Peter Dahlin, Swedish Human Rights Advocate,” New York Times, 25 January 16.

⁴⁴Edward Wong, “Inside China’s Secret 23-Day Detention of a Foreign Nonprofit Chief,” New York Times, 9 July 16.

⁴⁵“China Tamps Dissent With Trumped Up ‘State Security’ and ‘Terrorism’ Charges,” Radio Free Asia, 17 March 16.

⁴⁶“Police Smashes Illegal Organization Jeopardizing China’s National Security,” Xinhua, 19 January 16; Simon Lewis, “Swedish Activist Peter Dahlin Concerned Over Colleagues in Chinese Prisons,” Time, 26 January 16.

⁴⁷Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders: CHRDC Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016, 12; Edward Wong, “Inside China’s Secret 23-Day Detention of a Foreign Nonprofit Chief,” New York Times, 9 July 16. For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

⁴⁸Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders: CHRDA Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016.

⁴⁹“Police Smashes Illegal Organization Jeopardizing China’s National Security,” Xinhua, 19 January 16; Simon Lewis, “Swedish Activist Peter Dahlin Concerned Over Colleagues in Chinese Prisons,” Time, 26 January 16. For more information on Xing Qingxian, see the Commission’s Political Prisoner Database record 2009-00113.

⁵⁰PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35.

⁵¹International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19, 21, 22. China signed the ICCPR in 1998 and the Chinese government has stated its intent to ratify it. During the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record in October 2013, China stated it is “making preparations for the ratification of ICCPR and will continue to carry out legislative and judicial reforms.” UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 153.

⁵²Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society To Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), adopted by UN General Assembly resolution 53/144 of 8 March 99, art. 5(a–c).

⁵³Office of the UN High Commissioner for Human Rights, “UN Human Rights Chief Deeply Concerned by China Clampdown on Lawyers and Activists,” 16 February 16.

⁵⁴Joint Statement on China’s Human Rights Situation,” reprinted in HumanRights.gov, 10 March 16. The joint statement was read aloud at the UN Human Rights Council meeting on March 10, 2016, by the U.S. Ambassador to the UN Human Rights Council, Keith Harper, on behalf of Australia, Denmark, Finland, Germany, Iceland, Ireland, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States. See also Simon Denyer, “Is China Heading in the Wrong Direction? For Once, the West Calls Beijing Out,” Washington Post, 23 March 16.

⁵⁵Nike Ching, “Unprecedented UNHRC Joint Statement Condemns China’s Problematic Violations,” Voice of America, 10 March 16.

⁵⁶Shawn Shieh, “2016: The Year of Regulation and a New Future for Civil Society,” NGOs in China (blog), 11 June 16.

⁵⁷See, e.g., Mark Sidel, “Permissive or Restrictive? A Mixed Picture for Philanthropy in China,” Alliance Magazine, 14 March 16; Louis Thivierge, “China’s New Charity Law: A Legal Framework To Incentivise Philanthropy and Achieve a ‘Moderately Prosperous Society,’” Tsinghua China Law Review, 24 March 16; Reza Hasmath, “The Pros and Cons of China’s NGO Laws,” The Diplomat, 23 March 16; Narada Foundation, “Charity Law: 8 Major Advances and 10 Major Expectations” [Cishan fa: 8 da jinbu yu 10 da qidai], 9 March 16.

⁵⁸See, e.g., Reza Hasmath, “The Pros and Cons of China’s NGO Laws,” The Diplomat, 23 March 16; Yimei Chen, “An Interview With Mark Sidel: Engaging With Chinese Philanthropy From a Global Perspective,” China Development Brief, 23 February 16; Chinese Human Rights Defenders, “[CHRB] New Charity Law Will Further Isolate & Weaken Civil Society in China (March 21–31/2016),” 31 March 16.

⁵⁹See, e.g., Chinese Human Rights Defenders, “[CHRB] New Charity Law Will Further Isolate & Weaken Civil Society in China (March 21–31/2016),” 31 March 16; Human Rights Watch, “Human Rights Watch Letter to China NPC Chairman Zhang Dejiang,” 3 March 16.

⁶⁰“China Adopts Charity Law,” Xinhua, 16 March 16; PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16. See also the following unofficial translation “2016 Charity Law,” translated in China Law Translate (blog), 16 March 16.

⁶¹National People’s Congress Standing Committee, Charity Law (Draft) [Cishan fa (cao’an)], 31 October 15; National People’s Congress Standing Committee, Charity Law Draft Second Review Revised Draft [Cishan fa cao’an erci shenyi gao xiugai gao], 11 January 16.

⁶²“Parties Hotly Discuss Six Main Issues of Charity Law Draft” [Gefang reyi cishan fa cao’an liu da jiaodian], Xinhua, 30 October 15; Josh Chin, “China Charity Law Seeks To Make Giving Easier,” Wall Street Journal, 14 March 16.

⁶³See, e.g., “Xinhua Insight: NPC Hopes Charity Law Can Help Poverty Fight,” Xinhua, 9 March 16. See also “China Hopes To Improve Philanthropy Through Charity Law: Spokeswoman,” Xinhua, 4 March 16.

⁶⁴See, e.g., “NPC Passes China’s First Charity Law To Encourage Participation,” China Radio International, 16 March 16.

⁶⁵See, e.g., Shi Rui et al., “China Builds Legal Basis for Charitable Giving,” Caixin Net, 18 December 15; “NPC Passes China’s First Charity Law To Encourage Participation,” China Radio International, 16 March 16.

⁶⁶PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16, arts. 8–20. See, e.g., Xu Yongguang, “Highlighting China’s First Charity Law,” CCTV, 10 March 16; Shawn Shieh, “Charity Law FAQs,” NGOs in China (blog), 29 March 16.

⁶⁷Dong Zijin, “Five Considerations Regarding the Charity Law” [Dong zijin: guanyu cishan fa de wu ge tixing], Caijing, 15 April 16; PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16, art. 20.

⁶⁸PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16, arts. 22–23.

⁶⁹Ibid., arts. 71–75.

⁷⁰Ibid., arts. 52, 98, 108.

⁷¹Ibid., art. 104. In addition, Articles 4 and 15 prohibit activities and funding for activities that “endanger state security” and “social public interests.” Megha Rajagopalan, “China Charity Law To Forbid Activity That ‘Endangers National Security,’” Reuters, 9 March 16; Shawn Shieh, “Charity Law FAQs,” NGOs in China (blog), 29 March 16; Chinese Human Rights De-

defenders, “[CHRB] New Charity Law Will Further Isolate & Weaken Civil Society in China (March 21–31/2016),” 31 March 16.

⁷² See, e.g., Human Rights Watch, “China: State Security, Terrorism Convictions Double,” 16 March 16; Chinese Human Rights Defenders, “[CHRB] New Charity Law Will Further Isolate & Weaken Civil Society in China (March 21–31/2016),” 31 March 16.

⁷³ Shawn Shieh, “Charity Law FAQs,” NGOs in China (blog), 29 March 16; Chinese Human Rights Defenders, “[CHRB] New Charity Law Will Further Isolate & Weaken Civil Society in China (March 21–31/2016),” 31 March 16.

⁷⁴ Josh Chin, “The Good—And Bad—About China’s New Charity Law,” Wall Street Journal, China Real Time Report (blog), 16 March 16.

⁷⁵ See, e.g., Shannon Van Sant, “China Approves Comprehensive Law on Charities, Non-profits,” Voice of America, 23 March 16; Josh Chin, “The Good—And Bad—About China’s New Charity Law,” Wall Street Journal, China Real Time (blog), 16 March 16. See also Yimei Chen, “An Interview with Mark Sidel: Engaging With Chinese Philanthropy From a Global Perspective,” China Development Brief, 23 February 16.

⁷⁶ PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16, arts. 79–84.

⁷⁷ See, e.g., Josh Chin, “The Good—And Bad—About China’s New Charity Law,” Wall Street Journal, China Real Time (blog), 16 March 16; Dong Zijin, “Five Considerations Regarding the Charity Law” [Dong zijin: guanyu cishan fa de wu ge tixing], Caijing, 15 April 16.

⁷⁸ CECC, 2015 Annual Report, 8 October 15, 227–28.

⁷⁹ PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17; “China Releases Law on Management of Overseas Non-Governmental Organizations’ Activities in Mainland China” [Woguo chutai jingwai feizhengfu zuzhi jingnei huodong guanli fa], Xinhua, 28 April 16.

⁸⁰ PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 54; “China Releases Law on Management of Overseas Non-Governmental Organizations’ Activities in Mainland China” [Woguo chutai jingwai feizhengfu zuzhi jingnei huodong guanli fa], Xinhua, 28 April 16.

⁸¹ “China Releases Law on Management of Overseas Non-Governmental Organizations’ Activities in Mainland China” [Woguo chutai jingwai feizhengfu zuzhi jingnei huodong guanli fa], Xinhua, 28 April 16; Didi Kirsten Tatlow, “China Wrestles With Draft Law on Nongovernmental Organizations,” New York Times, Sinosphere (blog), 11 March 16; National People’s Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao’an) (er ci shenyi gao)], 5 May 15. For an unofficial English translation of the draft version, see China Development Brief, “CDB English Translation of the Overseas NGO Management Law (Second Draft),” 21 May 15.

⁸² See, e.g., Human Rights Watch, “Submission by Human Rights Watch to the National People’s Congress Standing Committee on the Second Draft of the Foreign Non-Governmental Organizations Management Law,” 2 June 15; Amnesty International, “China: Submission to the NPC Standing Committee’s Legislative Affairs Commission on the Second Draft Foreign Non-Governmental Organizations Management Law,” June 2015, 3–4; China Development Brief, “Feedback and Suggestions on the ‘Overseas NGO Management Law of the People’s Republic of China (Draft)’ (Second Reading),” May 2015, 2–7.

⁸³ “Draft Law on Management of Overseas Non-Governmental Organizations’ Activities in Mainland China Submitted for Third Review” [Jingwai feizhengfu zuzhi jingnei huodong guanli fa cao’an tiquing san shen], Xinhua, 25 April 16; “Changes Anticipated in the New FNGO Law,” China Law Translate (blog), 25 April 16; PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 2; National People’s Congress Standing Committee, PRC Overseas Non-Governmental Organizations Management Law (Draft) (Second Reading Draft) [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi guanli fa (cao’an) (er ci shenyi gao)], 5 May 15, art. 2. The definition of overseas NGOs in the final version of the law states overseas NGOs are “not-for-profit, non-governmental social organizations lawfully established outside of mainland China such as foundations, social associations, and think tanks.” The second draft law released for public comment in May 2015 defined overseas NGOs as “not-for-profit, non-governmental social organizations formed outside mainland China.”

⁸⁴ Shawn Shieh, “Overseas NGO Law FAQs,” NGOs in China (blog), 1 May 16; PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 2.

⁸⁵ “Draft Law on Management of Overseas Non-Governmental Organizations’ Activities in Mainland China Submitted for Third Review” [Jingwai feizhengfu zuzhi jingnei huodong guanli fa cao’an tiquing san shen], Xinhua, 25 April 16; “Changes Anticipated in the New FNGO Law,” China Law Translate (blog), 25 April 16.

⁸⁶ *Ibid.*

⁸⁷ Shawn Shieh, “Mapping the Dynamics of Civil Society,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer. Y.J. Hsu (Abingdon: Routledge, 2016), 51–52; International Center for Not-for-Profit Law, “NGO Law Monitor: China,” last updated 20 June 16.

⁸⁸ PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 41; Simon Denyer, “China Passes Tough Law To Bring Foreign NGOs Under Security Supervision,” Washington Post, 28 April 16.

⁸⁹PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17, art. 11. Article 11 states that public security and government offices are tasked with publishing a directory of approved professional supervisory units (PSUs).

⁹⁰Ibid., arts. 46–47.

⁹¹Ibid., art. 5.

⁹²Ibid., art. 5.

⁹³Ibid., art. 9.

⁹⁴Ibid., art. 9.

⁹⁵Ibid., arts. 16–17.

⁹⁶Ibid., art. 17.

⁹⁷Ibid., arts. 6, 19, 31.

⁹⁸Ibid., arts. 6, 31.

⁹⁹Ibid., art. 53; Shawn Shieh, "Overseas NGO Law FAQs," NGOs in China (blog), 1 May 16.

¹⁰⁰Shawn Shieh, "Overseas NGO Law FAQs," NGOs in China (blog), 1 May 16; "Changes Anticipated in the New FNGO Law," China Law Translate (blog), 25 April 16.

¹⁰¹Office of the UN High Commissioner for Human Rights, "China: Newly Adopted Foreign NGO Law Should Be Repealed, UN Experts Urge," 3 May 16.

¹⁰²Chinese Human Rights Defenders, "China: Repeal Overseas NGO Law & Protect Freedom of Association," 28 April 16; Tom Phillips, "China Passes Law Imposing Security Controls on Foreign NGOs," Guardian, 28 April 16; Charlie Campbell, "China's New Foreign NGO Law Is Threatening Vital Advocacy Work," Time, 26 April 16; Mark Sidel, "It Just Got Harder To Make a Difference in China," Foreign Policy, Tea Leaf Nation (blog), 29 April 16.

¹⁰³Freedom House, "China's NGO Law Aims To Stifle 'Foreign' Influence, Basic Rights," 29 April 16.

¹⁰⁴The White House, "Statement by NSC Spokesperson Ned Price on China's Foreign NGO Management Law," 28 April 16; John Kerry, U.S. Department of State, "China's Passage of the Law on the Management of Foreign NGO Activities Inside Mainland China," 28 April 16.

¹⁰⁵Sebastian Heilmann et al., "How Should Global Stakeholders Respond to China's New NGO Management Law?" Asia Society, ChinaFile (blog), 5 May 16.

¹⁰⁶Jia Xijin, "Jia Xijin: Where Will the Second Boot Fall in the Legislation for Overseas NGOs?" [Jia xijin: lifa jingwai NGO, di er zhi xuezi ruhe luodi?], Caijing, 27 November 15.

¹⁰⁷State Council General Office, State Council's 2016 Legislative Work Plan [Guowuyuan 2016 nian lifa gongzuo jihual], 17 March 16, 1. See also CECC, 2013 Annual Report, 10 October 13, 133.

¹⁰⁸Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Solicitation of Comments) [Minban feiqiye danwei dengji guanli tiaoli zanzheng tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16; Ministry of Civil Affairs, Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments) [Jijinhui guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16; Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments) [Shehui tuanti dengji guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 1 August 16.

¹⁰⁹State Council, Decision on Amending Some Administrative Regulations [Guowuyuan guanyu xiugai bufen xingzheng fagui de jue ding], issued and effective 6 February 16, 18; "State Council Revises the Administrative Regulations for the Registration of Social Organizations," China Development Brief, 3 March 16; Wang Yong, "State Council Amends the 'Regulations for the Registration and Management of Social Organizations'" [Guowuyuan xiugai 'shehui tuanti dengji guanli tiaoli'], China Philanthropy Times, reprinted in Syntao, 4 March 16. The revisions allow applicant organizations that have appropriate sponsors to apply directly for registration rather than first having to apply to prepare for registration at the relevant government agency.

¹¹⁰Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments) [Shehui tuanti dengji guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 1 August 16, 20. See also Ben Blanchard, "China Proposes Tightening Grip on NGOs," Reuters, 1 August 16.

¹¹¹Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Public Comment) [Minban feiqiye danwei dengji guanli tiaoli zanzheng tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16, Introduction. According to Article 10, "social organizations" categorized as "non-governmental, non-commercial enterprises" under these regulations include science and technology research groups, philanthropic groups, and community service groups.

¹¹²Ministry of Civil Affairs, Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments) [Jijinhui guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16, Explanations.

¹¹³Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Solicitation of Comments) [Minban feiqiye danwei dengji guanli tiaoli zanzheng tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16, art. 4; Ministry of Civil Affairs, Regulations on the Management of Foundations (Revised Draft for Solicitation of Comments) [Jijinhui guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 26 May 16, art. 4; Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Revised Draft for Solicitation of Comments) [Shehui tuanti dengji guanli tiaoli (xiuding cao'an zhengqiu yijian gao)], 1 August 16, art. 4.

¹¹⁴Party Central Committee General Office and State Council General Office Publish 'Opinion on Reforming Management System of Social Organizations To Promote Social Organizations' Healthy and Orderly Development' [Zhongban guoban yinfa "guanyu gaige shehui zuzhi guanli zhidu cujan shehui zuzhi jiankang youxu fazhan de yijian], Xinhua, 21 August 16, 2(2–3); Ben

Blanchard, “China To Strengthen Communist Party’s Role in Non-Govt Bodies,” Reuters, 21 August 16.

¹¹⁵ State Council, Regulations on the Registration and Management of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued 25 October 98, amended and effective 6 February 16, art. 6; Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Solicitation of Comments) [Minban feiqiye danwei dengji guanli tiaoli zanzing tiaoli (xiuding cao’an zhengqiu yijian gao)], 26 May 16, art. 10.

¹¹⁶ International Center for Not-for-Profit Law, “NGO Law Monitor: China,” last updated 20 June 16; Shawn Shieh, “Mapping the Dynamics of Civil Society,” in *NGO Governance and Management in China*, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 52. Shieh refers to the management system of NGOs as “dual supervision” by relevant-level entities within the civil affairs bureaucracy and by professional supervisory units. Dong Zijin, “Five Considerations Regarding the Charity Law” [Guanyu cishan fa de wu ge tixing], *Caijing*, 15 April 16.

¹¹⁷ Teng Biao, “Assessment of the Drafts of the ‘Foreign NGO Management Law’ and ‘National Security Law’” [Ping “jingwai feizhengfu zuzhi guanli fa” he “guojia anquan fa” cao’an], Independent Chinese PEN Center (blog), 30 June 15; Fengshi Wu and Kin-man Chan, “Graduated Control and Beyond: The Evolving Government-NGO Relations,” *China Perspectives*, 2012, No. 3, 10–11.

¹¹⁸ International Center for Not-for-Profit Law, “NGO Law Monitor: China,” last updated 20 June 16. Some other barriers to registration include extensive documentation requirements; broad prohibitions of certain activities such as advocacy, legal assistance, labor, religion, and ethnic minority affairs; and authorities’ extensive discretion to deny registration.

¹¹⁹ *Ibid.*; Wan Yanhai, “Wan Yanhai Special Column: Sounding the Alarm on Transition Institute’s Alleged Crime of ‘Illegal Business Activity’” [Wan yanhai zhuanlan: chuanzhixing “feifa jingying zui” qiaoxiang de jingzhong], Storm Media, 1 May 15. See also Teng Biao, “Assessment of the Drafts of the ‘Foreign NGO Management Law’ and the ‘National Security Law’” [Ping “jingwai feizhengfu zuzhi guanli fa” he “guojia anquan fa” cao’an], Independent Chinese PEN Center (blog), 30 June 15.

¹²⁰ Nala, “Non-Profit Organizations in China and Their Future Prospects,” *Washington Institute of China Studies, Business and Public Administration Studies*, Vol. 8, No. 1 (2014), 30.

¹²¹ Verna Yu, “Overseas Funding: The ‘Original Sin’ of Mainland Independent NGOs?” [Jingwai zizhu neidi duli NGO de “yuanzui”?], *South China Morning Post*, 22 January 16.

¹²² Jiang Tao, “CASS Report: China’s Civil Society Groups Face Five Dilemmas” [Shekeyuan baogao: zhongguo minjian zuzhi mianlin wu da kunjing], *China News Service*, 25 December 14.

¹²³ Wang Changbao, “How Government Procurement of Services Can Effectively Advance” [Zhengfu goumai gonggong fuwu ruhe youxiao tuijin], *China Government Procurement Net*, 25 January 16.

¹²⁴ *Ibid.*

¹²⁵ Zhu Hong, “The First ‘Guidelines for the Evaluation of the Management of Government Services Procurement’ Released” [Quanguo shouge “zhengfu goumai shehui zuzhi fuwu xiangmu jixiao pinggu caozuo zhiyin” fabu], *People’s Daily*, 2 February 16.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Political Power of the Chinese Communist Party Under General Secretary Xi Jinping

In China's one-party, authoritarian political system,¹ the Chinese Communist Party plays a leading role in the state and society.² Observers note that the central role of the Party in governing the state appears to have strengthened since Party General Secretary and President Xi Jinping came into power in November 2012,³ a development that has further "blurred" the lines between Party and government, according to some experts.⁴ During the Commission's 2016 reporting year, under Xi's leadership, the Party demanded absolute loyalty⁵ and continued to direct and influence politics and society at all levels, including in the military,⁶ economy,⁷ media,⁸ civil society,⁹ and family life.¹⁰ State-run media outlets reported that President Xi emphasized the Party's claims to leadership over "political, military, civil, and academic—east, west, south, north, and center" at a senior-level Party meeting in January 2016.¹¹ After the 18th Party Central Committee approved the Proposal on Drafting the 13th Five-Year Plan for National Economic and Social Development at its Fifth Plenum in October 2015,¹² the government adopted the plan during the annual legislative and political advisory sessions in March 2016.¹³ The 13th Five-Year Plan reiterates a vision to "spur a great rejuvenation of the Chinese nation" in line with the "Chinese dream."¹⁴ Xi introduced the concept of the "Chinese dream" in 2013,¹⁵ promoting a Party- and government-centric model of "socialism with Chinese characteristics" in economics, politics, and society¹⁶ that rejects so-called "Western values"¹⁷ and "hostile forces."¹⁸

XI JINPING'S LEADING ROLE

This past year, the Commission observed a continued emphasis on Xi's leading role in guiding decisionmaking in Party, government, and military affairs. Reports suggested that Xi used the ongoing anticorruption campaign,¹⁹ intensified Party disciplinary measures,²⁰ promoted his speeches as ideological guidance,²¹ and continued his chairmanship of at least six leading small groups (*lingdao xiaozu*) in the Party Central Committee to strengthen his power within the Party.²² Following central Party meetings that featured calls to strengthen the Party's role as the "core" (*hexin*) of Chinese government and society,²³ several provincial and local Party leaders referred to Xi as the "core" of Party leadership²⁴—a term previously used to characterize Deng Xiaoping and Jiang Zemin, former Party General Secretaries.²⁵ In a development that observers assert further signals Xi's increased power over the military,²⁶ in April 2016, Xi gained a new title as the commander-in-chief of the Central Military Commission's Joint Battle Command Center and urged the command system to be "absolutely loyal."²⁷ Reports this past year noted official propaganda efforts focusing on Xi's leadership style and policies that some observers found reminiscent of Chairman Mao Zedong's "cult of personality,"²⁸ highlighting Xi's efforts to amass personalized power.²⁹ An Australian academic characterized Xi as the "chairman of everything," noting

that Xi's leadership style represented a departure from previous leaders' adherence to the concerns of Party elders and the post-Mao model of collective decisionmaking.³⁰ Xi's restrictive media policies reportedly elicited criticism from property tycoon and popular social media commentator Ren Zhiqiang,³¹ Chinese media outlet Caixin,³² and anonymous sources.³³ [For more information on critiques of Xi's media policy, see Section II—Freedom of Expression.] Moreover, the Central Commission for Discipline Inspection, the Party institution that has spearheaded the anticorruption campaign closely associated with Xi,³⁴ published an essay in March 2016 on its website titled, "A Thousand Yes-Men Cannot Equal One Honest Advisor,"³⁵ which appeared to criticize Xi's suppression of dissent within the Party, according to observers.³⁶

Party-Building in Civil Society Organizations

The Communist Party continued to prioritize expanding its presence in civil society through "Party-building,"³⁷ a policy of establishing groups of Party members within civil society organizations.³⁸ A Party Central Committee opinion from September 2015 guided local-level Party committees to ensure that Party groups in non-governmental social organizations (*shehui zuzhi*) "guarantee the political direction" of such organizations by promoting the Party line, implementing Party decisions, studying Xi's important speeches and thought, and ensuring that social organizations follow national law.³⁹ Provincial Party committees and officials in Anhui,⁴⁰ Guizhou,⁴¹ Gansu,⁴² and Liaoning provinces⁴³ released plans that assign greater personal responsibility to Party officials to develop active Party groups in social organizations.⁴⁴

Anticorruption Campaign and Challenges

This past year, President and Party General Secretary Xi Jinping's wide-reaching anticorruption campaign⁴⁵ to reduce graft and strengthen Party discipline⁴⁶ continued snaring so-called "tigers" and "flies"—high- and low-level Party officials⁴⁷—in a manner that one scholar called selective in enforcement, non-transparent, and politicized.⁴⁸ The Central Commission for Discipline Inspection (CCDI) targeted officials in the government,⁴⁹ military,⁵⁰ state security apparatus,⁵¹ media,⁵² and business⁵³ this past year. By the end of 2015, CCDI authorities had reportedly investigated at least one high-level official from every provincial-level administrative area⁵⁴ and, according to Xinhua, administered disciplinary penalties for nearly 300,000 officials.⁵⁵ The Supreme People's Procuratorate investigated a total of 40,834 cases of professional misconduct involving 54,249 people in 2015,⁵⁶ numbers comparable to the previous year.⁵⁷ The CCDI announced plans to boost the efficiency of discipline inspection within central Party and government entities⁵⁸ by expanding the scope of monitoring to lower levels,⁵⁹ strengthening intra-Party accountability mechanisms,⁶⁰ and setting up more "resident supervisor offices" within central, provincial-, and local-level departments.⁶¹ Reports in domestic and international media outlets during this reporting year raised allegations of torture⁶² and the unnatural deaths of officials,⁶³ including alleged suicides.⁶⁴ The CCDI also continued to administer the

non-transparent and extralegal disciplinary process of *shuanggui* (“double designation”), which requires Party members to appear for interrogation at a designated time and place.⁶⁵ Following its November 2015 review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Committee against Torture expressed concern in its concluding observations that Party members held under *shuanggui* may be denied access to counsel and are at risk of torture, and recommended that the system be abolished.⁶⁶

Despite the anticorruption efforts directed by central Party officials, corruption remains a major problem.⁶⁷ In April 2016, the International Consortium of Investigative Journalists published internal documents from a Panamanian law firm containing information on offshore companies tied to nine families of high-level Party officials, including President Xi Jinping.⁶⁸ In the same month, Xi announced that a pilot program banning business operations of family members of senior Party officials will be expanded from Shanghai municipality to Beijing and Chongqing municipalities, Guangdong province, and the Xinjiang Uyghur Autonomous Region as part of the anticorruption campaign.⁶⁹

“Rule by Fear”: Continued Crackdown on Free Speech and Assembly and Democracy Advocacy

Officials continued a broad ideological and political crackdown on the Party and bureaucracy, human rights lawyers, business leaders, and bloggers, generating what one scholar called a climate of “rule by fear.”⁷⁰ The Chinese government employed the use of “fear techniques” by televising and “advertising”⁷¹ the suppression of both Chinese and foreign nationals.⁷² Notable televised confessions in this past year include those of legal advocacy non-governmental organization (NGO) cofounder and Swedish human rights advocate Peter Dahlin;⁷³ lawyers Zhang Kai and Wang Yu;⁷⁴ elected village Party committee chief Lin Zulian;⁷⁵ and four Hong Kong booksellers—Swedish citizen Gui Minhai,⁷⁶ Cheung Chi-ping,⁷⁷ Lam Wing-kei,⁷⁸ and Lui Bo.⁷⁹ In addition to what observers believed were forced confessions,⁸⁰ the alleged cross-jurisdiction abductions and arbitrary detentions of Chinese and foreign nationals during this past year⁸¹ violated Article 9 of the Universal Declaration of Human Rights, which stipulates that “no one shall be subjected to arbitrary arrest, detention, or exile.”⁸² [For more information on the cases of the Hong Kong booksellers, see Section VI—Developments in Hong Kong and Macau.]

Chinese authorities also continued to harass, detain, and impose prison sentences on democracy advocates who exercised their rights to freedom of speech, assembly, and demonstration. Representative cases of advocates whom authorities targeted this past year included:

- **Qin Yongmin and Zhao Suli.** In January 2015, authorities in Wuhan municipality, Hubei province, detained Qin, a founder of the banned China Democracy Party and the domestic NGO China Human Rights Watch, and his wife Zhao.⁸³ In May 2016, another rights advocate confirmed Qin’s detention in Wuhan.⁸⁴ As of June 2016, Zhao’s whereabouts and the

charges against her, if any, remained unknown.⁸⁵ After holding Qin incommunicado for 17 months, authorities indicted Qin on the charge of “subversion of state power” in June 2016.⁸⁶

- Authorities in Beijing municipality detained protesters gathered outside the Beijing No. 2 Intermediate People’s Court during public interest lawyer Pu Zhiqiang’s trial in December 2015.⁸⁷ Authorities reportedly detained **Zhang Zhan**,⁸⁸ **Wang Su’e**,⁸⁹ **Qu Hongxia**,⁹⁰ **Ran Chongbi**,⁹¹ **Li Meiqing**,⁹² **Wen Rengui**,⁹³ and **Sheng Lanfu**⁹⁴ on suspicion of “picking quarrels and provoking trouble,”⁹⁵ and released them in January 2016.⁹⁶

- **Xu Qin**. In January 2016, authorities in Beijing detained and arrested Xu, acting secretary-general of China Human Rights Watch and member of an affiliated group, Rose China,⁹⁷ on suspicion of “picking quarrels and provoking trouble” ahead of a planned gathering of hundreds of petitioners in Beijing.⁹⁸ Authorities released Xu on February 2.⁹⁹

- **Yin Weihe**. Authorities in Xiangxiang city, Xiangtan municipality, Hunan province, detained Yin in September 2013 on suspicion of “picking quarrels and provoking trouble,” reportedly for sharing information on the 1989 Tiananmen protests and official corruption.¹⁰⁰ Authorities tried him in January 2014¹⁰¹ and released him on bail in October 2014,¹⁰² before detaining him again in December 2015.¹⁰³ In March 2016, the Xiangxiang Municipal People’s Court sentenced Yin to three years’ imprisonment for “picking quarrels and provoking trouble.”¹⁰⁴

- **Liu Shaoming**. Police in Guangzhou municipality, Guangdong province, criminally detained labor rights advocate Liu in May 2015 and charged him in July 2015 with “inciting subversion of state power” for writing and sharing political essays online related to the 1989 Tiananmen protests.¹⁰⁵ The Guangzhou Intermediate People’s Court heard Liu’s case in April 2016,¹⁰⁶ but as of July 2016 had not issued a verdict.¹⁰⁷

- In June 2016, a court in Hangzhou municipality, Zhejiang province, convicted democracy advocates **Lu Gengsong** and **Chen Shuqing** of “subversion of state power” and sentenced them to prison terms of 11 years and 10 years and 6 months, respectively, for writing pro-democracy essays and for involvement with the China Democracy Party.¹⁰⁸

This past year, authorities persecuted individuals for participating in memorial events in remembrance of the violent suppression of the 1989 Tiananmen protests. According to one report, authorities questioned, held in custody, criminally detained, sent on forced “vacation,” or harassed at least 53 individuals.¹⁰⁹ Cases included:

- On May 31, 2016, police in Beijing municipality criminally detained **Zhao Changqing**, **Zhang Baocheng**, **Xu Caihong**, **Li Wei**, **Ma Xinli**, and **Liang Taiping**¹¹⁰ after they had attended a private gathering at Zhao’s home on May 30 to commemorate the Tiananmen protests and call for the release of Guo Feixiong and Yu Shiwen.¹¹¹ The six were all subsequently released on bail in June and July.¹¹²

- **Fu Hailu.** Public security authorities in Chengdu municipality, Sichuan province, detained Fu on May 28, 2016,¹¹³ and formally arrested him on July 5 on suspicion of “inciting subversion of state power”¹¹⁴ after he posted pictures online of satirically labeled liquor bottles commemorating the 1989 protests.¹¹⁵ Authorities also reportedly detained and formally arrested **Chen Bing, Luo Fuyu, and Zhang Juanyong** on suspicion of “inciting subversion of state power” in connection with Fu’s case.¹¹⁶

Authorities also pursued criminal cases against people detained in 2014, prior to the 25th anniversary of the 1989 Tiananmen protests and their violent suppression, including:

- In January 2016, the Guangzhou Intermediate People’s Court in Guangdong sentenced democracy advocates **Tang Jingling**,¹¹⁷ **Yuan Chaoyang**,¹¹⁸ and **Wang Qingying**¹¹⁹—nicknamed the “Three Gentlemen of Guangzhou”—to five years; three years and six months; and two years and six months in prison, respectively, for “inciting subversion of state power.”¹²⁰

- **Pu Zhiqiang.** In December 2015, the Beijing No. 2 Intermediate People’s Court sentenced prominent public interest lawyer Pu Zhiqiang to three years’ imprisonment, suspended for three years, for “inciting ethnic hatred” and “picking quarrels and provoking trouble”¹²¹ for seven microblog posts that criticized government officials and China’s ethnic policies.¹²²

Promoting “Socialist Political Democratic Consultative Processes”

This past year, central Communist Party authorities did not undertake any substantial political liberalization,¹²³ but instead pledged to continue improving China’s “socialist political democratic consultative system” with the aim of strengthening Party leadership.¹²⁴ Chinese officials have described China’s political system as a “socialist democracy” with “multi-party cooperation” and “political consultation” under the leadership of the Communist Party.¹²⁵ In the past, types of “consultation” have included intraparty input on decisions about Party cadre appointments, development projects at grassroots levels, and some draft laws, as well as discussions between Party representatives and the national Chinese People’s Political Consultative Conference (CPPCC) and the eight “democratic” minor parties under the CPPCC umbrella.¹²⁶ In March 2016, state-run media published commentary emphasizing the role of the CPPCC and promoting the CPPCC’s importance as the official channel for “democratic consultations” and increasing public trust.¹²⁷

Democratic Governance in China’s One-Party State

Sources from this past year highlighted several instances in which officials interfered with or inhibited meaningful public participation in local elections,¹²⁸ undermining the ability of Chinese political institutions to meet the standards for “genuine” elections outlined in the Universal Declaration of Human Rights¹²⁹ and the International Covenant on Civil and Political Rights.¹³⁰ Chinese advocates for fair elections called for the National People’s Con-

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gress to guarantee judicial protection of voters' legal rights as defined by the PRC Organic Law of Village Committees.¹³¹ Reports from a human rights organization highlighted problems with local elections, including local officials' unlawful establishment of working groups to influence outcomes,¹³² lack of public participation in the nomination process,¹³³ and lack of official response to citizens' complaints regarding election malfeasance.¹³⁴ As an example of official harassment of an election participant, in June 2016, public security authorities in Yongjing county, Linxia Hui Autonomous Prefecture, Gansu province, criminally detained rights advocate Qu Mingxue—along with Zhang Lujun, Liu Mingxue, and Wang Mingzhu, who were released on the same day—on suspicion of “disrupting elections”¹³⁵ for recommending Liu as an independent write-in candidate in a June 20 local people's congress election in Yongjing and supporting his independent candidacy on social media.¹³⁶ Authorities formally arrested Qu on July 2¹³⁷ but decided not to indict him, releasing him on July 28.¹³⁸ In addition, in August 2016, Zixi county, Fuzhou municipality, Jiangxi province, public security officials ordered Yang Wei to serve 10 days' administrative detention after he requested forms from local government offices to run as an independent candidate in the provincial people's congress elections.¹³⁹

A New Round of Protests in Wukan Village¹⁴⁰

In June 2016, international and Chinese official media outlets reported a new round of protests in Wukan, a village in Donghai subdistrict, Lufeng city, Shanwei municipality, Guangdong province, over the detention of the village committee's Communist Party Secretary Lin Zulian.¹⁴¹ Wukan was the site of major protests in 2011 over land expropriation issues and the death of a village protest leader while in custody.¹⁴² Provincial-level authorities subsequently allowed a village committee election in March 2012 in which protest leaders were directly elected to the committee, including Lin.¹⁴³ Further protest broke out in Wukan in 2014 when local villagers claimed government interference in village elections following the detention of two candidates who helped to organize the 2011 protests and who had been elected to the village committee in 2012.¹⁴⁴

According to an official notice from the Lufeng public security bureau, on June 17, 2016, Lufeng authorities imposed “coercive measures” against Lin for allegedly “accepting bribes.”¹⁴⁵ Media reports, however, indicated that authorities detained Lin after he announced a public meeting to protest the lack of official progress in the government's pledge to return farmland.¹⁴⁶ On June 21, Shanwei officials released a prerecorded confession of Lin admitting to taking bribes, which local residents reportedly found unconvincing,¹⁴⁷ and formally arrested him on July 21.¹⁴⁸ The Hong Kong-based newspaper South China Morning Post reported that authorities warned two prominent rights lawyers not to work on the case.¹⁴⁹ After Lin's detention, local authorities placed Lin's family members under 24-hour surveillance, conditions that reportedly led Lin's grandson to attempt suicide in early August.¹⁵⁰

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Implementation of Open Government and Citizen Access to Information

Chinese authorities reiterated their intent to improve open government affairs and to aim for a higher level of information disclosure to the public.¹⁵¹ Following official guidance from the Communist Party¹⁵² and State Council¹⁵³ that called on government agencies to improve transparency, promote administrative reform, and restrain officials from arbitrarily exercising their authority, the Party Central Committee General Office and State Council General Office issued an opinion in February 2016 to further strengthen work on the open government information (OGI) system.¹⁵⁴ The opinion stipulated that government agencies must effectively improve disclosure, achieve a high level of civic participation, elevate access to information, and foster public trust.¹⁵⁵

Despite progress on policy and regulatory measures, transparency and access to government data are still lacking and implementation of the 2008 Open Government Information Regulations¹⁵⁶ remain problematic. Chinese authorities reportedly denied or ignored OGI requests, including in cases related to land dispossession and forcible relocation,¹⁵⁷ government spending,¹⁵⁸ and criminal matters.¹⁵⁹ Several rights advocates filed lawsuits against government agencies after officials denied their OGI requests for data submitted to the UN Committee against Torture.¹⁶⁰ Authorities also rejected OGI requests on the grounds of “state secrets.”¹⁶¹ Government agencies are required to develop “negative lists” that specifically enumerate the types of information that are not subject to disclosure, including information that may “endanger state security, economic security, public security, or social stability.”¹⁶² A lack of transparency in trade-related regulations¹⁶³ and clarity in policy regulating Chinese stock markets reportedly has contributed to difficulties for investors in China.¹⁶⁴ In addition to calls for improved transparency, reports noted that central authorities have admitted to publishing unreliable information in the past year.¹⁶⁵ [For more information on lack of transparency in China’s commercial environment, see Section III—Commercial Rule of Law.]

Social Credit System

In an effort to address the lack of trust in Chinese society, in 2014, the State Council released a planning outline for the creation of a national social credit system to measure and improve the credibility of government agencies, organizations, and individuals in four main areas: administrative affairs, business, society, and justice.¹⁶⁶ According to the planning outline, laws, regulations, and a standard system of supervision and management for administering social credit should be in place by 2020.¹⁶⁷ Media reports speculate that by 2020 every individual will have a personalized social credit score.¹⁶⁸ Each individual’s score will reflect a wide range of information, including financial data, criminal records, traffic violations, social media activity, and consumer purchases.¹⁶⁹ While the State Council planning outline includes the goals of increasing government transparency and accountability and reducing official misconduct,¹⁷⁰ critics have raised concerns about negative privacy implications of this nationwide system,¹⁷¹ noting that the social

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credit system is part of the Chinese government's ongoing efforts to counter perceived threats and shape citizens' behavior through massive data-gathering and surveillance.¹⁷²

The Chinese government continued plans to establish the national social credit system this past year.¹⁷³ In June 2016, the State Council issued a guiding opinion on building the social credit system, directing national and provincial government agencies to construct an "interregional and cross-departmental mechanism for encouraging trustworthiness and punishing dishonesty."¹⁷⁴ The opinion outlined four main areas of "dishonest" behavior punishable under a unified social credit mechanism: "severely endangering" public health and safety, including in medicine, the environment, industry, and manufacturing; "severely harming fair market competition and order and normal social order," including bribery, tax evasion, loan evasion, and wage payment violations; "refusal to fulfill legal obligations," including failing to comply with judicial sentences or administrative decisions; and "refusal to fulfill national defense obligations," including declining or evading military service.¹⁷⁵ The opinion also called for government and public organizations, financial institutions, credit and rating agencies, and professional associations to create and publish "red lists" of those who exhibit "model trustworthiness" and "blacklists" of those who are "severely dishonest," and provide them to government departments.¹⁷⁶

Notes to Section III—Institutions of Democratic Governance

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¹⁷⁵ Ibid., sec. 9.

¹⁷⁶ Ibid., sec. 19.

COMMERCIAL RULE OF LAW

World Trade Organization Commitments

On December 11, 2016, China will have been a member of the World Trade Organization (WTO) for 15 years,¹ yet the Chinese government and Communist Party continue to fail to honor many of China's fundamental WTO commitments.² China's commitments when it joined the WTO included to "apply and administer in a uniform, impartial and reasonable manner all its laws, regulations and other measures,"³ to allow for "impartial and independent" tribunals for review of administrative actions,⁴ to allow "prices for traded goods and services in every sector to be determined by market forces,"⁵ and to ensure non-discrimination against foreign enterprises.⁶ President and Party General Secretary Xi Jinping and other high-level Chinese officials asserted during the Commission's 2016 reporting year that China is fully adhering to its international trade obligations.⁷ U.S. businesses⁸ and the U.S. Government,⁹ however, expressed concerns regarding the Chinese government's continued failure to follow through on its WTO commitments, noting specific challenges such as restricted market access, discrimination against foreign companies, inadequate intellectual property protection, subsidies for state-owned enterprises, and the general absence of the rule of law.¹⁰

World Trade Organization Disputes and Internet Censorship

The U.S. Government has initiated a number of WTO disputes regarding the Chinese government's failure to comply with its WTO commitments, with the majority of disputes initiated since 2009 remaining unresolved. In 2015, the U.S. Government initiated two new WTO disputes against the Chinese government while five earlier WTO disputes initiated against the Chinese government since 2009 remain active.¹¹ In April 2016, China and the United States signed a memorandum of understanding that, if fully implemented by the Chinese government, will resolve a dispute on Chinese export subsidies that the U.S. Government initiated in February 2015.¹² In July 2016, the U.S. Government initiated a WTO dispute against Chinese export duties on nine types of raw materials used in manufacturing;¹³ U.S. Trade Representative Michael Froman described the duties as "China's attempt to game the system so that raw materials are cheaper for their manufacturers, and more expensive for ours."¹⁴ When China acceded to the WTO in 2001, it committed to eliminating all export duties "unless specifically provided for" in an annex to its accession agreement or "applied in conformity with" WTO rules;¹⁵ in 2009 and 2012, however, the United States initiated prior WTO disputes against Chinese export duties on other products.¹⁶

Under WTO rules, the U.S. Government has requested detailed information about, but has not yet formally challenged, the Chinese government's Internet censorship regime. In October 2011, the Office of the U.S. Trade Representative (USTR) requested information from the Chinese government on Internet restrictions that allow Chinese authorities to block websites of U.S. companies.¹⁷ In December 2015, USTR reported that it had continued its outreach

to the Chinese government to discuss its “arbitrary” censorship (“blocking of websites”).¹⁸ In March 2016, USTR identified Internet censorship in China as a barrier to trade for the first time,¹⁹ reporting that the problem appears to “have worsened over the past year, with 8 of the top 25 most trafficked global sites now blocked in China.”²⁰

Non-Market Economy Status and Trade Negotiations

Under China’s 2001 WTO accession protocol, other countries are permitted to treat China as a non-market economy; during the reporting year, the Chinese government sought a change to market economy status. In December 2016, a provision relating to China’s designation as a non-market economy in its WTO accession protocol will expire.²¹ The Chinese government has reportedly pressed that, starting on December 11, 2016, the United States and other countries should no longer designate China a non-market economy.²² Some American manufacturers may be negatively affected if the U.S. Government designates China a market economy because American manufacturers may lose protection against subsidized Chinese imports.²³ In determining whether a country is a market economy, the U.S. Commerce Department is required by law to consider factors including the extent to which the country’s currency is convertible; foreign investment is limited; the government owns or controls the means of production; and the government controls price and output decisions of enterprises.²⁴ As of May 2016, the U.S. Commerce Department reportedly had not made a decision on whether to grant China market economy status.²⁵ In May 2016, the European Parliament adopted a resolution opposing a European Union designation of market economy status for China.²⁶

Negotiations for a Bilateral Investment Treaty (BIT) between China and the United States progressed in 2016, and China monitored Trans-Pacific Partnership (TPP) developments.²⁷ In 2016, BIT negotiations were a “top economic priority” of the U.S. Government, with the objectives of “non-discrimination, fairness and transparency.”²⁸ As of August 2016, ongoing U.S.-China BIT negotiations focused on a “negative list”—a list of sectors in which U.S. investment in China would remain prohibited.²⁹ The Chinese government was not part of the TPP negotiations³⁰ due in part to challenges the Chinese government would face in meeting some TPP standards, including those related to the treatment of state-owned enterprises and Internet censorship.³¹ The Chinese government may seek to join the TPP in the future,³² and the U.S. Government has indicated that it would be open to the idea.³³

Commercial Transparency and Censorship

During the reporting year, Chinese authorities continued to control access to commercial information and impose restrictions on economic reporting, targeting negative reports on the Chinese economy. When China acceded to the WTO, the Chinese government committed to “apply and administer in a uniform, impartial and reasonable manner all its laws, regulations and other measures of the central government as well as local regulations, rules and other measures issued or applied at the sub-national level”³⁴ Re-

ports from this past year indicate, however, that the Chinese government does not uniformly apply laws and regulations, especially those that limit media censorship and promote transparency.³⁵ The U.S.-based news-media-monitoring website China Digital Times identified seven different censorship directives issued between August 2015 and April 2016 related to economic reporting.³⁶ In April 2016, Reporters Without Borders ranked China 176th out of 180 countries for press freedom.³⁷ During the reporting year, the websites of the New York Times, Bloomberg News, the Wall Street Journal, and Reuters remained blocked in China.³⁸

Significant developments demonstrating Chinese authorities' continued disregard for transparency, impartiality, and freedom of the press included:

- On August 25, 2015, Chinese authorities detained Caijing reporter Wang Xiaolu, later placing him under “criminal compulsory measures” on suspicion of “colluding with others and fabricating and spreading fake information on [the] securities and futures market.”³⁹ Wang had reported that the Chinese government might reduce financial support for stabilizing stock prices.⁴⁰ In or around February 2016, authorities reportedly released Wang from detention at an unknown location in Shanghai municipality, although sources did not report on the conditions of his release.⁴¹
- Between January 2010 and November 2015, Chinese companies raised US\$36.7 billion from U.S. investors in initial public offerings, according to analysis by Bloomberg News.⁴² As of August 2016, however, the Public Company Accounting Oversight Board (PCAOB), a non-profit corporation established by the U.S. Congress to oversee public company audits,⁴³ reportedly remained unable to obtain legal and financial documents from China-based companies listed on U.S. stock exchanges.⁴⁴ Although U.S. and Chinese regulators announced a pilot inspection program in June 2015,⁴⁵ inspections have not taken place because Chinese authorities only permit limited access to documents.⁴⁶
- In December 2015, Chinese official media reported that, in order to explain current “dramatic economic drops” in local growth figures, several officials in northeast China had admitted to “faking” GDP and other statistical data in previous years, with some local counties having reported GDP rivaling that of Hong Kong.⁴⁷ According to a Xinhua report, “very few” officials have lost their jobs due to manipulating data despite provisions in the PRC Statistics Law that stipulate termination as punishment for such violations.⁴⁸
- On January 26, 2016, Communist Party authorities extralegally detained Wang Bao’an, the Director of the National Bureau of Statistics of China,⁴⁹ hours after he defended China’s economic performance and GDP figures at a news conference.⁵⁰ According to international media reports, Wang’s detention increased concern about the reliability of the Chinese government’s GDP statistics.⁵¹
- In April 2016, a consortium of journalists published an exposé on international tax avoidance schemes, revealing that a Panamanian law firm had set up 16,300 secret offshore com-

panies through its offices in China and Hong Kong,⁵² including companies owned by family members of eight current or past members of the Standing Committee of the Communist Party Central Committee Political Bureau.⁵³ Chinese authorities censored reporting by Chinese media and postings on social media about the disclosure of offshore accounts.⁵⁴

- Chinese government and Communist Party authorities reportedly investigated executives in the banking and financial sectors in the aftermath of the 2015 Chinese stock market fluctuations.⁵⁵ Some executives were reportedly “disappeared” or temporarily detained without transparent reporting on their whereabouts.⁵⁶ According to media reports, these unexplained absences affected investor confidence and stock prices.⁵⁷

Disappearance and Arbitrary Detention of an American Businesswoman

In March 2015, American businesswoman Sandy Phan-Gillis disappeared as she was about to travel from Zhuhai municipality, Guangdong province, into Macau.⁵⁸ According to the Ministry of Foreign Affairs, Chinese authorities placed Phan-Gillis “under investigation ‘on suspicion of activities harmful to Chinese national security.’”⁵⁹ After holding Phan-Gillis under “residential surveillance at a designated location”⁶⁰ for six months at an undisclosed location in the Guangxi Zhuang Autonomous Region, authorities reportedly transferred her to the Nanning No. 2 PSB Detention Center in Nanning municipality, Guangxi in September.⁶¹ The Guangxi procuratorate reportedly approved her arrest on October 26, but officials did not provide her with any details of the charges.⁶² The U.S. State Department reported that she met with consular officials on a monthly basis, but Chinese authorities reportedly have prohibited her from speaking openly with consular officials or from meeting with her lawyer.⁶³ The U.S.-China Consular Convention (Convention) provides that consular officials are entitled “to converse and to exchange correspondence” with detained individuals and “may assist in arranging for legal representation.”⁶⁴ According to the U.S. State Department, the Chinese government’s restrictions on communication between U.S. consular officials and Phan-Gillis are “inconsistent” with China’s obligations under the Convention.⁶⁵ In June 2016, the United Nations Working Group on Arbitrary Detention rendered an opinion that Phan-Gillis had been arbitrarily detained.⁶⁶ The opinion was based on a determination that Phan-Gillis had been deprived of her right to legal counsel, and that she had not promptly been brought before a judicial or other independent authority since her detention began.⁶⁷ In July 2016, international media reported that Phan-Gillis had been, or was soon expected to be, indicted.⁶⁸

State-Owned Enterprises

This past year, in spite of the Chinese government’s continued promotion of structural reforms to state-owned enterprises (SOEs), American and European companies expressed concerns that SOEs continued to be run in a non-commercial manner. When China acceded to the World Trade Organization (WTO), the Chinese government committed that “all state-owned and state-invested enter-

prises would make purchases and sales based solely on commercial considerations . . .”⁶⁹ In September 2015, the State Council issued a guiding opinion on the reform of SOEs⁷⁰ that would categorize SOEs as public-class and commercial-class, and encourage market-based reforms and mixed ownership for commercial-class SOEs.⁷¹ Chinese media reported that this effort to promote mixed ownership will increase the efficiency of the 150,000 SOEs, which hold more than 100 trillion yuan (approximately US\$16 trillion) in assets and employ more than 30 million people.⁷² A U.S. business association, however, reported that the impact of the reforms would likely be limited as it does not address “core SOE issues.”⁷³ In the 2015 Fortune Global 500 list, 76 out of 98 Chinese companies included were SOEs,⁷⁴ and according to the World Trade Organization Trade Policy Review Body, the Chinese government is a majority shareholder in 99 of the 100 largest publicly listed companies.⁷⁵ As of May 2015, 1,012 “state-owned holding” enterprises reportedly accounted for 68 percent of the total equity of the Shanghai and Shenzhen stock markets according to Chinese authorities.⁷⁶ In July 2016, Chinese and international media reported on listed SOEs that had amended their articles of association to give internal Party committees greater control over corporate decisions following September 2015 demands by the Chinese Communist Party Central Committee.⁷⁷ Xinhua noted that the Party constitution stipulates that foreign companies in China with more than three Party members “should have” Party branches and that the numbers of Party branches at foreign companies “are growing.”⁷⁸ During the reporting year, Chinese authorities continued to exercise significant influence over all types of firms.⁷⁹ According to Xinhua, although the number of SOEs may be decreasing, the “influence and dominance” of SOEs is growing in strength.⁸⁰ The Chinese government’s support for SOEs reportedly has resulted in “severe overcapacity” in industries, including steel, cement, aluminum, flat glass, and shipbuilding, which has resulted in low global prices and trade tensions with the United States and Europe.⁸¹ According to the U.S. International Trade Commission, as of August 15, 2016, the United States had 140 antidumping (102) and countervailing (38) duty orders in force that targeted Chinese imports,⁸² an increase from the 129 antidumping (98) and countervailing (31) duty orders in force as of September 1, 2015.⁸³

Chinese Government Support of Cyber Theft

Cyber theft and the theft of intellectual property by, or with the support of, the Chinese government remained of significant concern. In August 2015, the Washington Post reported that the U.S. Government was considering imposing sanctions on Chinese companies that had benefited from Chinese-government-supported theft of U.S. intellectual property.⁸⁴ According to the Washington Post report, Chinese SOEs State Nuclear Power Technology, Baosteel Group, and the Aluminum Corporation of China likely would have been subject to sanctions, although the U.S. Government did not officially name them.⁸⁵ In September 2015, U.S. President Barack Obama and Chinese President Xi Jinping agreed that “[N]either country’s government will conduct or knowingly support cyber-enabled theft of intellectual property, including trade

secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors.”⁸⁶ One analyst surmised the agreement was “a tactical maneuver by China, an effort to prevent [the United States] from levying sanctions.”⁸⁷ In October, a cybersecurity firm reported that Chinese attacks had continued the day after as well as in the weeks following the agreement.⁸⁸ During the reporting year, dialogue between the United States and China on cyber theft continued, and in December 2015, the U.S. Departments of Justice and Homeland Security and China’s State Council agreed to guidelines for requesting information on cyber crimes.⁸⁹ In April 2016, the United States Steel Corporation filed a complaint with the U.S. International Trade Commission, alleging that the Chinese steel industry had benefited from Chinese government-sponsored cyber theft in January 2011 of trade secrets related to advanced steels.⁹⁰

Intellectual Property Rights and Antimonopoly Law Enforcement

During the reporting year, American companies continued to experience the negative consequences of the Chinese government’s inadequate protection for intellectual property (IP), although Chinese officials made some positive judicial and regulatory developments. According to the Office of the U.S. Trade Representative’s Special 301 Report, China continued to “present a complex and contradictory environment for protection and enforcement of IPR [intellectual property rights],” noting significant problems including “rampant piracy and counterfeiting” and “unchecked trade secret theft.”⁹¹ In February 2016, the U.S. Chamber of Commerce identified “growing online counterfeiting” as a key area of weakness for intellectual property protection in China.⁹² Despite these challenges, Chinese authorities continued to affirm the importance of intellectual property protection and of implementing legal reforms.⁹³ In 2015, China’s new specialized IP courts in Beijing and Shanghai municipalities, and Guangzhou municipality, Guangdong province, reportedly concluded 9,872 cases.⁹⁴ According to the Supreme People’s Court, as of February 2016, Chinese courts had publicly released more than 15 million case decisions, of which civil, commercial, and IP cases totaled approximately 10.5 million decisions.⁹⁵ In December 2015, the State Council Legislative Affairs Office made available for public comment draft revisions to the PRC Patent Law.⁹⁶ The draft revisions included changes such as extending protection for design patents from 10 to 15 years and increasing damages for intentional infringement.⁹⁷

Chinese authorities’ discriminatory and non-transparent antimonopoly enforcement remained an area of concern for American companies. According to a US-China Business Council survey, 80 percent of surveyed American companies were concerned about antimonopoly law enforcement in China, including lack of transparency, target enforcement, and lack of due process.⁹⁸ In August 2015, the State Administration for Industry and Commerce (SAIC) Provisions on the Prohibition of Conduct Eliminating or Restricting Competition by Abusing Intellectual Property Rights took effect.⁹⁹ According to one USTR official, “there is a concern that China’s existing and draft antimonopoly law enforcement guidelines could be used to improperly value intellectual property rights, which calls

into doubt the seriousness of China's avowed intentions to create a system that promotes and protects intellectual property rights," potentially resulting in artificially low prices.¹⁰⁰ In February 2016, SAIC published for public comment its seventh draft Guidelines on Anti-Trust Enforcement Against IP Abuse,¹⁰¹ which contains provisions that place restrictions on licensing certain types of intellectual property.¹⁰² In February 2016, the State Council Legislative Affairs Office published a draft revision to the PRC Anti-Unfair Competition Law, which contains provisions that, if implemented, could strengthen trade secret protection in China by increasing administrative fines and adopting other measures.¹⁰³

The International Monetary Fund and Chinese Outbound Investment

During the reporting year, the Chinese government reached its goal of increased international use of the yuan, and foreign investment by Chinese companies continued to increase. In November 2015, the International Monetary Fund (IMF) decided to add the yuan to the Special Drawing Rights (SDR), effective October 1, 2016.¹⁰⁴ Although the yuan is not fully convertible to other currencies, the IMF determined that the yuan satisfied a requirement that a SDR currency is "freely usable."¹⁰⁵ President Xi Jinping reportedly said that the yuan's new status "will improve the international monetary system and safeguard global financial stability."¹⁰⁶ According to a January 2016 Wall Street Journal report, "the IMF stamp of approval puts the yuan in the same league as the dollar, yen and sterling," and Chinese officials have reportedly begun to weaken the value of the yuan to increase exports.¹⁰⁷ In March 2016, another Wall Street Journal article reported that the IMF requested China to release more data related to the Chinese government's intervention in the yuan's exchange rate,¹⁰⁸ although IMF officials later denied the report, according to the state-run news agency Xinhua.¹⁰⁹

Foreign investments by Chinese companies, with the support of the Chinese government and Chinese government-controlled financial institutions, continued to grow during the 2016 reporting year. According to an analysis conducted by a research firm and non-profit organization, as of April 2016, Chinese companies had US\$30 billion in pending investment deals and projects in the United States, indicating that total Chinese foreign investment likely will increase in 2016 from US\$15 billion in 2015.¹¹⁰ In the first three months of 2016, Chinese companies announced the largest planned acquisition of a U.S. company to date—Anbang's US\$14.3 billion purchase of Starwood Hotels—as well as what would be five of the six largest acquisitions, including Tianjin Tianhai's US\$6.3 billion purchase of Ingram Micro, Qingdao Haier's US\$5.4 billion purchase of General Electric Appliance Business, Zoomlion's US\$5.4 billion purchase of Terex, and Dalian Wanda's US\$3.5 billion purchase of Legendary Entertainment.¹¹¹ In March 2016, Anbang withdrew its bid for Starwood Hotels,¹¹² and in May 2016, Zoomlion announced it was no longer pursuing Terex.¹¹³ In January 2016, the Chinese-led multilateral development bank, the Asian Infrastructure Investment Bank (AIIB), officially opened.¹¹⁴ The AIIB may be a funding mechanism for Chinese foreign investment.¹¹⁵ One Amer-

ican expert said that the AIIB may adopt standards similar to the World Bank and other multilateral institutions, but cautioned that “the key is if and how these standards will be enforced.”¹¹⁶

Food and Drug Safety

The Chinese government continued to take steps to address food and drug safety challenges this past year. In October 2015, the amended PRC Food Safety Law took effect, which included stronger penalties for violations and additional monitoring requirements.¹¹⁷ In December 2015, the State Food and Drug Administration (SFDA), State Council, Ministry of Public Security, Supreme People’s Court, and Supreme People’s Procuratorate jointly issued a set of measures on facilitating inter-agency work on food- and drug-related crime.¹¹⁸

Events surrounding a major drug safety scandal this past year highlighted the ongoing tension between authorities’ efforts to enforce drug safety measures and to silence those who question government oversight. In March 2016, the SFDA reportedly stated that 29 companies and 16 clinics had illegally distributed more than 20,000 vaccines, leading authorities to detain 130 suspects.¹¹⁹ In April 2016, a media report indicated that 192 criminal cases had been filed, and 357 government officials punished.¹²⁰ Another media report, meanwhile, indicated that authorities detained as many as 1,000 parents gathered to protest in front of a government agency in Beijing municipality, following a vaccine scandal that they claim caused a range of negative health consequences.¹²¹ An April report in the *Economist* described the vaccine scandal as China’s biggest in years, involving “tens of millions of dollars-worth of black-market, out-of-date and improperly stored vaccines.”¹²² The total number of faulty vaccines was estimated at two million.¹²³ In response to the illegal vaccine reports, Premier Li Keqiang reportedly said the case “exposed many regulatory loopholes.”¹²⁴ The *Economist* article quoted a statement President and Party General Secretary Xi Jinping reportedly had made in 2013 in which he linked the Party’s legitimacy to its ability to oversee food safety, saying, “If our party can’t even handle food-safety issues properly, and keeps on mishandling them, then people will ask whether we are fit to keep ruling China.”¹²⁵ Subsequently, the *Economist*’s website was blocked in China, allegedly in response to an image of Xi on the magazine’s coverage accompanying the report.¹²⁶

The Chinese government’s non-transparent food safety regulations and enforcement negatively affected at least one American company this reporting year, and may affect American consumers who purchase goods originating in or processed in China. According to one American attorney who focuses on food safety, “China has a very complex uncodified body of hundreds of standards . . . along with a separate body of equally complex procedural regulations overlaying them.”¹²⁷ On February 1, 2016, the Jiading District People’s Court in Shanghai municipality fined two Chinese subsidiaries of the American meat processor OSI Group 1.2 million yuan each (approximately US\$190,000) and sentenced an Australian citizen and nine local employees to prison terms of up to three years and fines of up to 80,000 yuan (approximately US\$12,000), for the production and sale of substandard food products.¹²⁸ Although OSI

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Group had acknowledged problems in their production process¹²⁹ and tried to cooperate with local authorities,¹³⁰ OSI Group criticized the judgment as “inconsistent with the facts and evidence,” claiming authorities had recognized that the case was “never” about food safety, but was influenced by accusations made in misleading media reports.¹³¹ The Wall Street Journal described OSI Group’s press release as an “unusual move” that “vehemently disputed” the ruling.¹³² OSI Group’s subsidiary Shanghai Hushi Food had reportedly won recognition from the Chinese government for safe food production and been successfully audited by the U.S. Department of Agriculture (USDA) in 2004 and 2010 to potentially allow Chinese poultry exports to the United States.¹³³

Food safety experts have expressed concern that imports of potentially unsafe Chinese food products may increase due to recent U.S. Government action. In March 2016, the USDA’s Food Safety Inspection Service published an audit that found China’s poultry slaughter inspection system equivalent to that of the United States, allowing the rulemaking process to proceed for raw poultry from China to be imported into the United States,¹³⁴ despite concerns in the United States.¹³⁵ According to Food & Water Watch, a U.S. non-profit organization that advocates for food safety, potentially unsafe poultry exports from China will “seriously endanger” American consumers.¹³⁶

Notes to Section III—Commercial Rule of Law

¹World Trade Organization, “Protocols of Accession for New Members Since 1995, Including Commitments in Good and Services,” last visited 15 June 16. China became a member of the World Trade Organization (WTO) on December 11, 2001. A list of members and their dates of membership is available on the WTO website.

²Stephen J. Ezell and Robert D. Atkinson, “False Promises: The Yawning Gap Between China’s WTO Commitments and Practices,” Information Technology & Innovation Foundation, 17 September 15, 5; Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 23–28, 95. See also American Chamber of Commerce in the People’s Republic of China, “American Business in China 2016 White Paper,” April 2016, II. According to the American Chamber of Commerce, “serious and systematic challenges” remain in China. “10 Commitments China Made When It Joined the WTO and Has Not Respected,” AEGIS Europe, last visited 15 June 16.

³World Trade Organization, Protocol on the Accession of the People’s Republic of China, WT/L/432, 10 November 01, Part I, 2(A)2.

⁴*Ibid.*, Part I, 2(D)1.

⁵*Ibid.*, Part I, 9(1).

⁶*Ibid.*, Part I, 3.

⁷Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Hong Lei’s Regular Press Conference on February 16, 2016,” 16 February 16. According to the Chinese Foreign Ministry spokesperson: “China has been earnestly honoring each and every [sic] of its legal obligations since its accession . . .” “Full Text of Xi Jinping’s Speech on China-U.S. Relations in Seattle,” Xinhua, 24 September 15. In September 2015, Chinese President and Communist Party General Secretary Xi Jinping said that China observes “the [WTO] principle of national treatment,” and treats “all market players including foreign-invested companies fairly. . . .” Michael Martina, “China Internet Regulator Says Web Censorship Not a Trade Barrier,” Reuters, 11 April 16. In April 2016, China’s Internet regulator reportedly said that “China scrupulously abides by World Trade Organization principles and its accession protocols . . .”

⁸Stephen J. Ezell and Robert D. Atkinson, “False Promises: The Yawning Gap Between China’s WTO Commitments and Practices,” Information Technology & Innovation Foundation, 17 September 15, 5.

⁹Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 23–28, 95. See also Ambassador Robert W. Holleyman II, Deputy U.S. Trade Representative, “Remarks by Deputy USTR Robert Holleyman to the U.S. Chamber of Commerce Global Intellectual Property Center 2015 Global IP Summit,” 6 November 15.

¹⁰Stephen J. Ezell and Robert D. Atkinson, “False Promises: The Yawning Gap Between China’s WTO Commitments and Practices,” Information Technology & Innovation Foundation, 17 September 15, 5; Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 23–28, 95. See also Ling Li, “The Chinese Communist Party and People’s Courts: Judicial Dependence in China,” *American Journal of Comparative Law*, Vol. 64, No. 1 (2016).

¹¹Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 34, 38. In addition to the active disputes initiated since 2009, a WTO dispute initiated by the United States in April 2007 against China concerning market access for books, movies, and music also remained active.

¹²Memorandum of Understanding Between the People’s Republic of China and the United States of America Related to the Dispute: China—Measures Related to Demonstration Bases and Common Service Platforms (DS489), 14 April 16; Office of the U.S. Trade Representative, “Fact Sheet: Agreement To Terminate Export Subsidies Under China’s Demonstration Bases—Common Service Platform Program,” April 2016. As part of the Memorandum of Understanding (MOU), China agreed to “exchange further information related to future actions taken pursuant to [this] MOU.” See also Timothy Webster, “Paper Compliance: How China Implements WTO Decisions,” *Michigan Journal of International Law*, Vol. 35, Issue 3 (2014), 574.

¹³World Trade Organization, DS508, China—Export Duties on Certain Raw Materials, Dispute Settlement, last visited 22 August 16.

¹⁴Office of the U.S. Trade Representative, “United States Challenges China’s Export Duties on Nine Key Raw Materials To Level Playing Field for American Manufacturers,” July 2016.

¹⁵World Trade Organization, Protocol on the Accession of the People’s Republic of China, WT/L/432, 10 November 01, Part I, 11(3).

¹⁶Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 53–55. See also World Trade Organization, DS394, China—Measures Related to the Exportation of Various Raw Materials, Dispute Settlement, last visited 22 August 16; World Trade Organization, DS431, China—Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum, Dispute Settlement, last visited 22 August 16.

¹⁷Office of the U.S. Trade Representative (USTR), “United States Seeks Detailed Information on China’s Internet Restrictions,” 19 October 11. USTR made the information request to China under paragraph 4 of Article III of the General Agreement on Trade in Services.

¹⁸Office of the U.S. Trade Representative, “2015 Report to Congress on China’s WTO Compliance,” December 2015, 150.

¹⁹Office of the U.S. Trade Representative, “2016 National Trade Estimate Report on Foreign Trade Barriers,” March 2016, 91. See also James Zimmerman, “Censorship in China Also Blocks Business Growth,” *Wall Street Journal*, 17 May 16; Susan Shirk et al., “It’s Official: Washington Thinks Chinese Internet Censorship Is a ‘Trade Barrier,’” *Foreign Policy*, China File, 14 April 16.

²⁰Office of the U.S. Trade Representative, “2016 National Trade Estimate Report on Foreign Trade Barriers,” March 2016, 91.

²¹ World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 15(d). The provision states "Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector."

²² Tom Mitchell, "China Revs Up Its Bid for WTO Market Economy Status," *Financial Times*, 20 September 15; Lucy Hornby and Shawn Donnan, "China Fights for Market Economy Status," *Financial Times*, 9 May 16.

²³ "Coalition of U.S. Manufacturers Calls on Department of Commerce To Fairly Assess China's Economic Status," *Manufacturers for Trade Enforcement* (blog), 16 March 16; Wayne Morrison, "China's Status as a Nonmarket Economy (NME)," *Congressional Research Service*, 23 June 16; Adam Behsudi, "Manufacturers Form Coalition Against China 'Market Economy' Status," *Politico*, Morning Trade (blog), 16 March 16. See also Robert E. Scott and Xiao Jiang, *Economic Policy Institute* (EPI), "Unilateral Grant of Market Economy Status to China Would Put Millions of EU Jobs at Risk," EPI Briefing Paper, No. 407, 18 September 15.

²⁴ U.S. Code, Title 19—Customs Duties, Chap. 4, Subtitle IV, Part IV, §1677(18)(B)(2016).

²⁵ U.S. Senate, *China Market Economy Status Congressional Review Act*, 114th Congress, 2nd session, S. 2906, introduced 9 May 16; U.S. House of Representatives, *China Market Economy Status Congressional Review Act*, 114th Congress, 2nd session, H. Res. 4927, introduced 13 April 16. Members of U.S. Congress introduced legislation in the Senate and House to require congressional approval to change China's designation as a nonmarket economy. See also Wayne Morrison, "China's Status as a Nonmarket Economy (NME)," *Congressional Research Service*, 23 June 16.

²⁶ European Parliament, *European Parliament Resolution of 12 May 2016 on China's Market Economy Status*, 2016/2667(RSP), 12 May 16; European Parliament, "China's Proposed Market Economy Status: Defend EU Industry and Jobs, Urge MEPS," *European Parliament News*, 12 May 16; Jonathan Stearns, "Lowering of EU Tariffs on China Opposed by European Parliament," *Bloomberg*, 12 May 16.

²⁷ See, e.g., "What You Need To Know About the TPP" [Guanyu TPP ni xuyao zhidao de shi], *Xinhua*, 6 October 15; Wang Qingyun, "No Single Country Can Determine Trade Rules, Ministry Says," *China Daily*, 5 February 16.

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²⁹ "U.S.-China BIT Offer Exchange Expected Before G20 as Engagement Ramps Up," *China Trade Extra*, 17 August 16. See also "Low: China's Commitment to Fair Investment Rules Key To Open Economy," *China Trade Extra*, 20 January 16.

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³¹ Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, United States, and Vietnam, *Trans-Pacific Partnership*, signed 4 February 16, reprinted in Office of the U.S. Trade Representative, last visited 14 August 16, arts. 14.11, 17.4. Chapter 14, Article 14.11(2) states "Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business of a covered person." See also Li Chunding and John Whalley, "China and the Trans-Pacific Partnership Agreement," *Center for International Governance Innovation* (CIGI), CIGI Paper No. 102, May 2016, 9.

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³³ Hillary Rodham Clinton, U.S. Department of State, "Delivering on the Promise of Economic Statecraft," 17 November 12.

³⁴ World Trade Organization, Protocol on the Accession of the People's Republic of China, WT/L/432, 10 November 01, Part I, 2(A)2.

³⁵ State Administration of Press, Publication, Radio, Film and Television and the Ministry of Industry and Information Technology, *Provisions on the Administration of Online Publishing Services* [Wangluo chuban fuwu guanli guiding], issued 2 February 16, effective 10 March 16; *Provisions on Network Publication Services Administration and Articles 291 and 253 of the PRC Criminal Law* were of particular concern. For more information on the new Provisions, see Thomas M. Shoesmith and Julian Zou, "China Imposes Broad New Restrictions on Publication of Internet Content," *Pillsbury Winthrop Shaw Pittman LLP*, Client Alert, 24 February 16, 1; Kou Jie, "Analysts Downplay Impact of China's Online Publishing Rules on Foreign Investors," *Global Times*, 1 March 16; Bien Perez and Nikki Sun, "Apple iTunes and Disney Services Shut Down by New Mainland Chinese Rules," *South China Morning Post*, 23 April 16; *PRC Criminal Law* [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 253, 291. For more information on Article 291 of the PRC Criminal Law, see Yaqiu Wang, "In China, Harsh Penalties for 'False News' Make It Harder for Reporters To Work," *Committee to Protect Journalists*, China (blog), 30 October 15; "This Article Is Guilty of Spreading Panic and Disorder," *Economist*, 5 December 15. For more information on Article 253 of the PRC Criminal Law, see Richard K. Wagner et al., "Are You Ready for Visits From Chinese State Authorities?" *Steptoe & Johnson LLP*, 26 October 15; Paul de Hert and Vagelis Papakonstantinou, *European Parliament, Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs*, "The Data Protection Regime in China,"

October 2015, 17–18. See also Donald C. Clarke, George Washington University School of Law, “The Peter Humphrey/Yu Yingzeng Case and Business Intelligence in China,” *Social Science Research Network*, 5 August 15, 3–5.

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³⁸Freedom House, “Freedom in the World 2016—China,” last visited 20 June 16.

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⁶⁴Consular Convention Between the United States of America and the People's Republic of China, signed 17 September 80, art. 35(4). See also Political Prisoners in China: Trends and Implications for U.S. Policy, Hearing of the Congressional-Executive Commission on China, 3 August 10, Written Statement Submitted by Jerome A. Cohen, Professor of Law and Co-Director, US-Asia Law Institute, New York University. U.S. consular officials were previously restricted in communicating with an American geologist, Xue Feng, whom Chinese authorities detained and later sentenced in China for work done on behalf of a U.S. company.

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ACCESS TO JUSTICE

Introduction

While many Chinese citizens persist in seeking redress for violations of their rights,¹ the Commission continued to observe a significant discrepancy between official statements that affirm the importance of laws² or that promote recent legal developments³ and the actual ability of citizens to access justice.⁴ Developments during this reporting year also continued to demonstrate that individuals and groups who attempt to help citizens advocate for their rights do so at significant personal risk.

Judicial Reform Efforts

During the 2016 reporting year, the Commission observed both progress and continued challenges as Chinese courts and local governments implemented certain key areas of the judicial reforms outlined in the Chinese Communist Party Central Committee Fourth Plenum Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision) from October 2014.⁵ Key developments included the following:

- **Judicial independence.** Despite purported efforts to promote judicial independence from local officials acting to protect their interests, the Chinese government and Party continued to exert influence over the judiciary.⁶ In March 2015, the State Council and Party Central Committee issued a set of provisions prohibiting government and Party officials from interfering with the judicial process,⁷ and in September 2015, the Supreme People's Court (SPC) issued an opinion directing judges to record instances of such interference.⁸ In early 2015, the SPC, partly as a measure to counter interference by local officials,⁹ established the first and second circuit tribunals (*xunhui fating*)¹⁰ that employ a system to randomly assign cases to judges.¹¹ Nevertheless, the SPC opinion requires courts to follow the Party's leadership,¹² and government and Party officials reportedly continued to instruct courts not to accept politically sensitive cases.¹³ Sources reported that many judges resigned from their posts in recent years, citing interference with their work and heavy case loads.¹⁴
- **Judicial accountability.** The September 2015 SPC opinion imposes lifetime accountability on judicial officers, requiring them to sign and issue judgments in cases that they handle.¹⁵ The opinion prohibits various types of misconduct, including bribery, evidence tampering, and errors in litigation documents due to gross negligence.¹⁶ In April 2016, a court in Haikou municipality, Hainan province, ordered a judge to issue an amended civil judgment and apologize to the parties after confirming that a civil judgment for which he was responsible contained mistakes.¹⁷
- **Uniform application of the law.** In November 2015, the SPC issued its 11th set of guiding cases, bringing the total number of such cases to 56.¹⁸ The SPC initiated the guiding case system in 2010 to promote uniformity in the application

of the law,¹⁹ a goal that the Party Central Committee reiterated in the Fourth Plenum Decision in October 2014.²⁰ A leading Chinese legal information website reported that as of November 2015, courts had cited guiding cases 241 times in total, noting their apparent low rate of application by lower courts.²¹

• **Case filing.** Although reports indicated that more citizens had their cases accepted by courts this past year, some courts continued to deny rights advocates access to the court system. Based on the Fourth Plenum Decision,²² the SPC issued a set of provisions in April 2015 that requires courts to accept all cases meeting certain procedural requirements,²³ instead of first subjecting them to substantive review.²⁴ The PRC Anti-Domestic Violence Law, which took effect in March 2016, also requires courts to file every case involving a protection order application.²⁵ The number of cases filed nationwide reportedly increased by approximately 30 percent between May and December 2015 compared to the same period in 2014.²⁶ While some reports from this past year indicated that courts may be responding to the new filing requirements by accepting some cases that they may not have previously,²⁷ other reports showed that courts continued the practice of refusing to file or failing to file cases considered “politically sensitive.”²⁸

• **Trial-centered litigation system.** As specified in the Fourth Plenum Decision, the Party Central Committee promoted a shift toward a trial-centered litigation system that includes improving the practice of having witnesses and experts testify at trial;²⁹ the Commission, however, did not observe the Chinese judiciary taking substantive steps toward this goal this past year. Some scholars observed that under existing trial practice, witnesses almost never appear in court to testify, making cross-examination difficult and raising concerns about the court’s ability to assess the facts.³⁰ In the Supreme People’s Procuratorate (SPP) March 2016 work report, Procurator-General Cao Jianming reiterated the general direction of the reform but did not detail any concrete steps that the SPP had taken or planned to take to implement the reform.³¹ A Chinese legal expert commented in March that the rate of witnesses appearing in court remained too low and that he had not observed any instance of a court compelling a witness to appear in court.³² A Chinese law professor, moreover, noted that plans for reform of the litigation process neglected the role of defense lawyers³³ and expressed concern that effective implementation could be hampered by the low rate of legal representation in criminal cases, which reportedly dropped from 30 percent to approximately 20 percent in the past two years for cases heard by courts of the first instance.³⁴

• **Judicial transparency.** During the reporting year, the Chinese judiciary made an effort to improve the availability of case judgments. In February 2016, the SPC announced that the court system had published more than 15 million judgments online,³⁵ consistent with the goal of increased judicial transparency set forth in the Fourth Plenum Decision.³⁶ One Chinese legal scholar noted that such disclosure would force judges to exercise more care in decisionmaking, and a Chinese

prosecutor reportedly used the database to develop a method of detecting judicial corruption.³⁷ In addition to the nationwide database of judgments, the SPC³⁸ and local courts³⁹ have created online platforms through which parties may obtain litigation-related information or services.⁴⁰ In a March 2016 report, researchers noted that many of these platforms were outside the courts' official websites, making it difficult to determine their authenticity and to obtain information.⁴¹

Legal Aid

This past year, official sources showed an overall increase of funding and access to the legal aid system since 2010, and media reports illustrated progress and challenges in efforts toward further expansion.⁴² According to Ministry of Justice statistics, the total national spending on legal aid services between 2010 and 2015 was 7.04 billion yuan (US\$1.06 billion)⁴³—an average annual increase of 15.2 percent—of which about 96.6 percent was from government appropriation.⁴⁴ During the same period, a total of 5.58 million individuals received legal aid and 29 million received legal consultation, an average annual increase in legal consultation of 8.7 percent.⁴⁵ Some local governments reportedly tried to improve legal aid services by increasing access for the rural population,⁴⁶ collaborating with law firms,⁴⁷ extending services to prison inmates and detainees at drug detoxification centers,⁴⁸ lowering financial hardship eligibility standards,⁴⁹ and waiving eligibility review for applicants already determined to be from a disadvantaged group.⁵⁰ Some local governments also planned to extend legal aid coverage to individuals seeking redress from the government if their cases could be resolved using the legal system.⁵¹ Nevertheless, legal aid funding and staffing reportedly were insufficient in some localities, including rural areas.⁵²

Citizen Petitioning

The petitioning system (*xinfang*), also known as the “letters and visits system,” has been a popular mechanism outside of the formal judicial and administrative systems for citizens to present their grievances to authorities, either in writing or in person.⁵³ The petitioning system reportedly has been ineffective in addressing citizens' grievances partly due to the large number of petitions and the limited authority of local *xinfang* offices.⁵⁴ In an effort to improve the system, the Chinese government in early 2015 implemented a pilot program requiring 37 state agencies to list petition subject matter under their respective jurisdictions and limit the use of the petitioning system to handle issues that cannot be resolved through judicial and administrative systems.⁵⁵ In another effort to relieve the burden on the petitioning system, the Supreme People's Court (SPC) established the first and second circuit tribunals in January 2015 in part to resolve local disputes,⁵⁶ and the tribunals reportedly received more than 40,000 petitions in their first year.⁵⁷ In January 2016, the State Bureau of Letters and Visits, the central-level government agency responsible for overseeing the petitioning system, reported a decrease in both the number of new petitions and backlogged cases.⁵⁸ The Party Central Political and Legal Af-

fairs Commission and the SPC further planned to work with lawyers to help divert some cases away from the petitioning system.⁵⁹ Citizens expressed concerns about the shift of cases into judicial and administrative systems, however, citing the likelihood of high litigation costs and lengthened processes for time-sensitive cases.⁶⁰

During this reporting year, petitioners continued to face reprisals. A rights lawyer noted an increase in local government prosecutions of petitioners under extortion charges in the past year.⁶¹ In June 2015, government authorities in Heilongjiang province lodged extortion charges against Ge Limei, a petitioner who had sought information about her husband's suspected unnatural death in prison, even though the local officials involved reportedly made payments to Ge between 2013 and 2014 of their own accord.⁶² Authorities in other localities across China reportedly also have detained petitioners or accused them of extortion⁶³ and other charges.⁶⁴

Harassment of Human Rights Lawyers and Advocates

DEVELOPMENTS FOLLOWING THE JULY 2015 CRACKDOWN

This past year, the Chinese government continued to detain and, in some cases, prosecute rights lawyers and advocates whom it targeted during a nationwide, coordinated crackdown that began in and around July 2015 (July 2015 crackdown).⁶⁵ As of May 2016, authorities had formally arrested at least 20 individuals,⁶⁶ 16 of them on "endangering state security"-related charges,⁶⁷ which carry serious criminal penalties, including life imprisonment.⁶⁸ Many of the detained lawyers previously had provided legal representation for individuals targeted by the Chinese government for peacefully exercising their rights and freedoms.⁶⁹ A multinational group of 20 lawyers, judges, and jurists issued a public joint letter in January 2016 addressed to Chinese President and Party General Secretary Xi Jinping, criticizing the unprecedented crackdown as a violation of China's domestic laws and of international standards.⁷⁰ In February 2016, the UN High Commissioner for Human Rights urged the Chinese government to unconditionally release the rights lawyers.⁷¹

Between July 2015 and January 2016, authorities held 21 rights lawyers and advocates under "residential surveillance at a designated location,"⁷² a coercive measure that allows for detention at an undisclosed location for up to six months.⁷³ The UN Committee against Torture concluded in December 2015 that this coercive measure "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment."⁷⁴ Initially, authorities reportedly did not admit their involvement in the disappearances of some of the individuals.⁷⁵ When authorities did give notice confirming the enforcement of "residential surveillance at a designated location," they did not disclose the detention location.⁷⁶

In some of the July 2015 crackdown cases, authorities interfered with detainees' legal representation by denying lawyer-client meeting requests⁷⁷ or telling family-appointed lawyers that the detainees had voluntarily dismissed them and chosen other representation.⁷⁸ Legal scholars in the United States observed that, in many of these cases, authorities did not provide reasons for their denial

of lawyer-client meetings, in violation of Chinese regulations.⁷⁹ Yu Wensheng, a lawyer for detained lawyer Wang Quanzhang, said in April 2016 that the authorities had appointed lawyers for all but one of the individuals detained in connection with the July 2015 crackdown.⁸⁰ Authorities generally did not provide formal notice to the families regarding the detainees' purported dismissal of the lawyers and refused to identify or provide the contact information of the alleged new lawyers.⁸¹

On July 7, 2016, the Tianjin Municipal Public Security Bureau announced the decision to release on bail Zhao Wei,⁸² a legal assistant of detained rights lawyer Li Heping.⁸³ Zhao's husband, however, said he could not confirm Zhao's whereabouts, expressing doubt that she was truly free.⁸⁴ On July 8, police in Zhengzhou municipality, Henan province, reportedly detained Ren Quanniu, a lawyer hired by Zhao's family.⁸⁵ Previously, Ren requested that the procuratorate in Tianjin investigate an alleged sexual assault against Zhao while she was in custody.⁸⁶

The Paper, a state-funded news outlet, reported that authorities had released rights lawyer Wang Yu on bail several days before August 1, 2016, when it posted online a recorded interview, believed to be coerced,⁸⁷ showing Wang expressing remorse for her work.⁸⁸ According to reports published shortly after the purported release, individuals close to Wang said they had not seen her,⁸⁹ and Wang's mother reportedly was not aware of her release.⁹⁰

From August 2 to August 5, 2016, the Tianjin No. 2 Intermediate People's Court tried four of the detained individuals, sentencing Zhai Yanmin to three years' imprisonment, suspended for four years;⁹¹ Hu Shigen to seven years and six months' imprisonment;⁹² Zhou Shifeng to seven years' imprisonment;⁹³ and Gou Hongguo to three years' imprisonment, suspended for three years.⁹⁴

Chinese officials also violated the rights of the children⁹⁵ and other family members⁹⁶ of the individuals detained in the July 2015 crackdown. In October 2015, a group of individuals⁹⁷ reportedly seized Bao Zhuoxuan,⁹⁸ the 16-year-old son of detained lawyers Wang Yu and Bao Longjun,⁹⁹ in Burma (Myanmar) after he fled from China.¹⁰⁰ Chinese authorities also prevented the children of at least four other lawyers and advocates from traveling,¹⁰¹ arbitrarily detained a rights lawyer's brother,¹⁰² and prosecuted a rights advocate's father for a reportedly unsubstantiated "embezzlement" charge.¹⁰³

HARASSMENT OF LEGAL AID WORKERS

This past year, authorities appeared to target non-governmental organizations (NGOs) and individuals whose legal aid work overlapped with rights advocacy. In January 2016, the Chinese government detained Swedish national Peter Dahlin, the cofounder of a legal advocacy organization based in Beijing municipality, and deported him from China.¹⁰⁴ Also in January, Chinese authorities reportedly ordered the closure of the Beijing Zhongze Women's Legal Counseling and Service Center, an NGO that had provided legal aid services to women for more than 20 years.¹⁰⁵ Authorities did not provide a public explanation for the closure, but observers noted that it likely was part of a wider government crackdown on

civil society.¹⁰⁶ In March, the organizers of a domestic foundation that provided travel funding for lawyers engaged in legal aid work announced that it would cease operation, citing restrictions under the new PRC Charity Law.¹⁰⁷ In April, authorities in the Inner Mongolia Autonomous Region detained four lawyers and several scholars who planned to provide legal advice to a group of herds-men regarding their pollution claim against aluminum factories operating in an industrial park built by the local government.¹⁰⁸

Notes to Section III—Access to Justice

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⁶ Anthony H.F. Li, “Centralisation of Power in the Pursuit of Law-Based Governance,” China Perspectives, No. 2 (2016), 68.

⁷ Chinese Communist Party Central Committee General Office and State Council General Office, Provisions for the Recording, Circulating, and Holding Leaders Accountable for Interference in Judicial Actions and Meddling in Cases [Lingdao ganbu ganyu sifa huodong, chashou juti anjian chuli de jilu, tongbao he zeren zhuijiu guiding], 30 March 15, art. 2. For the outline set forth in the Fourth Plenum Decision, see Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4.1.

⁸ Supreme People’s Court, Certain Opinions on Improving Judicial Accountability of the People’s Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], 21 September 15, art. 39.

⁹ Ren Zhongyuan, “First Circuit Tribunal: ‘Court Is Where Reason Should Be Valued Most’” [Di yi xunhui fating: fayuan yinggai shi zui jiangli de difang], Southern Daily, 3 February 16.

¹⁰ Supreme People’s Court, Provisions Concerning Certain Issues Relating to Circuit Tribunals’ Case Adjudication [Zuigao renmin fayuan guanyu xunhui fating shenli anjian ruogan wenti de guiding], issued 5 January 15, effective 1 February 15, art. 3; Li Jing, “Chief Judge of the SPC’s First Circuit Tribunal: There Have Not Been Any Cases [of Interference] by Leaders in the First Circuit” [Zuigaofa di yi xunhui fating tingzhang: yixun wei chuxian lingdao dui anjian jinxing pizhuan de qingxing], People’s Daily, 1 February 16.

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¹⁹Supreme People’s Court, Provisions on Guiding Cases [Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding], issued and effective 26 November 10, art. 1. See also Supreme People’s Court, Implementation Details for the “Provisions on Guiding Cases” [“Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding” shishi zize], issued 13 May 15.

²⁰Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4(3).

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⁵⁷Ye Zhusheng, “Don’t Be Pessimistic About Circuit Tribunals Because of Large Volume of Petitions” [Buyao yinwei xinfang liang da, jiu beiguan kandai xunhui fating], Beijing News, 4 February 16.

⁵⁸Li Honglei, “State Bureau of Letters and Visits: Encourage the ‘Complete Clearance’ of the Backlog in Petitioning Cases This Year” [Guojia xinfangju: jinnian licu xinfang ji’an “qinggang jian di”], State Council, 25 January 16.

⁵⁹Tang Wei, “Participation by Lawyers Contributes to Solving [Problem of] Petitioning [Instead of] Trusting in Law” [Lushi canyu youzhu yu huajie xinfang bu xin fa], China Youth Daily, 11 November 15; Li Jing, “Chief Judge of the SPC’s First Circuit Tribunal: There Have Not Been Any Cases of [Interference] by Leaders in the First Circuit” [Zuigaofa di yi xunhui fating tingzhang: yixun wei chuxian lingdao dui anjian jinxing pizhuan de qingxing], People’s Daily, 1 February 16.

⁶⁰“Government Gradually Promotes Lawyers as Intermediaries To Replace Petitioning, Lawyers Say This Is Suppression” [Dangju zhubu tui lushi zhongjie qudai xinfang lushi zhi shi daya], Radio Free Asia, 19 November 15.

⁶¹“Crime of Extorting the Government Becomes New Method To Suppress Petitioners” [Qiaozha zhengfu zuiming cheng daya fangmin xin zhaoshi], Radio Free Asia, 26 November 15.

⁶²Ibid.

⁶³See, e.g., Civil Rights & Livelihood Watch, “Inner Mongolia Petitioner Song Yuefang Arrested for Extortion” [Neimeng fangmin song yuefang bei yi qiaozha lesuo zui pibu], 5 February 16; Huang Qi, 64 Tianwang, “Tianwang Volunteer Wu Youming Faces Compulsory Expulsion From PSB Detention Center in Hubei” [Tianwang yigong wu youming zao qiangzhi ganchu hubei kanshouso], 14 December 15; Guo Tianli, “The Reason for ‘Extortion Cases’ Against Petitioners Is Defects in the Petitioning System Design; Courts Nationwide Currently Do Not Have Uniform Standards for Ruling in These Kinds of Cases” [Fangmin “qiaozha an” genyuan zaiyu shangfang zhidu sheji de bugou wanbei, muqian quanguo gedi fayuan dui ci lei anjian panli bing wu tongyi biao zhun], Phoenix Weekly, 25 February 16; “Guo Hongwei Receives a Heavy Sentence of 13 Years, Family Is Enraged” [Guo hongwei bei zhongpan 13 nian jia shu fennu], Radio Free Asia, 2 February 16.

⁶⁴See, e.g., Civil Rights & Livelihood Watch, “Petitioner He Chaozheng of Chongqing Detained for Ten Days” [Chongqing fangmin he chaozheng bei juliu shi ri], 13 April 16; Civil Rights & Livelihood Watch, “No Verdict in ‘Picking Quarrels’ Case of Petitioner Cao Yongliang From Fenxi County, Shanxi, Several Months After Trial” [Shanxi fenxi xian fangmin cao yongliang xunzi an kaiting shuyue wei pan], 8 April 16; “Two Petitioners From Sichuan and Shandong Detained After Being Sent Back, Seventy-Year-Old Man Threw Flyers in Street at Motorcade During Two Sessions” [Chuan lu liang fangmin bei qianfan hou juliu qi xun laoren dangjie xiang lianghui chedui pao chuandan], Radio Free Asia, 11 March 16; Civil Rights & Livelihood Watch, “Zhou Zhiyin of Shaanxi Accused by Local Media of Being Criminally Detained for Seeking Inappropriate Benefits and Stubbornly Petitioning Higher Levels of Government” [Shanxi zhou zhiyin zao dangdi meiti baoguang zhi qi mouqu budang liyi renxing shangfang bei xingju], 12 March 16; Huang Qi, 64 Tianwang, “Seeking Xi Jinping at Tiananmen, Li Zhaoxiu and Liu Zhizhong of Chengdu Are Seized” [Tiananmen zhao xi jinping chengdu li zhaoxiu liu zhizhong bei qin], 7 March 16; Rights Defense Network, “Shanghai Rights Defender Ding Deyuan Still Under Surveillance After Release From Detention, Huang Yuehua’s Whereabouts Unknown After 10 Days’ Administrative Detention” [Shanghai renquan hanwei zhe ding deyuan juliu huoshi reng zao jianshi huang yuehua bei xingzheng juliu 10 ri hou xialuo buming], 1 March 16; Civil Rights & Livelihood Watch, “Shanghai Authorities Carry Out Two Sessions Clearances, Gao Xuekun and Other Petitioners Detained or Put in Soft Detention” [Shanghai dangju wei lianghui qingchang gao xuekun deng duo ming fangmin bei juliu huo ruanjin], 28 February 16.

⁶⁵For information on the July 2015 crackdown, see, e.g., Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15; Human Rights Watch, “China: Secretly Detained Lawyers at Risk of Torture,” 20 July 15. For Chinese state media coverage of the crackdown, see, e.g., Huang Qingchang and Zou Wei, “Revealing the Dark Secrets of ‘Rights Defense’ Incidents” [Jiekai “weiquan” shijian de heimul], Xinhua, 11 July 15.

⁶⁶China Human Rights Lawyers Concern Group, “[‘709 Crackdown’] Latest Data and Development of Cases as of 1800 6 May 2016,” 6 May 16. For more information on the individuals detained during the July 2015 crackdown, see the following records in the Commission’s Political Prisoner Database: 2004-02053 on Hu Shigen, 2010-00348 on Wu Gan (also known as Tufu), 2015-00252 on Wang Yu, 2015-00253 on Bao Longjun, 2015-00272 on Zhou Shifeng, 2015-00278 on Wang Quanzhang, 2015-00276 on Liu Sixin, 2015-00277 on Zhao Wei, 2015-00284 on Li Heping, 2015-00295 on Xie Yang, 2015-00308 on Xie Yanyi, 2015-00310 on Wang Fang, 2015-00311 on Li Chunfu, 2015-00331 on Gou Hongguo (also known as Ge Ping), 2015-00333 on Liu

Yongping (also known as Laomu), 2015-00335 on Yin Xu'an, 2015-00344 on Lin Bin (also known as Monk Wang Yun), 2015-00451 on Zhang Chongzhu, 2016-00115 on Zhai Yanmin, 2016-00116 on Zhang Wanhe (also known as Zhang Weihong), 2016-00146 on Li Yanjun, 2016-00160 on Yao Jianqing, and 2016-00214 on Liu Xing (also known as Ren Jiancai).

⁶⁷China Human Rights Lawyers Concern Group, "[709 Crackdown] Latest Data and Development of Cases as of 1800 6 May 2016," 6 May 16. Ten were charged with "subversion of state power," five with "inciting subversion of state power," and one with a charge involving the disclosure of state secrets.

⁶⁸PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 105, 111.

⁶⁹"Writer Tie Liu Met With Lawyer for First Time After He Had Been Detained for Half a Month, Old Man in Worrisome Health but Insisted on His Innocence" [Zuojia tie liu bei bu ban yue hou shou hui lushi maodie laoren jiankang kanyou jianxin ziji wuzui], Radio Free Asia, 26 September 14; Chris Buckley, "Beijing Formally Charges Writer Who Published Memoirs of Victims of Mao Era," New York Times, 23 October 14. For example, in 2014, Zhou Shifeng defended the government critic Huang Zerong, better known by his pen name Tie Liu, against "illegal business activities" charges. Jonathan Kaiman, "China Accused of Using Ilham Tohti Case To Halt Criticism of Ethnic Policies," Guardian, 18 September 14; Michael Martina et al., "China Decries Foreign Interference in Detained Academic Case," Reuters, 17 January 14. In 2014, Wang Yu represented Uyghur scholar Ilham Tohti, who had criticized the Chinese government's policies in the Xinjiang Uyghur Autonomous Region, in a case in which authorities charged him with "separatism." Liu Xiaoyuan and Wang Quanzhang, "Defense Statement for Qi Chonghuai, Accused of Extortion and Embezzlement" [Qi chonghuai shexian qiaozha lesuo zui, zhiwu qinzhuan zui bianhuci], reprinted in Human Rights in China, 6 June 11; Chinese Human Rights Defenders, "Qi Chonghuai," last visited 20 May 16. In 2011, Wang Quanzhang defended Qi Chonghuai, a journalist known for exposing corruption and human rights violations, against embezzlement charges.

⁷⁰Dominique Attias et al., "Letter From Legal Experts on Detained Chinese Lawyers," reprinted in Human Rights Watch, 18 January 16.

⁷¹"China's Clampdown on Lawyers and Activists Draws Concern of UN Human Rights Chief," UN News Centre, 16 February 16.

⁷²China Human Rights Lawyers Concern Group, "[709 Crackdown] Latest Data and Development of Cases as of 1800 30 December," 30 December 15.

⁷³PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 64, 72-77.

⁷⁴UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2-3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. See also The Rights Practice, "Prevention of Torture: Concerns With the Use of Residential Confinement in a Designated Residence," October 2015.

⁷⁵China Human Rights Lawyers Concern Group, "Report on the 709 Crackdown," 6 July 16, 15.

⁷⁶See, e.g., China Human Rights Lawyers Concern Group, "'709 Crackdown' Lawyers and Activists' Case Update* (2015.10.16-2015.10.23)," 23 October 15; "Request From Lawyer in Wang Quanzhang's Case To See Client Rejected by Police" [Wang quanzhang an lushi yaoqiu jian dangshiren zao jing jujue], Radio Free Asia, 10 September 15.

⁷⁷Jerome A. Cohen, "Lawyer-Client Meeting in 'National Security' Cases in China," Jerry's Blog, 8 February 16; Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16.

⁷⁸Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16.

⁷⁹Jerome A. Cohen, "Lawyer-Client Meeting in 'National Security' Cases in China," Jerry's Blog (blog), 8 February 16; Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on the Protection of Lawyers' Rights To Practice According to Law [Guanyu yifa baozhang lushi zhiye quanli de guiding], issued and effective 16 September 15, art. 9. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37(3).

⁸⁰"Fengrui Law Firm Apprentice Lawyer, Li Shuyun, Released on Bail" [Fengrui shiwusuo shixi lushi li shuyun qubao huoshi], Radio Free Asia, 9 April 16.

⁸¹"A Recommendation Letter Sincerely Urging All Participating Representatives, the Presidium, and Delegations of the Fourth Session of the Twelfth National People's Congress To Establish a Special Investigative Committee on the '709' Mass Detentions Incident" [Dun qing di shi'er jie quanguo renda di si ci huiyi ge can hui daibiao, zhuxituan, daibiaotuan jiu "709" da zhuabu shijian chengli tebie diaocha weiyuanhui de jianyi shu], reprinted in Rights Defense Network, 5 March 16; Rights Defense Network, "July 9 Detentions' Report: Zhao Wei (Kaola) Suspected of Having Been Forced To Dismiss Lawyer and Write Guilty Plea" ["709 da zhuabu an" tongbao: zhao wei (kaola) yi zao zhemo beipo jiechu lushi, bing xie renzui shu], 29 January 16; Chinese Human Rights Defenders, "Forced 'Switch' to Police-Appointed Lawyers Further Erodes Protections for Detained Rights Defenders (3/15-3/21, 2016)," 21 March 16. In the case of Zhao Wei, a legal assistant to detained rights lawyer Li Heping, two lawyers approached Zhao's mother and identified themselves as appointees of a Party-controlled committee and presented a confession letter that Zhao's mother believed was obtained under coercion. See also International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(1), (3)(d). Denial of access to legal counsel violates Article 14(1) of the International Covenant on Civil and Political

Rights, which provides: “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” It also violates Article 14(3)(d), which provides: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: . . . To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing . . .” PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 32. PRC Criminal Procedure Law confers on defendants the right to legal counsel.

⁸²Tianjin Municipal Public Security Bureau (Ping’an tianjin), Weibo post, 7 July 16, 11:10 a.m.

⁸³Su Zhimin, “Zhao Wei’s Whole Family Disappeared, You Minglei Firmly Believes Wife Not Yet Free” [Zhao wei quanjia xiaoshi you minglei shenxin qizi wei ziyou], Botan Net, 14 July 16.

⁸⁴Ibid.; “Complaint Letter Signed by ‘Zhao Wei’ Called Into Question, Husband You Minglei’s Search for Wife Unsuccessful” [“Zhao wei” qianming jubao xin shou zhiyi zhangfu you minglei xun qi wei guo], Radio Free Asia, 13 July 16.

⁸⁵Rights Defense Network, “In July 9 Case, Zhao Wei’s Defense Lawyer Ren Quanniu Criminally Detained Today by Zhengzhou, Henan, Police” [709 an zhao wei bianhu lushi ren quanniu lushi jin zao henan zhengzhou jingfang xingshi juli], 8 July 16; “Lawyer Meets With Ren Quanniu, Revealing Police Lies, Ren’s Wife Backs Husband’s Innocence” [Lushi huijian ren quanniu jie jingfang zaojia ren qi cheng zhangfu wuzui], Radio Free Asia, 12 July 16; Zhengzhou Public Security Bureau (Ping’an zhengzhou), “Case Details Bulletin” [Anqing tongbao], Weibo post, 8 July 16, 6:47 p.m.

⁸⁶“Zhao Wei, Assistant to Chinese Rights Lawyer, Is Granted Bail” [Zhongguo weiquan lushi zhuli zhao wei huozhun qubao houshen], BBC, 7 July 16.

⁸⁷“Wang Yu’s Friend Liang Bo: The Wang Yu Who Admitted Guilt and Expressed Remorse Is Not the Same Wang Yu, She Is the Wang Yu Who Has Been Destroyed by Torture” [Wang yu de youren liang bo: renzui huiguo de wang yu bu shi yuanlai de wang yu, shi kuxing cuican hou de wang yu], Radio Free Asia, 3 August 16.

⁸⁸Zhuang An, “Beijing Fengrui Law Firm Lawyer Wang Yu Interviewed After Release on Bail: No Matter What Prize Is Awarded by Overseas Entities, I Will Not Accept [It]” [Beijing fengrui lusuo lushi wang yu qubao hou shoufang: wulun jingwai ban shenme jiang dou bu jieshou], The Paper, 1 August 16; Zhuang An, “Fengrui Law Firm Lawyer Wang Yu: If Overseas Organizations Confer ‘Human Rights Award’ by Force, It Would Be Trampling on and Violating Human Rights” [Fengrui suo lushi wang yu: ruo jingwai jigou qiang ban “renquan jiang,” shi jianta qinfan renquan], The Paper, 5 August 16.

⁸⁹Gerry Shih, “China Releases Prominent Human Rights Lawyer on Bail,” Associated Press, reprinted in U.S. News & World Report, 1 August 16; Philip Wen, “A Confession Few Believe: Chinese Rights Lawyer Wang Yu Is ‘Freed,’” Sydney Morning Herald, 2 August 16.

⁹⁰Gerry Shih, “China Releases Prominent Human Rights Lawyer on Bail,” Associated Press, reprinted in U.S. News & World Report, 1 August 16.

⁹¹“Court of First Instance Publicly Announces Verdict in Court in the Subversion of State Power Case of Zhai Yanmin, Defendant Pleads Guilty, Submits to Law, and Will Not Appeal” [Zhai yanmin dianfu guojia zhengquan an yishen dang ting gongkai xuanpan beigaoren biaoshi renzui fufa bu shangsu], Xinhua, 2 August 16.

⁹²Wang Yeshe, “Court of First Instance Announces Verdict in Court in Subversion of State Power Case of Hu Shigen, Defendant Sentenced to Seven Years and Six Months’ Imprisonment” [Hu shigen dianfu guojia zhengquan an yishen dang ting xuanpan beigaoren bei panxing qi nian ban], Xinhua, 3 August 16.

⁹³“Court of First Instance Announces Verdict in Court for Zhou Shifeng, Guilty of Subversion of State Power, Sentenced to Seven Years’ Imprisonment” [Zhou shifeng an yishen dang ting xuanpan dianfu guojia zhengquan zuiming chengli panchu youqi tuxing qi nian], Xinhua, 4 August 16.

⁹⁴“Court of First Instance Announces Verdict in Subversion of State Power Case of Gou Hongguo; Defendant Says in Court He Will Not Appeal” [Gou hongguo dianfu guojia zhengquan an yishen xuanpan beigaoren dang ting biaoshi bu shangsu], Xinhua, 5 August 16.

⁹⁵The mistreatment of the children in this case violates at least two provisions under the Convention on the Rights of the Child. Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2(2) (“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”), 19(1) (“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”), 37(b) (“No child shall be deprived of his or her liberty unlawfully or arbitrarily . . .”), 37(d) (“Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”).

⁹⁶China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo renyuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16; Rights Defense Network, “Liu Ermin,

Wife of Rights Defense Citizen Zhai Yanmin, Was Violently Beaten by Beijing Police” [Wei quan gongmin zhai yanmin zhi qi liu ermin bei beijing jingyuan baoli ouda], 7 June 16.

⁹⁷Sources provided conflicting accounts about the identity of the individuals who seized Bao Zhuoxuan. He Shenquan et al., “Anti-China Forces’ Transnational Network Forces 16-Year-Old Boy To Sneak Across Border, Chinese Police Quickly Solve Case” [Fan hua shili kuanguo chuanlian guoxie 16 sui nanhai toudu zhongguo jingfang xunsu po’an], *Global Times*, 15 October 15. The *Global Times*, a Party-run news publication, reported that Bao Zhuoxuan was apprehended by Burmese police who then transferred Bao to Chinese authorities. Philip Wen, “Bao Zhuoxuan, Teenage Son of Chinese Rights Lawyer, Back Under Surveillance in China,” *Sydney Morning Herald*, 12 October 15. The *Sydney Morning Herald* reported that the Burmese government denied any involvement. Xu Jing, “Bao Zhuoxuan, a Youth Who Became the Government’s Hostage” [Bao zhuoxuan, yi ge chengwei zhengfu renzhi de shaonian], *China in Perspective*, 20 October 15. Another report indicated that Burmese authorities carried out the operation together with Chinese public security personnel.

⁹⁸For more information on Bao Zhuoxuan, see the Commission’s Political Prisoner Database record 2015-00345.

⁹⁹China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo renyuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16; China Human Rights Lawyers Concern Group, “What Happened to the Children of Rights Lawyers?” [“Wei quan lushi de zinu jiuqing zaoyu le shenme?”], 12 October 15.

¹⁰⁰Xu Jing, “Bao Zhuoxuan, a Youth Who Became the Government’s Hostage” [Bao zhuoxuan, yi ge chengwei zhengfu renzhi de shaonian], *China in Perspective*, 20 October 15; China Human Rights Lawyers Concern Group, “What Happened to the Children of Rights Lawyers?” [“Wei quan lushi de zinu jiuqing zaoyu le shenme?”], 12 October 15; “Detained for Helping Wang Yu’s Son Escape; Family Protest Overseas During Lantern Festival” [Zhu wang yu erzi taowang bei kou jiashu yuanxiao jie yue yang kangyi], *Radio Free Asia*, 23 February 16; Ye Jingsi, “Chinese Rights Lawyer Wang Yu’s Son Bao Zhuoxuan Escorted Back to Inner Mongolia From Myanmar” [“Zhongguo weiquan lushi wang yu erzi bao zhuoxuan cong miandian ya fan neimenggu”], *BBC*, 13 October 15.

¹⁰¹China Human Rights Lawyers Concern Group, “As of 18:00, March 4, 2016, at Least 317 Lawyers, Law Firm Staff, Rights Defenders, and Family Members Have Been Invited To Talk, Summoned, Banned From Leaving the Country, Put in Soft Detention, Placed Under Residential Surveillance, Arrested, or Disappeared” [Jiezhi 2016 nian 3 yue 4 ri 18:00, zhishao 317 ming lushi, lusuo renyuan, renquan hanweizhe he jiashu bei yuetan, chuanhuan, xianzhi chujing, ruanjin, jianshi juzhu, daibu huo shizong], 4 March 16.

¹⁰²Chinese Human Rights Defenders, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” 13 July 15, updated 18 July 16; Dominique Attias et al., “Letter From Legal Experts on Detained Chinese Lawyers,” reprinted in *Human Rights Watch*, 18 January 16.

¹⁰³Rights Defense Network, “Xu Xiaoshun Accused of ‘Embezzlement’ by Association With His Son Wu Gan (Tufu), Fuqing City Court Holds Third Hearing” [Xu xiaoshun zao erzi wu gan (tufu) zhulian bei kong “zhiwu qinzhan” yu fuqing shi fayuan di san ci kaiting shenli], 23 March 16.

¹⁰⁴“China Releases Swedish Rights Activist Peter Dahlin,” *BBC*, 26 January 16.

¹⁰⁵Didi Kirsten Tatlow, “China Is Said To Force Closing of Women’s Legal Aid Center,” *New York Times*, *Sinosphere* (blog), 29 January 16.

¹⁰⁶*Ibid.*; Verna Yu, “Leading Woman’s Rights Group To Shut Down as China Tightens Squeeze on Civil Society,” *South China Morning Post*, 30 January 16.

¹⁰⁷“First Non-Governmental Legal Fund Announces Cessation of Operations Following Passage of the PRC ‘Charity Law’” [Zhongguo “cishan fa” tongguo hou shou ge minjian falu jijin xuanbu tingzhi yunxing], *Radio Free Asia*, 18 March 16; PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16.

¹⁰⁸“Many Lawyers and Scholars Providing Legal Aid to Inner Mongolian Herders Placed Under Control by IMAR Police” [Wei neimeng mumun tigong falu yuanzhu duo ming lushi ji xuezhe bei neimeng jingfang kongzhi], *Radio Free Asia*, 16 April 16; “Herders From Zaruud Banner, Inner Mongolia, Detained for Uploading Videos About Pollution-Affected Livestock” [Nei menggu zhalute qi mumun yin shangchuan shengchou shou wuran shipin bei zhua], *Radio Free Asia*, 12 April 16.

IV. Xinjiang

Security Measures and Conflict

During the Commission's 2016 reporting year, central and regional authorities continued to implement repressive security measures targeting Uyghur communities in the Xinjiang Uyghur Autonomous Region (XUAR). In October 2015, Yu Zhengsheng, a member of the Standing Committee of the Communist Party Central Committee Political Bureau, said authorities should focus on counterterrorism in order to achieve stability in the XUAR.¹ Reports from international media and rights advocates documented arbitrary detentions,² oppressive security checkpoints³ and patrols,⁴ the forcible return of Uyghurs to the XUAR from other provinces as part of heightened security measures,⁵ and forced labor as a means to "ensure stability."⁶ Meng Jianzhu, head of the Party Central Committee Political and Legal Affairs Commission, repeatedly stressed the need for authorities to "eradicate extremism," in particular "religious extremism," in the XUAR in conjunction with security measures.⁷ The U.S. Government and international observers have asserted that XUAR officials have justified restrictions on Uyghurs' religious freedom by equating them with efforts to combat extremism.⁸

The Commission observed fewer reports of violent incidents involving ethnic or political tensions in the XUAR in the 2016 reporting year than in previous reporting years,⁹ though it was unclear whether less violence occurred, or Chinese authorities prevented public disclosure of the information. International media and rights advocates raised concerns about Chinese authorities' failure to report and attempts to suppress information regarding deadly clashes involving Uyghurs, including information about a September 2015 attack in Aksu prefecture.¹⁰ [See the Freedom of Expression sub-section below for more information on these concerns.]

On September 18, 2015, in Bay (Baicheng) county, Aksu prefecture, more than 50 people died, and dozens more were injured, during an attack by assailants with knives at a coal mine complex.¹¹ Chinese official media confirmed the attack in November 2015, but indicated that the attackers killed only 16 people.¹² The attackers were reportedly Uyghurs, and most of those they attacked were Han Chinese workers; five others killed were reportedly security personnel.¹³ According to official media and international reports, authorities conducted a 56-day operation to find the attackers, ending in a raid in which police killed 28 people.¹⁴ According to an international news report, 11 of those whom police killed were women and children traveling with the suspected attackers.¹⁵ A front-page People's Liberation Army Daily article reported that police had used a flamethrower in the November 2015 raid on the group that included the suspected attackers.¹⁶ State media later reported that a senior public security official died in the raid.¹⁷

Legal and Counterterrorism Developments

On December 27, 2015, the National People's Congress passed the PRC Counterterrorism Law.¹⁸ The legislation, which took effect on January 1, 2016, contains provisions that expanded police au-

thority, including the authority to use weapons.¹⁹ In addition, the law seeks to define what constitutes terrorist activity, and lays out a framework for establishing counterterrorism institutions, enhancing security, and coordinating intelligence gathering and emergency response, among other areas.²⁰ Human rights organizations and other observers criticized the law as excessively broad and repressive, and expressed fears that it expanded officials' authority to punish peaceful activities and target ethnic minorities, including Uyghurs.²¹ A U.S. State Department spokesperson stated that the "broad, vaguely phrased provisions and definitions" in the law "could lead to greater restrictions on the exercise of freedoms of expression, association, peaceful assembly, and religion within China."²² In February 2016, XUAR officials launched region-wide activities to study and publicize the new legislation, and directed officials to make use of entertainment and media networks throughout the XUAR in order to bring about "social stability."²³

On July 29, 2016, the XUAR People's Congress adopted regional measures to implement the PRC Counterterrorism Law,²⁴ which contain more detailed definitions than the national legislation regarding terrorist activities and how to punish religious extremists.²⁵ The implementing measures include the following provisions that were not contained in the national legislation:

- Solitary confinement can be used for prisoners or individuals held at police detention centers who lead a terrorist or extremist organization, incite other prisoners to commit crimes, or resist education and reform programs as well as display "violent tendencies";²⁶
- The use of cell phones, the Internet, or other media devices to disseminate terrorism or extremism or to teach terrorist methods is considered a terrorist activity;²⁷ and
- Those organizing, forcing, instigating, encouraging, or enticing minors to participate in religious activities may be detained between 5 and 15 days and fined up to 10,000 yuan (approximately US\$1,500).²⁸

A human rights advocate, cited in an international news report, expressed concern that under the new regional measures, authorities could label Uyghurs' ordinary religious activities as extremism and terrorism.²⁹

In February 2016, state media reported authorities' pledge to offer up to 100,000 yuan (approximately US\$15,000) for tip-offs regarding online "terrorist" content, and said authorities had given out more than 2 million yuan (approximately US\$300,000) in rewards in 2015.³⁰ In April 2016, Radio Free Asia reported that XUAR officials had begun offering rewards of up to 5 million yuan (approximately US\$750,000) for information about terrorist activity, as well as cash rewards for reporting "illegal religious activity."³¹

XUAR officials used Party rules and regulations combating corruption in the Party to target "terrorism" and Party members' opposition to Party and government policy. In January 2016, Xu Hairong, the Secretary of the XUAR Commission for Discipline Inspection, reported that some Party officials in the region had "supported, participated in and organized terror acts" in 2015, and that authorities would take measures against these officials.³² Xu had

made similar comments in November 2015, when he stated that some Party officials in the XUAR had “criticised high-level policies” and openly expressed opinions that differed from those mandated by the Party.³³ The November comments followed the Party’s removal earlier that month of Xinjiang Daily editor-in-chief Zhao Xinyu from his post and expulsion of Zhao from the Party³⁴ after he had opposed government policy in the XUAR³⁵ and had disagreed with Party views on “ethnic separatism, terrorism, and religious extremism.”³⁶ [See the Freedom of Expression sub-section for more information on Zhao Xinyu.] XUAR Commission for Discipline Inspection officials punished a number of senior Party officials for corruption during the reporting year, including Zhao’s predecessor at the Xinjiang Daily, Alimjan Maimaitiming, who had served as secretary general of the XUAR government as well as in a Party leadership group.³⁷

“ENDANGERING STATE SECURITY” CASES

According to research the Dui Hua Foundation published in April 2016³⁸ and the XUAR annual work report on the region’s courts for 2015,³⁹ the number of “endangering state security” (ESS) trials the region’s courts heard in 2015 decreased by approximately two-thirds from the previous two years, from about 300 to about 100 trials. Dui Hua Foundation analysis indicated that a corresponding rise in trials in the region for crimes related to “cults” and “terrorism” in the latest XUAR annual work report showed that these trials were previously handled as ESS trials.⁴⁰

Uyghur scholar Ilham Tohti remained in prison, where he is serving a life sentence on the charge of “separatism,”⁴¹ which falls under the category of ESS.⁴² According to a U.S.-based news and advocacy website, in February 2016, authorities did not give Tohti’s brother permission to visit him.⁴³ Some observers expressed concern that Tohti may have been in ill health, and that this caused authorities to deny a visit, since Tohti’s brother had reportedly planned to visit him that month.⁴⁴

Other political prisoners who remained in detention during the reporting year include:

- **Tudaxun Hoshur.**⁴⁵ Tudaxun Hoshur, the brother of Uyghur-American Radio Free Asia (RFA) reporter Shohret Hoshur, is serving a five-year sentence on a charge involving “endangering state security.”⁴⁶ In December 2015, authorities released two other Hoshur brothers, Shawket and Rexim, from detention, reportedly following international advocacy on their behalf.⁴⁷ In January 2015, international reports cited a statement from RFA that Chinese authorities had sentenced Tudaxun Hoshur to prison in 2014 on “state security” charges, likely in retaliation for Shohret’s coverage of news in the XUAR, though RFA did not release Tudaxun’s name at that time.⁴⁸

- **Huseyin Celil.**⁴⁹ Officials in Uzbekistan detained Uyghur-Canadian imam Celil in March 2006 when he was traveling there, and in June 2006 extradited him to China.⁵⁰ In April 2007, a court in Urumqi municipality reportedly sentenced Celil to life in prison⁵¹ for “the crime of separating the country and organizing and leading a terrorist organization.”⁵² In Feb-

ruary 2016, judicial authorities reportedly reduced Celil's sentence to between 19 years and 6 months, and 20 years.⁵³

In addition, authorities reportedly released Uyghur **Patigul Ghulam**⁵⁴ from detention in May 2016.⁵⁵ Authorities detained Ghulam in May 2014, and subjected her to a closed trial on April 7, 2016, for "leaking state secrets" in an interview she gave to RFA.⁵⁶ Ghulam had unsuccessfully pressed officials in Urumqi for information about her son, Imammemet Eli, whom authorities detained in July 2009, following demonstrations and riots that took place in Urumqi.⁵⁷ Fellow detainees reportedly said authorities had "severely tortured" Eli.⁵⁸

According to a June 18, 2016, RFA report, authorities in Guangzhou municipality, Guangdong province, detained at least 10 Uyghur students on June 9 on terrorism-related charges.⁵⁹ A spokesperson for a Uyghur rights organization expressed concern that authorities had not provided any details regarding the students' whereabouts.⁶⁰ The students, who were originally from the southern part of the XUAR, had reportedly finished taking their college entrance examinations the day before their detentions, and were studying in Guangzhou as part of "Xinjiang classes," a government program to send Uyghur students to schools in the eastern part of China.⁶¹

UYGHURS DEPORTED FROM THAILAND

An international media report supported rights groups' concerns that Chinese authorities would persecute Uyghurs whom authorities had forcibly deported from Thailand in July 2015.⁶² In October 2015, RFA reported that authorities in Awat county, Aksu prefecture, had forced 2 of the 109 Uyghurs forcibly deported from Thailand to participate in a film "as a deterrent to others in the area not to flee the country and seek asylum elsewhere."⁶³ Although it is unclear how widely the film was distributed, it follows a pattern of authorities' use of filmed or televised confessions across China, a tactic many in the legal profession have criticized as being in violation of Chinese law.⁶⁴ [For more information on the use of televised "confessions" in China, see Section II—Criminal Justice.] RFA cited a local Party official as saying that an Awat county court had tried the two Uyghurs, who he suggested had "illegally cross[ed] borders to join the holy war," and who he said "would likely receive long prison sentences."⁶⁵ In November 2015, Human Rights Watch expressed concern over the Chinese government's failure to provide information about the location or health of the group of deported Uyghurs.⁶⁶

Development Policy

During this reporting year, central and regional officials continued to focus on the role of economic growth and development initiatives in promoting stability in the XUAR.⁶⁷ Through the "Silk Road" and "One Belt, One Road" development strategies they introduced in recent years, government authorities sought to attract overseas investment and investment from other areas of China, and to develop the XUAR as a production and logistics hub.⁶⁸ Critics of XUAR development strategies outlined authorities' failure to

address persistent tensions involving socio-economic inequality, ethnic tension, and assimilation.⁶⁹

Criticism of regional development ventures also included concern over their ecological effects.⁷⁰ An April 2016 Greenpeace briefing on air quality in China for the first quarter of 2016 reported that the five cities with the highest average PM_{2.5} concentration, an air quality indicator, were all located in the XUAR.⁷¹ According to Greenpeace's analysis, increasing pollution in western areas of China, including the XUAR, is due to the shift of industries, such as the coal-power industry, from eastern areas subject to pollution limits to western areas not yet subject to the same restrictions.⁷² Kashgar city, Kashgar prefecture, which Greenpeace ranked as having the highest average PM_{2.5} concentration out of more than 360 cities analyzed,⁷³ has been a focus of industrial and economic development for XUAR officials for the past several years.⁷⁴ A July 2016 report issued by a U.S.-based Uyghur rights organization also raised concerns about air pollution and the coal industry in the XUAR, noting that the coal industry had also brought about soil degradation, desertification and sandstorms, and groundwater depletion in the region.⁷⁵

In early 2016, XUAR authorities announced plans for the creation of new cities in the region, with officials highlighting the role of urbanization in both development and the maintenance of stability.⁷⁶ In January 2016, the Xinjiang Production and Construction Corps (XPCC), an entity under the administration of both the central government and the XUAR government⁷⁷ that plays a key role in development and urbanization in the XUAR,⁷⁸ announced the State Council had approved its plan to establish the city of Kunyu in Hotan prefecture, in order to "fight separatism, stabilize the border and promote economic development."⁷⁹ According to a February 2016 state media report, XPCC authorities planned to transform the headquarters of each of the XPCC's 14 divisions into cities "so they can better contribute to local social stability and development."⁸⁰

Freedom of Religion

Following XUAR authorities' November 2014 amendment of regional regulations governing religious affairs,⁸¹ central and XUAR officials continued to use new legislation and other measures that narrowed the scope of Uyghur Muslims' ability to peacefully practice their religious faith and express their Muslim cultural identity. In January 2016, state media reported that the regional legislature would begin to draft, within the year, regulations specifically targeting "religious extremism."⁸² An amendment to the PRC Criminal Law that took effect in November 2015⁸³ prohibits individuals from "forcing others to wear clothes or symbols associated with terrorism and extremism," and provides for a maximum sentence of three years' imprisonment.⁸⁴ Officials also promoted other policies and regulations in the previous reporting year that restricted Uyghur Muslims' attire, appearance, and behavior.⁸⁵

Authorities in locations throughout the XUAR also enforced controls on Uyghur Muslims in mosques and in their homes, and sought to restrict Islamic teaching outside of state control and prevent minors from participating in religious activities.⁸⁶ In January

2016, authorities in Awat (Awati) county, Aksu prefecture, reportedly checked the identification documents of Uyghurs entering mosques for Friday prayers, in order to ensure they were either a local resident or registered as a local resident's guest.⁸⁷ On January 1, 2016, an overseas Uyghur rights advocate said authorities in Kashgar city had recently detained at least 16 Uyghurs for collecting religious publications for children in their homes.⁸⁸ In March 2016, Party-run media cited an official with the Xinjiang Islamic Association as saying that religious leaders had shut down all "underground preaching sites" in the XUAR.⁸⁹ The official stressed the importance of religious leaders learning about political affairs in addition to religion, noting that clerics in one location taught "government policies on religion" in addition to the Quran.⁹⁰

Some Uyghur Muslims continued to serve prison sentences for the peaceful observance of their religious beliefs. In March 2016, residents and officials in Aksu prefecture reportedly told Radio Free Asia (RFA) that local authorities had sentenced an imam and eight farmers to prison in 2015 for "illegally practicing religion."⁹¹ According to RFA, authorities sentenced the government-designated imam, Eziz Emet, to nine years in prison in September 2015 on charges related to "teaching religion illegally" in a local village, after he had "taught some teenagers how to read the Quran and some Quranic verses for praying."⁹² The report stated that officials sentenced each of the farmers to seven years' imprisonment in February 2015 on charges of "religious extremism" related to "praying together in places that authorities had not designated for Muslim worship."⁹³ In addition, RFA reported in March that security personnel in Ghulja (Yining) municipality, Ili Kazakh Autonomous Prefecture, detained 41 Uyghurs for being "religious extremists" after they failed to attend the funeral of a "prominent" local member of the Chinese Communist Party.⁹⁴

In June 2016, the State Council Information Office released a white paper on religious freedom in the XUAR stating that authorities "fully respected . . . citizens' freedom of religious belief."⁹⁵ According to the white paper, "[n]o Xinjiang citizen has been punished because of his or her rightful religious belief."⁹⁶ The white paper further stated that during Ramadan, the decision regarding whether or not restaurants serving halal food would remain open "is completely determined by the owners themselves without interference."⁹⁷

As in previous reporting years, local government officials throughout the XUAR reportedly maintained restrictions on Uyghurs' observance of Ramadan, forbidding government employees,⁹⁸ students,⁹⁹ and teachers¹⁰⁰ from fasting. According to international media reports, authorities in some locations in the XUAR ordered restaurants and other food establishments to stay open during fasting hours.¹⁰¹ An international media report, citing a Uyghur rights advocate, said authorities in Qaghiliq (Yecheng) county, Kashgar prefecture, detained 5 Uyghurs, and authorities in Kuqa (Kuche) county, Aksu prefecture, detained 12 Uyghurs for encouraging people to fast during this year's Ramadan period.¹⁰²

Freedom of Expression

During the reporting period, central and regional officials placed restrictions on journalists covering XUAR-related issues, detained Uyghurs who wrote for websites, enforced controls on online communications tools in the XUAR, and restricted public information on violent incidents in the XUAR.

- In one example of officials restricting news media from opposing the state's narrative on the XUAR and counterterrorism, in December 2015, authorities failed to renew the press credentials of Beijing-based French reporter Ursula Gauthier, effectively expelling her from China.¹⁰³ Gauthier reportedly was the first foreign journalist Chinese authorities expelled since Al Jazeera reporter Melissa Chan in 2012.¹⁰⁴ Gauthier had refused Chinese officials' requests to apologize for an article she wrote for French publication *L'Obs* in November 2015,¹⁰⁵ in which she criticized Chinese counterterrorism policies and authorities' "pitiless repression" of Uyghurs.¹⁰⁶ In November¹⁰⁷ and December 2015,¹⁰⁸ the Foreign Correspondents' Club of China issued statements criticizing what it viewed as Chinese officials' and official media's intimidation of Gauthier.
- In another example, an ABC News journalist reported being a target of state surveillance for at least a day and a half while investigating conditions in the southern part of the XUAR for a March 2016 report.¹⁰⁹ According to the Foreign Correspondents' Club of China, foreign journalists may lawfully travel in the XUAR without a special permit,¹¹⁰ but in the past officials in Kashgar municipality reportedly have enforced "local regulations" requiring "interview permits."¹¹¹
- In November 2015, official media reported that Communist Party authorities had removed former Xinjiang Daily editor-in-chief Zhao Xinyu from his post and expelled him from the Party,¹¹² after he had "improperly discuss[ed], and publicly oppos[ed], government policy" in the XUAR,¹¹³ and had differed from the Party on "issues including ethnic separatism, terrorism, and religious extremism."¹¹⁴

According to a June 2016 RFA report, authorities in various locations in the XUAR detained five Uyghur website administrators and writers between March and May 2016, in order to prevent them from criticizing official restrictions on Uyghurs' activities during the Ramadan period.¹¹⁵ Authorities from Aksu prefecture reportedly detained one of the five, Tursunjan Memet, on March 29 in Korla city, Bayingol Mongol Autonomous Prefecture, and later arrested him on the charges of "inciting ethnic hatred" and "separatism," saying he had "use[d] the Misranim website as his platform to publish illegal writings."¹¹⁶ Authorities in Aksu prefecture reportedly detained another Uyghur, Omerjan Hesén, prior to May 31.¹¹⁷ Officials announced on May 31 that they had expelled Hesén, a forestry bureau official who had also written for the Misranim website, from the Communist Party, and said he had written essays "attacking the party and government's ethnic or religious policies in Xinjiang," among other activities.¹¹⁸ Authorities in Urumqi municipality reportedly detained Ababekri Muhtar, another of the five Uyghurs and the founder of Misranim, a week

after authorities detained Tursunjan Memet, and released him on June 10.¹¹⁹ Muhtar previously had visited the United States with the support of the U.S. Embassy in China.¹²⁰

XUAR officials also limited access to online forums during the reporting year, and punished those seeking to bypass official Internet restrictions. In November 2015, authorities suspended mobile phone services for individuals who had used software to circumvent the Great Firewall, which Chinese authorities use to filter the Internet.¹²¹ Security personnel required affected individuals to visit local police stations to request the restoration of their phone services.¹²² Security personnel in Hotan, Kashgar, and Aksu prefectures reportedly increased monitoring of Uyghurs' electronic devices, including smart phones, for "extremist" religious content, in order to "ensure stability."¹²³ Police in some cases detained individuals if their phones contained such content.¹²⁴ In addition, in January 2016, XUAR authorities shut down two websites that served a predominantly Uyghur audience, which officials accused of "damaging ethnic unity" and transmitting "illegal content."¹²⁵

Continuing the pattern of a lack of transparency in reporting violent incidents,¹²⁶ Chinese officials and official media failed to report on a deadly attack on workers at a coal mine on September 18, 2015, in Bay (Baicheng) county, Aksu prefecture, until around two months after the attack occurred.¹²⁷ Radio Free Asia was the first to report news of the attack, citing, among others, a security guard working for the local township government who said authorities were "strictly controlling information" about the incident.¹²⁸ Following a November 2015 raid on the alleged perpetrators of the Bay county attack, the Ministry of Public Security (MPS) reportedly published a statement on social media lauding the raid that authorities apparently later deleted without explanation.¹²⁹ Authorities also reportedly deleted an image originating from the MPS, and published by several media outlets, of a journal entry written by an officer who participated in the raid, indicating that he knew women and children were among the group of people targeted in the raid.¹³⁰

Freedom of Movement

As in past reporting years,¹³¹ officials continued to limit Uyghurs' access to travel freely. In June 2016, authorities in Ili Kazakh Autonomous Prefecture, issued new rules requiring residents applying for passports and other documents to provide DNA samples, fingerprints, and voice prints.¹³² In Guma (Pishan) county, Hotan prefecture, police reportedly restricted the visits of non-local residents by confiscating their identification documents, and officials required local residents seeking to travel to visit relatives or obtain medical treatment within the XUAR to "first obtain a letter from village police describing past political involvements."¹³³ In addition to official restrictions, in August 2016, ahead of the G20 Summit in September, an international media organization reported that a notice posted by a local property management group in Hangzhou municipality, Zhejiang province, said residents must report any Uyghur they saw to police, and if the person was confirmed to be Uyghur, the individual reporting him or her would receive a 500-yuan (approximately US\$75) reward.¹³⁴

In a potentially positive development, in March 2016, official media reports indicated that XUAR authorities would abolish the “convenience contact cards” system in May 2016.¹³⁵ An official media report said the system, which authorities initiated in May 2014, required XUAR residents aged 16 and over to register with authorities before moving to another part of the XUAR.¹³⁶ Some international media reports said officials used the cards specifically to monitor and control Uyghurs.¹³⁷ In addition, official media reports stated that in 2016, officials plan to revise passport issuance procedures and facilitate travel for XUAR residents.¹³⁸ The reports followed a similar announcement by XUAR authorities in August 2015.¹³⁹

Other Social Policies

During the reporting year, XUAR authorities linked social policies in the areas of education and employment to political goals such as the “sinicization” of ethnic minority populations. In November 2015, XUAR Party Secretary Zhang Chunxian noted the importance of “bilingual education” in the region alongside “ethnic blending”¹⁴⁰ and students’ acceptance of the “five identifies,” that is, identifying with the country, Chinese nationality, Chinese culture, the Chinese Communist Party, and “socialism with Chinese characteristics.”¹⁴¹ Under “bilingual education,” class instruction for the general curriculum takes place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups, which are relegated to the status of a secondary course, if they are taught at all.¹⁴² According to Xinhua, 69 percent of ethnic minority children in elementary and secondary schools received “bilingual education” as of the end of 2014, compared to 34 percent in 2010.¹⁴³ During this reporting year, officials announced plans to further expand “bilingual education” in the region’s schools.¹⁴⁴ “Bilingual education” in the XUAR contravenes legal protections for non-Han groups to maintain and use their own languages, and is inconsistent with the model of education outlined in the PRC Regional Ethnic Autonomy Law.¹⁴⁵

Reports indicated the existence of ethnic tensions amid an influx of Han Chinese workers in the XUAR,¹⁴⁶ and in spite of some official efforts to create jobs for Uyghur residents of the XUAR,¹⁴⁷ some government and private employers within the XUAR discriminated against non-Han job applicants. As in past reporting years,¹⁴⁸ the Commission observed employment advertisements that reserved positions exclusively for Han Chinese, including civil servant and private-sector positions, in contravention of Chinese labor law.¹⁴⁹ Private and public employers also continued to reserve some positions exclusively for men, leaving non-Han women to face both ethnic and gender discrimination in the hiring process.¹⁵⁰

Notes to Section IV—Xinjiang

¹“China Stresses Stability, Security on Xinjiang’s Founding Anniversary,” *Xinhua*, 1 October 2015. According to Yu, “Counterterrorism is the focus of our current work.”

²See, e.g., “Mother of Uyghur Who Disappeared in 2009 Faces Charges Over Interview,” *Radio Free Asia*, 30 March 16; “‘Strike Hard’ Hits Uyghur Family,” *Radio Free Asia*, 29 March 16; “China Detains 41 Uyghurs Who Skipped a Funeral of a Local Communist Functionary,” *Radio Free Asia*, 24 March 16.

³See, e.g., Andrew Jacobs, “Xinjiang Seethes Under Chinese Crackdown,” *New York Times*, 2 January 16; “Police Increase Checks of Uyghur Smartphone Users in Xinjiang,” *Radio Free Asia*, 8 January 16; Alyssa Abkowitz, “China Doubles Down on Terrorism ‘Double Standards’ Accusation,” *Wall Street Journal*, *China Real Time Report* (blog), 3 December 15.

⁴“On the Eve of the New Year, Uyghurs From Various Regions Have Been Sent Back, While Urumqi City Enhances Security Measures To Counter Terrorism” [Xin nian qianxi gedu weizu ren bei qianfan wushi tisheng anbao cuoshi fankong], *Radio Free Asia*, 30 January 16; Tom Phillips, “‘A Brighter Future Beckons’: China Tries To Get Xinjiang To Join the Party,” *Guardian*, 9 October 15.

⁵“On the Eve of the New Year, Uyghurs From Various Regions Have Been Sent Back, While Urumqi City Enhances Security Measures To Counter Terrorism” [Xin nian qianxi gedu weizuren bei qianfan wushi tisheng anbao cuoshi fankong], *Radio Free Asia*, 30 January 16.

⁶“Authorities ‘Ensure Stability’ Through Forced Labor for Uyghurs in Xinjiang Township,” *Radio Free Asia*, 3 November 15.

⁷“Meng Jianzhu Stresses at Counterterrorism Work Meeting [the Need To] Comprehensively Raise the Capacity and Standards of the Counterterrorism Fight” [Meng jianzhu zai fan kongbu gongzuo huiyi shang qiangdiao quanmian tisheng fankong douzheng nengli shuiping], *People’s Daily*, 12 December 15. See also Ben Blanchard, “China Security Chief Calls for Greater ‘De-Radicalization’ Efforts,” *Reuters*, 16 November 15.

⁸See, e.g., Bureau of Counterterrorism and Countering Violent Extremism, U.S. Department of State, “Country Reports on Terrorism 2015,” 2 June 16, chap. 2, overview; Simon Denyer and Xu Yangjing, “China Jails a Muslim for Six Years—For Refusing To Shave His Beard,” *Washington Post*, *WorldViews* (blog), 30 March 15; UN Human Rights Council, Written Statement Submitted by the Society for Threatened Peoples, a Non-Governmental Organization in Special Consultative Status, A/HRC/28/NGO/68, 20 February 15, 2, 3.

⁹See, e.g., CECC, 2015 Annual Report, 8 October 15, 281–83; CECC, 2014 Annual Report, 9 October 14, 162–65; CECC, 2013 Annual Report, 10 October 13, 163–65.

¹⁰See, e.g., Human Rights Watch, “China: Allow Independent Investigations Into Xinjiang Violence,” 23 November 15; Chang Ping, “China’s Double Standard,” *University of Hong Kong, China Media Project*, 20 November 15; Andrew Jacobs, “In a Region Disturbed by Ethnic Tensions, China Keeps Tight Lid on a Massacre,” *New York Times*, 18 October 15.

¹¹“Death Toll in Xinjiang Coal Mine Attack Climbs to 50,” *Radio Free Asia*, 30 September 15; Andrew Jacobs, “In a Region Disturbed by Ethnic Tensions, China Keeps Tight Lid on a Massacre,” *New York Times*, 18 October 15.

¹²See, e.g., Tian Shan, “Xinjiang Destroys a Violent Terrorist Gang Under the Direct Command of Foreign Extremist Organizations, Wiping Out All Thugs” [Xinjiang dadiao yi jingwai jiduan zuzhi zhijie zhihui de baokong tuanhua jianmie quanbu baotu], *Tianshan Net*, 20 November 15.

¹³“Authorities Identify 17 Suspects in Deadly Attack at Xinjiang Mine,” *Radio Free Asia*, 16 October 15. See also Jun Mai, “Photos of Lead Suspects in China’s Xinjiang Coal Mine Attack Released,” *South China Morning Post*, 17 December 15.

¹⁴See, e.g., Tian Shan, “Xinjiang Destroys a Violent Terrorist Gang Under the Direct Command of Foreign Extremist Organizations, Wiping Out All Thugs” [Xinjiang dadiao yi jingwai jiduan zuzhi zhijie zhihui de baokong tuanhua jianmie quanbu baotu], *Tianshan Net*, 20 November 15; “China Says Kills 28 Suspects in Xinjiang Coal Mine Attack After 56-Day Manhunt,” *Radio Free Asia*, 20 November 15.

¹⁵“Eleven of 28 Suspects Killed in Xinjiang Manhunt Believed Women, Children,” *Radio Free Asia*, 24 November 15.

¹⁶Shu Chunping et al., “‘Counterterrorism Dagger’ Protects the People’s Safety—Commemorating the Xinjiang People’s Armed Police Corps Fourth Detachment Secret Squadron” [“Fankong jian dao” bao renmin ping’an—ji wujing xinjiang zongdui si zhidui teqin zhongdui], *People’s Liberation Army Daily*, 23 November 15. See also “Eleven of 28 Suspects Killed in Xinjiang Manhunt Believed Women, Children,” *Radio Free Asia*, 24 November 15; “China Used Flamethrowers To Hunt Xinjiang Terrorists” [Zhongguo wujing yi huoyan penshe qi yingdui “baokong fenzi”], *Voice of America*, 23 November 15.

¹⁷Yao Tong and Sui Yunyan, “Xinjiang Counterterrorism Commendation and Mobilization Meeting Held” [Xinjiang fankong biao zhang ji dongyuan bushu huiyi zhao kai], *Tianshan Net*, 12 December 15; “China Says Senior Uygur Official Killed During Raid in Xinjiang,” *Reuters*, reprinted in *South China Morning Post*, 14 December 15.

¹⁸“China Adopts First Counter-Terrorism Law,” *Xinhua*, 27 December 15. See also PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, chap. 7.

¹⁹Peter Mattis, “New Law Reshapes Chinese Counterterrorism Policy and Operations,” *Jamestown Foundation, China Brief*, Vol. 16, Issue 2, 25 January 16, 3–6; PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, arts. 53, 62. For the January 1, 2016 date that the law took effect, see Article 97 in Chapter 10 (supplementary provisions).

²⁰PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, arts. 53, 62. See Chapter 1 for the definition of what constitutes terrorist activity, Chapters 1 and 3 for guidelines regarding establishing counterter-

rorism institutions and for enhancing security, Chapter 4 for the coordination of intelligence gathering, and Chapter 6 for the coordination of emergency response measures.

²¹See, e.g., Freedom House, “China’s ‘Anti-Terrorism’ Law Further Restricts Rights,” 28 December 15; Uyghur Human Rights Project, “Briefing: China’s New Counter-Terrorism Law and Its Human Rights Implications for the Uyghur People,” 1 February 16; Euan McKirdy, “China Approves Wide-Ranging Counter Terrorism Law,” CNN, 28 December 15; Cherie Chan, “China Set To Pass Controversial Anti-Terrorism Law,” Deutsche Welle, 22 December 15.

²²Office of Press Relations, U.S. Department of State, “Daily Press Briefing—December 28, 2015,” 28 December 15.

²³“All of Xinjiang Launches Activity To ‘Deeply Study Propaganda on the ‘Counterterrorism Law’ To Fully Promote Social Stability” [Quan jiang qidong “shenru xuexi xuanchuan ‘fan kongbu zhuyi fa’ quanli cujin shehui wending” huodong], Xinjiang Daily, 25 February 16. See also Ben Blanchard, “China’s Xinjiang To Use Entertainment, Possibly Singing and Dancing, in Terror Fight,” Reuters, 24 February 16.

²⁴Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Uyghur Autonomous Region Implementing Measures for the “PRC Counterterrorism Law” [Xinjiang weiwu’er zizhiq shishi “zhonghua renmin gongheguo fan kongbu zhuyi fa” banfa], issued 29 July 16, effective 1 August 16.

²⁵Bai Tiantian, “Xinjiang To Confine Radicals in Solitary in New Anti-Terror Rule,” Global Times, 2 August 16. See also Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Uyghur Autonomous Region Implementing Measures for the “PRC Counterterrorism Law” [Xinjiang weiwu’er zizhiq shishi “zhonghua renmin gongheguo fan kongbu zhuyi fa” banfa], issued 29 July 16, effective 1 August 16; PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16.

²⁶Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Uyghur Autonomous Region Implementing Measures for the “PRC Counterterrorism Law” [Xinjiang weiwu’er zizhiq shishi “zhonghua renmin gongheguo fan kongbu zhuyi fa” banfa], issued 29 July 16, effective 1 August 16, art. 40. See also Chong Koh Ping, “Xinjiang Gets Tough on Terrorism,” Straits Times, 5 August 16.

²⁷Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Uyghur Autonomous Region Implementing Measures for the “PRC Counterterrorism Law” [Xinjiang weiwu’er zizhiq shishi “zhonghua renmin gongheguo fan kongbu zhuyi fa” banfa], issued 29 July 16, effective 1 August 16, art. 6(6). See also PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, art. 3; Bai Tiantian, “Xinjiang To Confine Radicals in Solitary in New Anti-Terror Rule,” Global Times, 2 August 16.

²⁸Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Uyghur Autonomous Region Implementing Measures for the “PRC Counterterrorism Law” [Xinjiang weiwu’er zizhiq shishi “zhonghua renmin gongheguo fan kongbu zhuyi fa” banfa], issued 29 July 16, effective 1 August 16, art. 51(2); PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, chap. 9, art. 81.

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¹⁴⁵In Chinese law, see, e.g., PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 4, 121; PRC Regional Ethnic Autonomy Law (REAL) [Zhonghua renmin gongheguo minzu quyue zizhi fa], passed 31 May 84, effective 1 October 84, amended 28 February 01, arts. 10, 21, 37. The 2005 Implementing Provisions for the REAL affirm the freedom to use and develop minority languages but also place emphasis on the use of Mandarin by promoting “bilingual” education and bilingual teaching staff. State Council, Certain Provisions on the Implementation of the “PRC Regional Ethnic Autonomy Law” [Guowuyuan shishi “zhonghua renmin gongheguo minzu quyue zizhi fa” ruogan guiding], issued 19 May 05, effective 31 May 05, art. 22. In international law, see, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 26, 27.

¹⁴⁶See, e.g., Alice Su, “A Muslim Minority Keeps Clashing With the ‘China Dream’ in the Country’s Increasingly Wild West,” Vice News, 8 December 15; Wade Shepard, “The Complex Impact of Urbanization in Xinjiang,” The Diplomat, 16 December 15.

¹⁴⁷Dominique Patton, “Xinjiang Cotton at Crossroads of China’s New Silk Road,” Reuters, 11 January 16.

¹⁴⁸See, e.g., CECC, 2015 Annual Report, 8 October 15, 289; CECC, 2014 Annual Report, 9 October 14, 168; CECC, 2013 Annual Report, 10 October 13, 167.

¹⁴⁹“Freight Drivers” [Huo yun siji], Ganji.com, 29 March 16; “Sincerely Recruiting High Salary Career Car Accessory Sales Associate With a Base Salary of 2,500 Yuan” [Gaoxin chengpin qiche zhuanghuang xiaoshou yuan dixin 2500 yuan], Ganji.com, 24 January 16; “Administrative and Human Resources Management” [Xingzheng ji renli ziyuan guanli], Tianshanrc.com, 18 April 16; “Xinjiang Aksu Prefecture Wensu County No. 5 Middle School Career Fair” [Xinjiang akesu diqu wensu xian di wu zhongxue zhuanchang zhaopin hui], Mfsfs.com, 7 April 16; “2016 Xinjiang Ruoqiang County Teacher Recruitment Schedule” [2016 nian xinjiang ruoqiang xian jiaoshi zhaopin jihua biao], Zhaojiao.net, 18 January 16; “2015 Xinjiang Altay City Broadcasting Station Recruitment Notice” [2015 nian xinjiang aletai shi guangbo diantai zhaopin qishi], Gjgwy.org, 23 December 15; “[Xinjiang] Xinjiang Hotan Prefecture Xinhua Bookstore 2015 Recruitment of 5 Staff Members” [(Xinjiang) xinjiang hetian diqu xinhua shudian 2015 zhaopin 5 ming gongzuo ren yuan], Yingjiesheng.com, 21 October 15; “[Xinjiang] Aksu Vocational and Technical Institute 2016 Graduate Recruitment” [(Xinjiang) akesu zhiye jishu xueyuan 2016 nian yingjie sheng zhaopin], Yingjiesheng.com, 13 January 16.

¹⁵⁰“[Xinjiang] Aksu Vocational and Technical Institute 2016 Graduate Recruitment” [(Xinjiang) akesu zhiye jishu xueyuan 2016 nian yingjie sheng zhaopin], Yingjiesheng.com, 13 January 16; “Xinjiang Aksu Prefecture Wensu County No. 5 Middle School Career Fair” [Xinjiang akesu diqu wensu xian di wu zhongxue zhuanchang zhaopin hui], Mfsfs.com, 7 April 16; Ruoqiang County Agriculture Bureau, “Notice Regarding the Adjustment of the Ruoqiang County Agriculture Bureau’s Recruitment for Supernumerary Positions” [Guanyu dui ruoqiang xian nongye ju zhaopin bianwai ren yuan gangwei jinxing tiaozheng de gongshi], 21 January 16; “Recruiting 10 Regular Workers, Male, Han Ethnicity” [Zhaopin pugong 10 ming, nan, hanzu], Jsj365.com, 8 April 16.

V. Tibet

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

Formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials has remained stalled since the January 2010 ninth round,¹ the longest interval since such contacts resumed in 2002.² The Commission observed no indication during the 2016 reporting year of official Chinese interest in resuming a dialogue that takes into account the concerns of Tibetans who live in the Tibetan autonomous areas of China.³

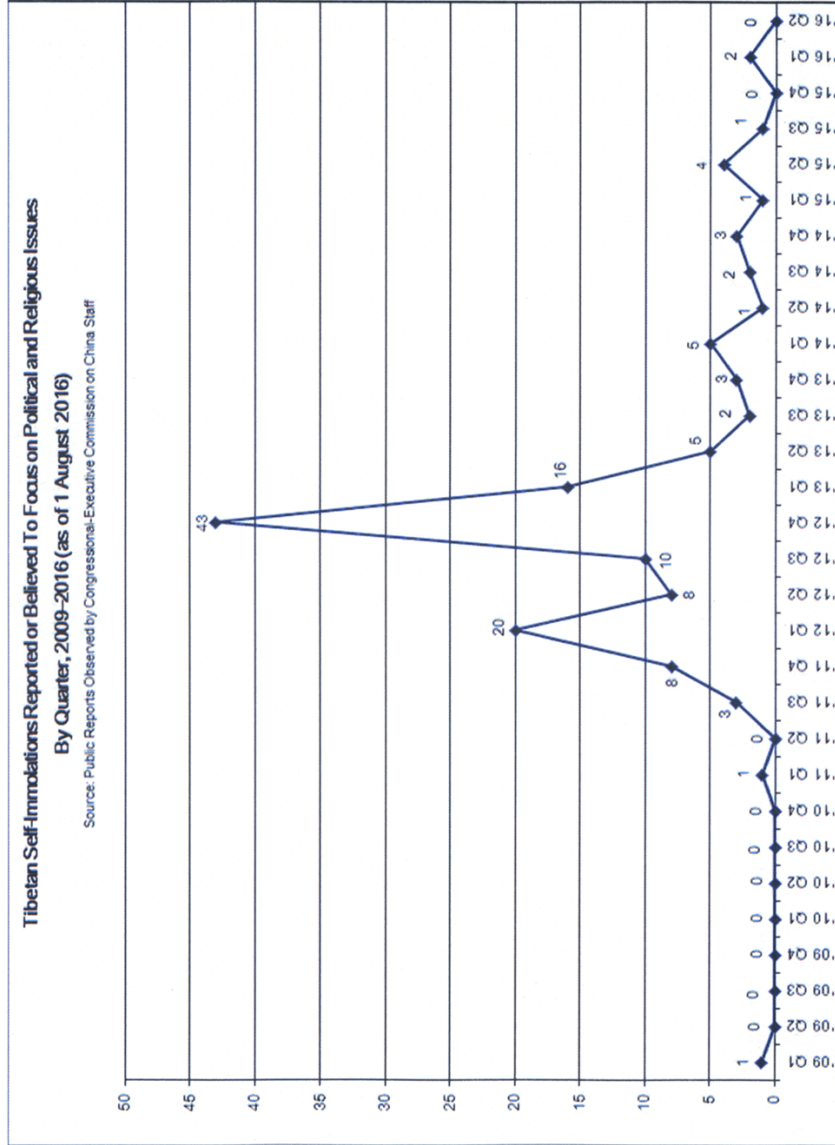
Tibetan Self-Immolation

The frequency of Tibetan self-immolation reportedly focusing on political and religious issues during the 2016 reporting year declined substantially.⁴ The 138th and 139th such self-immolations⁵ were on:

- **February 29, 2016.** Monk Kalsang Wangdu, age 18, of Retsokha Monastery, self-immolated in Xinlong (Nyagrong) county, Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province.⁶
- **March 23, 2016.** Wife and mother Sonam Tso, about 50 years old, self-immolated in Ruo'ergai (Dzoege) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan.⁷

The approximately seven-month period between monk Sonam Tobyal's self-immolation in July 2015⁸ and monk Kalsang Wangdu's self-immolation is the longest since the period between the first two such self-immolations in February 2009⁹ and March 2011.¹⁰ [See the Commission's 2012–2015 Annual Reports for information on self-immolations 1–137.¹¹]

Government provisions imposing collective punishment on self-immolators' family members or communities—instances of which local governments issued in 2012¹² and 2013¹³—may have deterred potential self-immolators from putting persons close to them at risk.¹⁴ Human Rights Watch noted in November 2012, for example, that “. . . officials have in recent weeks employed forms of collective punishment to discourage immolations,”¹⁵ and the Commission's 2014 Annual Report stated that the Commission had “observed for the first time reports of county-level governments turning to collective punishment in apparent attempts to deter individuals from engaging in prohibited behavior.”¹⁶



FOCUS ON THE DALAI LAMA

Party and government objectives in managing Tibetan Buddhist affairs prioritize isolating Tibetan Buddhists living in China from the current Dalai Lama,²⁰ Tenzin Gyatso, who reached the age of 81 in July 2016²¹ and has lived in India since he fled into exile in 1959.²² Developments this past year continued to demonstrate Party and government prioritization of managing the selection and education of the next Dalai Lama—a power the government created by issuing the 2007 Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism²³ (MMR) and that it exercises via the state-controlled Buddhist Association of China (BAC).²⁴

- **The golden urn.**²⁵ A September 2015 State Council white paper²⁶ reiterated the government's assertion that a 1793 Qing Dynasty imperial edict (the Twenty-Nine Article Imperial Ordinance²⁷) “established the system of lot-drawing from the golden urn to confirm the reincarnated soul boy of a deceased Living Buddha”²⁸—i.e., to choose what Tibetan Buddhists believe are reincarnations (*trulkus*) of high-ranking teachers, including the Dalai Lama and Panchen Lama.²⁹ Language in the white paper showed that selecting *trulkus* by lot-drawing was a convention imposed on Tibetan Buddhists by the non-Tibetan Manchu³⁰ empire then ruling China.³¹ A 2014 University of London doctoral dissertation noted that “there is consensus that the Golden Urn was introduced as a consequence of the emperor Qianlong being drawn into a costly and complex campaign against the Gurkhas on behalf of Tibet,”³² and that the Qing court subsequently used it as “a method of intervention in Tibetan affairs.”³³

- **The Panchen Lama precedent.**³⁴ The September 2015 white paper focuses on an important example of Party and government supervision of the selection of a high-ranking *trulku* using the golden urn.³⁵ In November 1995, Luo Gan, a senior Party and government official, “presided” at the selection of Gyaltzen Norbu's name from the urn.³⁶ Chinese authorities previously had declared the Dalai Lama's May 14, 1995, recognition of six-year-old Gedun Choekyi Nyima as the 11th Panchen Lama to be “illegal and invalid”³⁷ and have held him and his parents incommunicado in one or more unknown locations since May 17, 1995.³⁸ In September 2015, a Tibet Autonomous Region (TAR) Party official reiterated a claim that Gedun Choekyi Nyima “is being educated, living a normal life, growing up healthily and does not wish to be disturbed.”³⁹

- **The Dalai Lama's position.** The Dalai Lama issued a signed “declaration” in September 2011 noting that Tibetans sought to avoid implementing the Qing edict because “[t]his system was imposed by the Manchus” and because “Tibetans had no faith in it because it lacked any spiritual quality.”⁴⁰ He rejected the Party's “brazen meddling” and asserted that “it will be impossible for Tibetans . . . to acknowledge or accept it.”⁴¹ In his declaration, the Dalai Lama emphasized that reincarnation cannot be compelled:

[T]he person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized. It is a reality that no one else can force the person concerned, or manipulate him or her. It is particularly inappropriate for Chinese communists, who explicitly reject even the idea of past and future lives, let alone the concept of reincarnate Tulkus [*trulkus*], to meddle in the system of reincarnation and especially the reincarnations of the Dalai Lamas and Panchen Lamas.⁴²

- **The Party and government position.** In November 2015, Zhu Weiqun, currently Chairperson of the Chinese People's Political Consultative Conference Ethnic and Religious Affairs Committee⁴³ and formerly a senior Party official⁴⁴ and counterpart in dialogue with the Dalai Lama's envoys,⁴⁵ described reincarnation as "first and foremost an important political matter in Tibet and an important manifestation of the Chinese central government's sovereignty over Tibet."⁴⁶ Zhu said, "[T]he central government has never given up, and will never give up, the right to decide the reincarnation affairs of the Dalai Lama."⁴⁷

- **Implications for protest.** The Commission's Political Prisoner Database (PPD) contains records on the disappeared Panchen Lama and his parents⁴⁸ and, as of August 1, 2016, more than 40 other Tibetans⁴⁹—detained as recently as September 2015⁵⁰—whose PPD record summaries included a reference to the Panchen Lama.⁵¹ News media reports indicated that at least four Tibetan self-immolators have carried out some type of activity or expression focused on Gedun Choekyi Nyima.⁵² In comparison, 643 PPD records of Tibetans detained as recently as July 2016⁵³ included a reference to the Dalai Lama.⁵⁴ With respect to self-immolation, CECC Annual Reports cited sources identifying at least 56 Tibetan self-immolators who reportedly expressed religious devotion to the Dalai Lama or called for his return.⁵⁵ Tibetan protest history⁵⁶ suggests that Party and government intervention in the Dalai Lama's succession may result in heightened levels of protest activity.⁵⁷

- **Disappearing the Dalai Lama.** The Party and government continued this past year to attempt to remove the Dalai Lama from Tibetans' lives by means including denying his status as a religious leader,⁵⁸ cracking down on Party members,⁵⁹ preventing or punishing display of his image,⁶⁰ and hindering Tibetan travel to India.⁶¹ Representative examples follow.

- **Denial.** In March 2016, the Party-run *Global Times*⁶² quoted Deputy Secretary of the TAR Party Committee and Executive Chairperson of the TAR People's Congress Standing Committee Pema Choling⁶³ stating that the Dalai Lama was "no longer a religious leader after he defected [from] his country and betrayed its people."⁶⁴

- **Crackdown.** In November 2015, TAR Party Secretary Chen Quanguo reportedly launched a campaign to identify and punish cadres who "pretend not to be religious" but "secretly believe" and "follow the clique of the 14th Dalai Lama."⁶⁵ Chen called on the Party to "severely punish

those party members and cadres who don't have firm beliefs and ideals.”⁶⁶

- **Ban.** In March 2016, officials in Tongren (Rebgong) county, the capital of Huangnan (Malho) Tibetan Autonomous Prefecture (TAP), Qinghai province, reportedly banned the display of images of the Dalai Lama in religious venues.⁶⁷ In January 2016, government offices in Luhuo (Draggo) county, Ganzi (Kardze) TAP, reportedly ordered shops that sold or displayed images of the Dalai Lama to “surrender” them by February 2.⁶⁸

- **Punishment.** Religious institutions in Tongren failing to adhere to the March 2016 ban on images could face closure, and individual monastic violators could face expulsion and criminal prosecution.⁶⁹ In early February, officials detained Abbot Paga and Geshe⁷⁰ Orgyen of Chogri Monastery,⁷¹ located in Luhuo, for organizing a “mass prayer ceremony”⁷² where Tibetans prayed for the Dalai Lama’s health “before a large image [of him]”⁷³ as he received medical treatment in the United States.⁷⁴ In February 2016, the Huangnan Intermediate People’s Court sentenced monk Choephel of Rongbo Monastery to two years’ imprisonment for possessing and sharing an image of the Dalai Lama.⁷⁵

ADDITIONAL DEVELOPMENTS

Additional reports this past year demonstrated Party and government disregard of Tibetans’ right to religious freedom, but one report detailed instances of tolerance to which Tibetans responded positively.

- **“Authentic” Buddhas.** According to state- and Party-run media reports, in April 2016, the BAC announced that a database including 1,311 *trulkus* (“living Buddhas”) it deemed to be “authentic” was “nearly complete.”⁷⁶ The Dalai Lama reportedly was not included in the database,⁷⁷ and reports implied that few additions would be forthcoming.⁷⁸ Zhu Weiqun asserted in April that “the system will strike a heavy blow to the Dalai Lama.”⁷⁹

- **“Purge and reform.”** The Tibetan Centre for Human Rights and Democracy reported that in September 2015⁸⁰ the Biru (Driru) County People’s Government,⁸¹ in Naqu (Nagchu) prefecture, TAR, issued a “notice”⁸² directing “purge and reform”⁸³ of monastic leadership⁸⁴ and religious⁸⁵ and financial⁸⁶ affairs, and specifying punishment for non-compliance.⁸⁷ Days later, authorities expelled at least 100 nuns and demolished residences at a local nunnery.⁸⁸

- **“Renovation.”** In July 2016, demolition commenced at the renowned⁸⁹ Larung Gar Buddhist Institute, in Seda (Serthar) county, Ganzi TAP, Sichuan province,⁹⁰ to reduce Tibetan Buddhist lay and monastic practitioners living there from “more than 20,000”⁹¹ to 5,000 by September 2017, according to a Human Rights Watch translation of an official document.⁹² Only 1,000 of the 5,000 persons could come from outside Sichuan.⁹³ “Correction and rectification obligations”⁹⁴ include demolition to create a 30-meter (98.4 feet) “gap” between lay

and monastic areas by July 2016,⁹⁵ installing surveillance cameras and establishing “entrance screening” by August 2016,⁹⁶ and constructing a barrier wall in the “gap” by September 2016.⁹⁷ An official reportedly described the “goal” as making Larung Gar “more orderly, beautiful, safe and peaceful,” and “accelerating the urbanization and construction of Larung town.”⁹⁸

• **“Resilience.”** The International Campaign for Tibet (ICT) published remarkable⁹⁹ images of Tibetans in their thousands gathered at principal monasteries in Qinghai,¹⁰⁰ Gansu,¹⁰¹ and Sichuan¹⁰² provinces, and the TAR¹⁰³ to observe an important religious date in February 2016.¹⁰⁴ Security forces were present¹⁰⁵ but less visible and intrusive than in recent years.¹⁰⁶ ICT described the gathering as “testimony to Tibetan resilience and the determination to express their religious identity.”¹⁰⁷

Status of Tibetan Culture

Tibetans continued to face Chinese Communist Party and government pressure on Tibetan culture and language.¹⁰⁸ Reports emerged showing that officials at times treated Tibetan efforts to sustain their culture and language as illegal¹⁰⁹ or as a threat to social stability,¹¹⁰ leaving Tibetans with uncertain recourse. In a Foreign Policy article, a Columbia University professor observed:

Although China’s constitution and ethnic autonomy laws create the appearance of progress, there are no mechanisms for enforcing the vision of equality put forward by those texts. Put simply, there is no Chinese Department of Justice or Chinese Supreme Court to which Tibetans can appeal to fight discriminatory practices.¹¹¹

The Commission has not observed any recent Party or government statements supporting the legitimacy of maintaining the distinctiveness of the Tibetan culture and language. To the contrary, President and Party General Secretary Xi Jinping stressed in the August 2015 Sixth Tibet Work Forum the requisite promotion of a common culture and identity that would serve “social stability”:

Key efforts in the work for Tibet should be spent on ensuring national unity and consolidating ethnic unity, with realizing long-term and comprehensive social stability as an obligatory task.¹¹²

Tibetans continued either to attempt to arrange for Tibetan language training—sometimes successfully—or to protest the lack of it. Examples follow.

• **Daofu.** During the winter school holiday, “around 200” students reportedly attended an intensive 20-day Tibetan language course, apparently with government approval, in Daofu (Tawu) county, Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), Sichuan province.¹¹³ Students reportedly “warmly embraced this crash course and were very attentive.”¹¹⁴

• **Hualong.** In January 2016, Tibetan and Muslim residents of Hualong (Bayan Khar) Hui Autonomous County, Haidong municipality, Qinghai province, reportedly gathered in Xining, the Qinghai capital, “to demand better funding for the education of

minority groups.”¹¹⁵ Tibetan language skills reportedly had declined under the county’s current administration.¹¹⁶

- **Banma.** Statements by officials in Banma (Pema) county, Guoluo (Golog) TAP, Qinghai, described as “recent” in January 2016, reportedly led locals to believe that Tibetan language study groups sponsored over the past seven years could be deemed “illegal associations.”¹¹⁷ Residents feared that attending the study groups could result in “detention or arrest.”¹¹⁸

- **Nangqian.** A week-long Tibetan language proficiency contest in January 2016 hosted by a language-promotion association in Nangqian (Nangchen) county, Yushu (Yulshul) TAP, Qinghai, proceeded with “apparent” official approval.¹¹⁹ Participants included school students as well as laypersons who had not attended school.¹²⁰

Security officials continued to detain Tibetans who advocated on behalf of Tibetan culture and language, or who sought to publish their views. Representative examples follow.

- **Drukar Gyal.** In February 2016, the Huangnan Intermediate People’s Court¹²¹ sentenced writer Drukar Gyal (or Druglo, pen name Shogjang) to three years in prison for what reports described as inciting ethnic “discord”¹²² (or “hatred”¹²³), harming “social stability,” and having contact with “splittists” outside China.¹²⁴ Security officials detained him in March 2015.¹²⁵ High Peaks Pure Earth previously reported other Tibetan writers’ response to his detention.¹²⁶

- **Tashi Wangchug.** In January 2016, security officials reportedly detained Tashi Wangchug in Yushu (Kygudo) city, Yushu TAP,¹²⁷ and in March charged him with “inciting separatism.”¹²⁸ Prosecutors reportedly were reviewing the case as of late August.¹²⁹ He had posted a microblog message urging “the legislature and legislative advisory committee of Qinghai Province . . . to enhance bilingual education and hire more bilingual civil servants.”¹³⁰ In 2015 he travelled to Beijing to try “to file a lawsuit to compel the authorities to provide more Tibetan education.”¹³¹ He described his objective as “to change things a little bit, to push to preserve some of our nation’s culture.”¹³²

- **Konchog Gyatso.** In late 2015, security officials reportedly detained monk Konchog Gyatso of Lhamo Dechen Monastery, located in Jianzha (Chentsa) county, Huangnan (Malho) TAP, Qinghai,¹³³ in connection with a book he wrote and was ready to publish.¹³⁴ In it, he recounted the experiences of travelling without documentation to India, studying at a monastery, and returning home.¹³⁵ Police released him after a week, warning that he could face imprisonment if he published the account.¹³⁶

Economic Development and Urbanization

The Commission observed no evidence during its 2002 to 2016 period of reporting that the Party or government solicited systematic or representative input from the Tibetan population on economic development in the Tibetan autonomous areas of China.¹³⁷ Instead, Commission Annual Reports have documented implementation of a development model—“Chinese characteristics with Ti-

betan traits”¹³⁸—that prioritizes economic growth¹³⁹ and boosts household income.¹⁴⁰ At the same time, officials deny Tibetans adequate rights to protect their culture,¹⁴¹ language,¹⁴² religion,¹⁴³ and environment,¹⁴⁴ and prosecute as criminals Tibetans who question or protest against official policies.¹⁴⁵ Examples of developments related to economic initiatives that could increase pressure on Tibetan culture follow.

- **Railways.**¹⁴⁶ Tibet Autonomous Region (TAR) officials speaking at the March 2016 National People’s Congress meeting¹⁴⁷ asserted that the Sichuan-Tibet railway, which the government approved in October 2014¹⁴⁸ and upon which construction began in December 2014,¹⁴⁹ would bring “even more prosperity”¹⁵⁰ and denied that it would result in environmental harm.¹⁵¹

- **Urbanization.** On November 28, 2015, the State Council reportedly approved changing the status of Duilongdeqing (Toelung Dechen) from a county in Lhasa municipality to an urban district of Lhasa.¹⁵² Duilongdeqing—traversed by the Qinghai-Tibet railway¹⁵³—became the second urban district in the TAR along with Lhasa’s Chengguan district.¹⁵⁴

- **Population.** Commission access this past year to Chinese 2010 ethnic census data showed a 50-percent increase in the Han population of Lhasa municipality from 2000 to 2010¹⁵⁵—a period that included the 2006 completion of the Qinghai-Tibet railway.¹⁵⁶ Lhasa’s Chengguan district total population increased by about 25 percent¹⁵⁷ while its Han population increased by 40 percent.¹⁵⁸ Duilongdeqing’s total population increased by about 29 percent¹⁵⁹ while its relatively low Han population increased by about 269 percent.¹⁶⁰ TAR total population increased by about 15 percent¹⁶¹ while its Han population increased by about 55 percent.¹⁶² During the same period, Tibetan population in the TAR increased by about 12 percent,¹⁶³ in Lhasa municipality by about 11 percent,¹⁶⁴ in Lhasa’s Chengguan district by about 17 percent,¹⁶⁵ and in Duilongdeqing by about 16 percent.¹⁶⁶ Commission access to such information has become more difficult as the Han population increased.¹⁶⁷

Location / Census Year	Total Pop.	Total Tibetan	Total Han
Tibet Autonomous Region			
1990 ¹⁶⁸	2,196,010	2,096,718	80,837
2000 ¹⁶⁹	2,616,329	2,427,168	158,570
2010 ¹⁷⁰	3,002,165	2,716,388	245,263
Lhasa municipality			
1990 ¹⁷¹	375,968	327,882	44,945
2000 ¹⁷²	474,499	387,124	80,584
2010 ¹⁷³	559,423	429,104	121,065
Chengguan district			
1990 ¹⁷⁴	139,816	96,431	40,387
2000 ¹⁷⁵	223,001	140,387	76,581
2010 ¹⁷⁶	279,074	163,725	107,607
Duilongdeqing county			
1990 ¹⁷⁷	41,210	38,337	2,794
2000 ¹⁷⁸	40,543	38,455	1,868
2010 ¹⁷⁹	52,249	44,768	6,886

- **Housing.** According to an advocacy organization report, officials in Biru (Driru) county, Naqu (Nagchu) prefecture, TAR, appropriated Tibetan residential property,¹⁸⁰ enforced residential demolition,¹⁸¹ and, in some cases, enforced specific renovation.¹⁸² A news media report described enforced replacement of Tibetan-style homes in Lhasa municipality with “Chinese-style” replacements.¹⁸³ According to a series of Radio Free Asia reports, in October 2015, authorities in Gonghe (Chabcha) county, Hainan (Tsolho) TAP, Qinghai, reportedly demolished a total of more than 500 homes and shops in two locations,¹⁸⁴ leaving more than 900 Tibetans homeless.¹⁸⁵ Officials said construction in one location caused crowding and pollution;¹⁸⁶ in the other location authorities provided Tibetans no opportunity to challenge the action and forbade them to approach or photograph demolished homes.¹⁸⁷ In early June 2016, authorities in Heimahe (Tanagma) township,¹⁸⁸ Gonghe, reportedly characterized “over 600 homes and shops” built by Tibetans, Muslims, and Han as “illegal” and had them demolished.¹⁸⁹ On June 23, security officials arrived in villages in Shinaihai (Tralnag) township and reportedly beat Tibetans protesting against official threats to demolish shops and guesthouses.¹⁹⁰ Police reportedly detained five protesters the next day.¹⁹¹
- **Land.** In September 2015, officials detained at least 12 Tibetans¹⁹² who petitioned for the return of land seized in 2010¹⁹³ in Ruo’ergai (Dzoegé) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan province, for “development” that did not eventuate.¹⁹⁴ In April 2016, the Ruo’ergai County People’s Court sentenced four of them to suspended imprisonment.¹⁹⁵ The rest were released.¹⁹⁶ In Biru county, officials reportedly demolished homes and seized land for “development” that Tibetans had used “for generations.”¹⁹⁷
- **Environment.** Reports in 2015 and 2016 by a scientific journal¹⁹⁸ and two international advocacy organizations¹⁹⁹ focused on the declining environmental state of the Tibetan plateau.²⁰⁰ The reports examined issues including flawed grasslands policies²⁰¹ that adversely affect nomadic pastoralists,²⁰² mining,²⁰³ and the risks that extensive dam-building may pose.²⁰⁴
- **Mining.** In two unusual developments this past year, after Tibetans protested against mining they regarded as harmful to the environment in one instance²⁰⁵ and as destructive to a mountain they viewed as sacred in another instance,²⁰⁶ officials suspended the mining operations.²⁰⁷ In one instance, lithium mining that had been twice halted²⁰⁸ then restarted in April 2016²⁰⁹ reportedly caused a fish-kill in Tagong (Lhagang) township, Kangding (Dartsedo) county, Ganzi (Kardze) TAP, Sichuan.²¹⁰ Following Tibetan protests on May 4,²¹¹ the prefectural and county governments suspended mining “until the relevant remaining issues have been resolved.”²¹² In the other instance, on May 20, officials warned Tibetan protesters in Akeli (Akhorri) township, Jinchuan (Chuchen) county, Aba T&QAP, of “serious consequences” if they continued to block road construction near the mountain.²¹³ In June, authorities halted the work “temporarily.”²¹⁴

In a third development, in June security officials beat Tibetans in Amuqu (Amchog) township, Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, who protested against open-pit mining near another sacred mountain.²¹⁵ The township government issued a document linking protesters to “anti-China forces” and warned of “severe consequences.”²¹⁶

Summary: Tibetan Political Detention and Imprisonment

As of August 1, 2016, the Commission’s Political Prisoner Database (PPD) contained 1,894 records—a figure certain to be far from complete—of Tibetan political prisoners detained on or after March 10, 2008, the beginning of a period of mostly peaceful political protests that swept across the Tibetan plateau.

Among the 1,894 PPD records of Tibetan political detentions reported since March 2008 are 27 Tibetans ordered to serve reeducation through labor (all believed released) and 461 Tibetans whom courts sentenced to imprisonment (296 are believed released upon sentence completion).²¹⁷ Of the 461 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 433 prisoners, including 426 with fixed-term sentences averaging approximately 5 years and 1 month, based on PPD data as of August 1, 2016.

CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

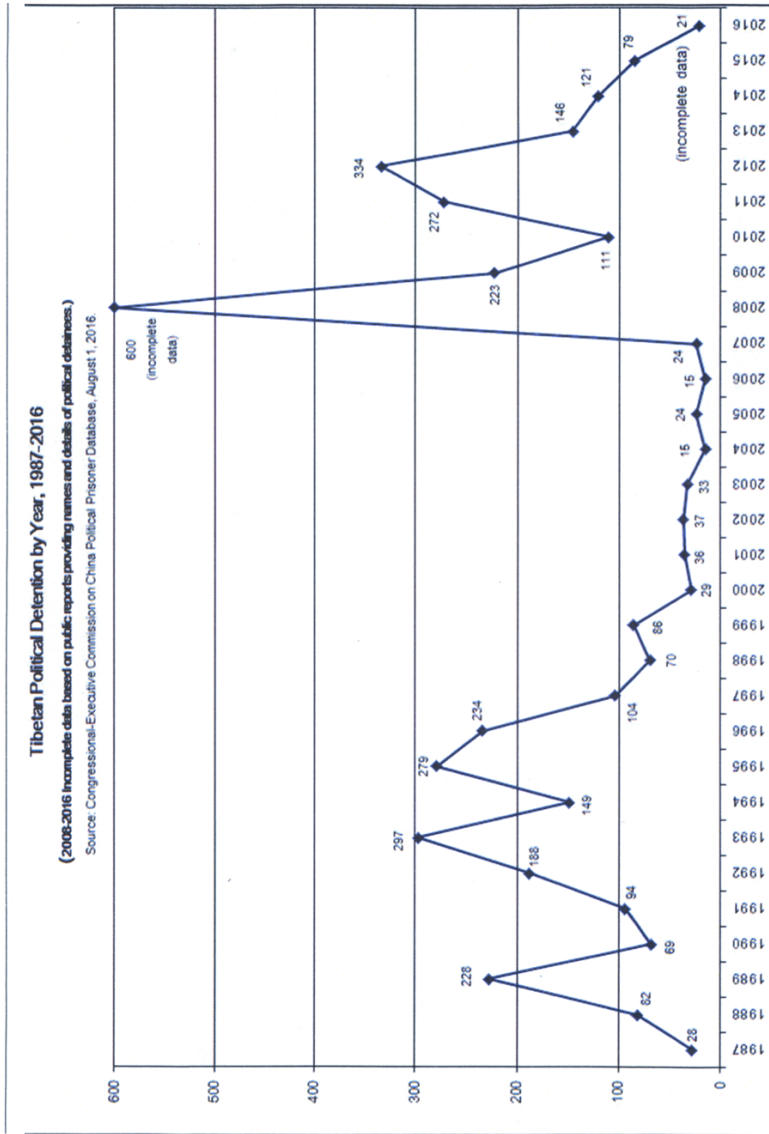
As of August 1, 2016, the PPD contained records of 650 Tibetan political prisoners believed or presumed currently detained or imprisoned. Of those, 640 are records of Tibetans detained on or after March 10, 2008;²¹⁸ 10 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 10, 2008, is certain to be far from complete.

Of the 640 Tibetan political prisoners who were detained on or after March 10, 2008, and who were believed or presumed to remain detained or imprisoned as of August 1, 2016, PPD data indicated that:

- 277 (43 percent) are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.²¹⁹
- 560 (88 percent) are male, 53 (8 percent) are female, and 27 are of unknown gender.
- 276 (43 percent) are believed or presumed detained or imprisoned in Sichuan province and 201 (31 percent) in the Tibet Autonomous Region. The rest are believed or presumed detained or imprisoned in Qinghai province (95), Gansu province (67), and the Xinjiang Uyghur Autonomous Region (1).
- Sentencing information is available for 156 prisoners: 148 reportedly were sentenced to fixed terms ranging from 2 years to 19 years and 11 months,²²⁰ and 7 were sentenced to life imprisonment or death with a 2-year reprieve.²²¹ The average fixed-term sentence is approximately 8 years and 7 months. Sixty-nine (44 percent) of the prisoners with known sentences are Tibetan Buddhist monks, nuns, teachers, or *trulkus*.

Sentencing information for 7 of the 10 Tibetan political prisoners detained prior to March 10, 2008, and believed imprisoned as of

August 1, 2016, indicates sentences from 9 years to life imprisonment. The average fixed-term sentence is 14 years and 5 months.



TORTURE

The UN Committee against Torture released its Concluding Observations on the Fifth Periodic Report of China in February 2016.²²² The observations stated:

[T]he Committee has received numerous reports from credible sources that document in detail cases of torture, deaths in custody, arbitrary detention and disappearances of Tibetans. . . . In view of this information, the Committee remains seriously concerned at the State party's failure to provide information on 24 out of the 26 Tibetan cases mentioned in the list of issues (CAT/C/CHN/Q/5/Add.1, para. 27), despite the questions posed by the Committee during the dialogue (arts. 2, 11, 12 and 16).²²³

With respect to torture, and specifically to death believed to have resulted from abuse while detained or imprisoned, as of August 1, 2016, the PPD contained records of 23 Tibetans taken into police custody on or after March 10, 2008, who reportedly died as a result of such circumstances. The following information is likely to be incomplete.

- Eighteen of the 23 Tibetans reportedly died while in police custody.²²⁴
- Four of the 23 reportedly died while imprisoned.²²⁵
- One of the 23 Tibetans reportedly was tortured in custody, escaped, and committed suicide rather than be recaptured.²²⁶

A former Tibetan political prisoner, monk Jigme Gyatso,²²⁷ testified at an April 2016 Commission hearing²²⁸ on the torture officials inflicted on him, including the use of a "tiger chair"²²⁹ during interrogation in 2008.

Notes to Section V—Tibet

¹Office of His Holiness the Dalai Lama, “Press Statement,” 25 January 10. According to the January 25 press statement, the Dalai Lama’s envoys would arrive in China “tomorrow” (i.e., January 26, 2010). For information in Commission Annual Reports in years with more recent examples of dialogue between the Dalai Lama’s representatives and the Chinese Communist Party and government officials, see CECC, 2010 Annual Report, 10 October 10, 219–20; CECC, 2009 Annual Report, 10 October 09, 273–77; CECC, 2008 Annual Report, 31 October 08, 187–88.

²“Press Conference on Central Govt’s Contacts With Dalai Lama (Text),” China Daily, 11 February 10. After the ninth round of dialogue, Zhu Weiqun referred to the gap between the eighth and ninth rounds as “the longest interval after we resumed contact and talks in 2002.”

³For more information on the Tibetan autonomous areas of China, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22–24. In China, there are 1 provincial-level area of Tibetan autonomy, 10 prefectural-level areas of Tibetan autonomy, and 2 county-level areas of Tibetan autonomy. The area of the Tibet Autonomous Region (TAR) (approximately 1.2 million square kilometers), the 10 Tibetan Autonomous Prefectures (TAPs) (approximately 1.02 million square kilometers), and the 2 Tibetan Autonomous Counties (TACs) (approximately 0.019 million square kilometers) totals approximately 2.24 million square kilometers. The 10 TAPs make up approximately 46 percent of the TAR/TAP/TAC total area. Steven Marshall and Susetee Cooke, *Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics* (Washington, DC: Self-published CD-ROM, 1997), Table 7, citing multiple Chinese sources. Table 7 provides the following information. Tibet Autonomous Region (1.2 million square kilometers, or 463,320 square miles). Qinghai province: Haibei (Tsojiang) TAP (52,000 square kilometers, or 20,077 square miles), Hainan (Tsolho) TAP (41,634 square kilometers, or 16,075 square miles), Haixi (Tsonub) Mongol and Tibetan AP (325,787 square kilometers, or 125,786 square miles), Huangnan (Malho) TAP (17,901 square kilometers, or 6,912 square miles), Guoluo (Golog) TAP (78,444 square kilometers, or 30,287 square miles), and Yushu (Yushu) TAP (197,791 square kilometers, or 76,367 square miles). Gansu province: Gannan (Kanlho) TAP (45,000 square kilometers, or 17,374 square miles) and Tianzhu (Pari) TAC (7,150 square kilometers, or 2,761 square miles). Sichuan province: Ganzi (Kardze) TAP (153,870 square kilometers, or 59,409 square miles), Aba (Ngaba) Tibetan and Qiang AP (86,639 square kilometers, or 33,451 square miles), and Muli (Mili) TAC (11,413 square kilometers, or 4,407 square miles). Yunnan province: Diqing (Dechen) TAP (23,870 square kilometers, or 9,216 square miles). The table provides areas in square kilometers; conversion to square miles uses the formula provided on the website of the U.S. Geological Survey: 1 square kilometer = 0.3861 square mile. For population data, see *Tabulation on Nationalities of 2000 Population Census of China* [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–4. According to China’s 2010 ethnic census data, the total Tibetan population in China was 6,282,187. The Tibetan population of the TAR (approximately 2.72 million), the 10 TAPs (approximately 2.97 million), and the 2 TACs (approximately 0.096 million) totaled approximately 5.78 million Tibetans living in areas of Tibetan autonomy. Approximately 0.498 million Tibetans lived outside of the areas of Tibetan autonomy. *Tabulation on Nationalities of 2010 Population Census of China, Volume 1* [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Tables 10–1, 10–2.

⁴As of August 1, 2016, two self-immolations focusing on political and religious issues had occurred during the Commission’s 2016 reporting period. The Commission has posted under Resources, Special Topics, on its website (www.cecc.gov) a series of lists of Tibetan self-immolations. See, e.g., “CECC Update: Tibetan Self-Immolations,” Congressional-Executive Commission on China, 13 May 16. The summary contains a list showing that self-immolation numbers 138 and 139 took place during the period September 2015–April 2016.

⁵This enumeration does not include the following six self-immolation protests: Yushu TAP property protests by females Dekyi Choezom and Pasang Lhamo on June 27 and September 13, 2012, respectively; Yushu property protest by female self-immolator Konchog Tsomo in March 2013; Gannan TAP property protest by female Tashi Kyi on August 28, 2015; and the April 6, 2012, deaths of a Tibetan Buddhist abbot, Athub, and a nun, Atse, in a Ganzi TAP house fire initially reported as accidental and later as self-immolation. The Commission continues to monitor reports on their deaths. See, e.g., “CECC Update: Tibetan Self-Immolations,” Congressional-Executive Commission on China, 13 May 16.

⁶See, e.g., “Tibetan Monk Burns to Death in Kardze Protest,” Radio Free Asia, 1 March 16 (“called out for Tibet’s complete independence”); Free Tibet, “Monk Dies in First Self-immolation in Tibet Since 2015,” 2 March 16; Tibetan Centre for Human Rights and Democracy, “Two Tibetan Youths Stage Self-immolation Protests in Tibet and India,” 3 March 16 (called for the Dalai Lama to “live for 10,000 years”).

⁷See, e.g., “Tibetan Mother of Five Burns to Death To Protest Chinese Rule,” Radio Free Asia, 6 May 16 (“call out for the return of the Dalai Lama and for freedom for Tibet”); Free Tibet, “Mother of Five Dies in Self-Immolation Protest,” 7 May 16 (“calling for the return of the Dalai Lama and freedom for Tibet”).

⁸See, e.g., International Campaign for Tibet, “Tibetan Monk Self-immolates as Security Tightened for Dalai Lama’s Birthday,” 10 July 15; Tibetan Centre for Human Rights and Democracy, “Monk Stages Burning Protest in Remote Tibetan Town as China Imposes Internet Blockade,” 10 July 15. See also “CECC Update: Tibetan Self-Immolations,” Congressional-Executive Commission on China, 13 May 16.

⁹See, e.g., International Campaign for Tibet, “Monk in Tibet Sets Himself on Fire; Shot by Police During Protest,” 27 February 09; “Self-Immolating Tibet Monk Recovering—Xinhua,” Reuters, 5 March 09.

¹⁰See, e.g., International Campaign for Tibet, “Monk Immolates Himself; Major Protests at Tibetan Monastery Violently Suppressed,” 16 March 11; Kalsang Rinchen, “Ngaba Monk Immolates Self To Mark 3 Years Since Bloody Crackdown,” Phayul, 16 March 11.

¹¹CECC, 2015 Annual Report, 8 October 15, 304; CECC, 2014 Annual Report, 9 October 14, 175; CECC, 2013 Annual Report, 10 October 13, 174–78; CECC, 2012 Annual Report, 10 October 12, 157–60.

¹²Human Rights Watch, “China: Tibetan Immolations, Security Measures Escalate,” 29 November 12. The HRW report included a translation of a November 14, 2012, notice issued jointly by the Communist Party and the local government in Huangnan (Malho) Tibetan Autonomous Prefecture, Qinghai province, that included collective punishment.

¹³See, e.g., Ruo’ergai County People’s Government, Notice of Interim Anti-Self-Immolation Provisions [Guanyu fan zifen gongzuo zanxing guiding de tongzhi], 8 April 13, reprinted and translated in China Digital Times, “Community Punished for Self-Immolations,” 18 February 14.

¹⁴See, e.g., International Campaign for Tibet, “New Solo Protest by Young Man in Ngaba Is Part of Emerging Trend,” 21 December 15. The ICT report observes, “The desire to protect families and friends from repercussions may be a factor in the new wave of solo protests compared to self-immolation.”

¹⁵Human Rights Watch, “Tibetan Immolations, Security Measures Escalate,” 29 November 12.

¹⁶CECC, 2014 Annual Report, 9 October 14, 176.

¹⁷For Commission analysis of Chinese government regulatory intrusion upon Tibetan Buddhist affairs, see, e.g., “Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion,” Congressional-Executive Commission on China, 23 December 11; “Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures,” Congressional-Executive Commission on China, 10 March 11; “New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation,” Congressional-Executive Commission on China, 22 August 07. For measures issued by China’s central government, see, e.g., State Administration for Religious Affairs, Measures for Evaluating the Credentials of and Appointing Monastic Teachers in Tibetan Buddhism [Zangchuan fojiao simiao jingshi zige pingding he pinren banfa], issued 25 November 12, effective 3 December 12; State Administration for Religious Affairs, Management Measures for Tibetan Buddhist Monasteries [Zangchuan fojiao simiao guanli banfa], issued 29 September 10, effective 1 November 10; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], issued 13 July 07, effective 1 September 07.

¹⁸See, e.g., “Text of Yu Zhengsheng’s Speech at the Meeting Marking the 50th Anniversary of the Establishment of the Tibet Autonomous Region” [Yu zhengsheng: zai xizang zizhiq chengli 50 zhounian qingzhu dahui shang de jianghua], Xinhua, 8 September 15 (translated in Open Source Center, 9 September 15) (“use rule of law mentality and rule of law methods to . . . help maintain the normal order of the Tibetan Buddhism”); Shi Lei and Xiao Tao, “TAR Communist Party Standing Committee Listen to Situation Report on Cadre-Stationing in Villages, Model Harmonious Monasteries and Patriotic, Law-Abiding, and Progressive Monks and Nuns’ Creative Selection Activities, and ‘Advancing Double-Link Households’ Creative Selection Work Summary and Preparation for Commendations’ Event; Firmly Deepen Successful Practice of Managing the Border and Stabilizing Tibet, Lay Solid Foundation for Economic and Social Development and Long-Term Peace and Stability; Chen Quanguo Presided Over Meeting” [Zizhiq dangwei changweihui tingqu ganbu zhucun—hexie mofan simiao ji aiguo shoufa xianjin sengni chuanguo pingxuan huodong, “xianjin shuanglianhu” chuanguo pingxuan gongzuo zongjie ji biao Zhanghui choubei qingkuang huibao, jiangding buyi ba zhibian wenzang de chengong shijian yinxiang shenru wei jingji shehui fazhan he changzhi jiu’an daxia jichu, chen quanguo zhuchi huiyi], Tibet Daily, 13 November 15, reprinted in China Tibet News (summarized in Open Source Center, 13 November 15) (“safeguarding . . . the maintenance of normal Tibetan Buddhist order”). See also “Ensure Absolute Security in the Ideological Field—Fourth Discussion on Earnestly Implementing the Spirit of the Regional Propaganda and Ideological Work Conference” [Quebao yishixingtai lingyu juegui anquan—si lun renzhen guan che quan qu xuanchuan sixiang gongzuo huiyi jingshen], Tibet Daily, 3 October 13 (translated in Open Source Center, 6 October 13) (citing Chen Quanguo: “the 14th Dalai . . . is the biggest obstacle to the establishment of normal order in Tibetan Buddhism”).

¹⁹See, e.g., “Tibet Monks Hail Living Buddha Check System,” Xinhua, reprinted in Global Times, 29 January 16 (“ensure the authority and rights of verified living Buddhas and the normal order of Tibetan Buddhism”); State Council Information Office, (White Paper) “Successful Practice of Regional Ethnic Autonomy in Tibet,” reprinted in Xinhua, 6 September 15, sec. VII (“ensure normal religious activities and religious beliefs are protected according to law”).

²⁰For Commission Annual Report information on Chinese Communist Party and government efforts to isolate Tibetan Buddhists from the Dalai Lama, see CECC, 2015 Annual Report, 8 October 15, 304–5; CECC, 2014 Annual Report, 9 October 14, 177–79; CECC, 2013 Annual Report, 10 October 13, 181–82; CECC, 2012 Annual Report, 10 October 12, 161–63; CECC, 2011 Annual Report, 10 October 11, 208–9; CECC, 2010 Annual Report, 10 October 10, 215, 218, 220–22; CECC, 2009 Annual Report, 10 October 09, 277–82; CECC, 2008 Annual Report, 31 October 08, 185, 188–90; CECC, 2007 Annual Report, 10 October 07, 191–92, 196–97; CECC, 2006 Annual Report, 20 September 06, 83–85; CECC, 2005 Annual Report, 11 October 05, 47–48, 111; CECC, 2004 Annual Report, 5 October 04, 38–39; CECC, 2003 Annual Report, 2 October 03, 30–31; CECC, 2002 Annual Report, 2 October 02, 38–39.

²¹Office of His Holiness the Dalai Lama, “A Brief Biography,” last visited 17 March 16. According to biographical information on the Dalai Lama’s official website, he was born on July 6, 1935.

²²Office of His Holiness the Dalai Lama, “From Birth to Exile,” last visited 2 June 16.

²³State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa] [hereinafter MMR], issued 13 July 07, effective 1 September 07, arts. 5–11.

²⁴Ibid., arts. 5–7, 10, 12. The Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism name the Buddhist Association of China as the authority that interacts directly with Tibetan Buddhist entities in matters regarding reincarnation.

²⁵See, e.g., Ministry of Foreign Affairs, “The Reincarnation of the Living Buddhas,” 15 November 00. The MFA article provided the following explanation for use of the golden urn: “The Gelug Sect of Tibetan Buddhism came to power in Tibet in the 17th century and the Living Buddha reincarnation system became a bone of contention with the upper class in Tibet. In 1793, as part of an effort to turn the tide by overcoming drawbacks characteristic of soul boys nominated from the same tribes, the Qing government promulgated the 29-Article Ordinance for the More Efficient Governing of Tibet. Article one of the Ordinance stipulates: In order to ensure the Yellow Sect continues to flourish, the Grand Emperor bestows it with a golden urn and ivory slips for use in confirming the reincarnated soul boy of a deceased Living Buddha.”

²⁶State Council Information Office, (White Paper) “Successful Practice of Regional Ethnic Autonomy in Tibet,” reprinted in Xinhua, 6 September 15.

²⁷Ministry of Foreign Affairs, “Did Tibet Become an Independent Country After the Revolution of 1911?” 15 November 00. “In 1792 the twenty-nine-article Imperial Ordinance was issued. It stipulated in explicit terms for the reincarnation of the Living Buddhas in Tibet as well as the administrative, military and foreign affairs.” (The edict sought to impose Qing control over religious, administrative, military, fiscal, commercial, and foreign affairs. The edict demanded that the Amban, “Resident Official” representing the imperial court, would have equal status to the Dalai and Panchen Lamas, and function as the supervisor of the Tibetan administration.)

²⁸State Council Information Office, (White Paper) “Successful Practice of Regional Ethnic Autonomy in Tibet,” reprinted in Xinhua, 6 September 15, sec. III.

²⁹Office of His Holiness the Dalai Lama, “Reincarnation,” 24 September 11. The statement was published initially with the title, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation.” The Dalai Lama stated: “This proposal included the suggestion of picking lots from a Golden Urn to decide on the recognition of the reincarnations of the Dalai Lamas, Panchen Lamas and Hutuktus, a Mongolian title given to high Lamas.” See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3. The CECC article describes this as “one of Tibetan Buddhism’s most important features—lineages of teachers (*trulkus*), whom Tibetan Buddhists believe are reincarnations, that can span centuries.” For information on the Panchen Lama, see CECC, 2008 Annual Report, 189 (Box titled “The Panchen Lama and the Golden Urn: China’s Model for Selecting the Next Dalai Lama”).

³⁰Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 1–1. Table 1–1 lists “Manchu” as one of China’s “nationalities” and provides the total Manchu population in 2000 as 10,682,262.

³¹State Council Information Office, (White Paper) “Successful Practice of Regional Ethnic Autonomy in Tibet,” reprinted in Xinhua, 6 September 15, sec. III (Qing Dynasty: 1644–1911).

³²Amy Kellam, “Foreign Devils: Law’s Imperial Discourse and the Status of Tibet (PhD thesis submitted to the Department of Law, School of Oriental and African Studies, University of London, 2014), 249. In her dissertation, Kellam observes: “Although the implications of the urn’s existence remain controversial, there is consensus that the Golden Urn was introduced as a consequence of the emperor Qianlong being drawn into a costly and complex campaign against the Gurkhas on behalf of Tibet.”

³³Ibid.

³⁴See, e.g., “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3.

³⁵State Council Information Office, (White Paper) “Successful Practice of Regional Ethnic Autonomy in Tibet,” reprinted in Xinhua, 6 September 15, sec. VII. The White Paper notes: “[I]n 1995 Tibet Autonomous Region sought out and identified the reincarnation of the 10th Panchen Erdeni, and conferred and enthroned the 11th Panchen Erdeni, with the approval of the State Council.”

³⁶“Selection of 10th Panchen Lama Announced,” Xinhua, 29 November 95 (Open Source Center, 29 November 95) (“... presided over jointly by State Councilor Luo Gan, . . .”); “Luo Gan—Politburo Standing Committee Member of CPC Central Committee,” Xinhua, 15 November 02. The Xinhua biography on Luo Gan contained an entry that brackets 1995, when Luo Gan was present at the ceremony installing Gyaltzen Norbu as the Panchen Lama: “1993–1997 State councilor, secretary-general of the State Council, secretary of the Leading Party Members’ Group of the Government Offices of the State Council, secretary of the State Organs Work Committee of the CPC, and deputy secretary of the Political and Legislative Affairs Committee of the CPC Central Committee.”

³⁷Guo Xin, “It Is Both Illegal and Invalid for the Dalai Lama To Universally Identify the Reincarnated Soul Boy of the Panchen Lama,” People’s Daily, 1 December 95 (translated in Open Source Center, 1 December 95); “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3.

³⁸“Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3. See also UN Committee on the Rights of the Child, Concluding Observations: China (including Hong Kong and Macau Special Administrative Regions), adopted by the Committee at its 1080th Meeting (30 September 2005), CRC/C/CHN/col2, 24 November 05, paras. 44–45. The report observed under paragraphs 44–45: “The Committee notes the information provided about the Gedhun Choekyi Nyima, but remains concerned that it has not yet been possible to have this information confirmed by an independent expert. . . . In particular, the Committee recommends that the State party: . . . e) allow an independent expert to visit and confirm the well-being of Gedhun Choekyi Nyima while respecting his right to privacy, and that of his parents.”

³⁹Edward Wong, “Communist Party Warns Secret Dalai Lama Followers in Its Ranks,” New York Times, 11 November 15. The article identified the official as “Norbu Dondrub” (Norbu Dondrub), with the TAR United Front Work Department. See also CECC, 2008 Annual Report, 31 October 08, 189.

⁴⁰Office of His Holiness the Dalai Lama, “Reincarnation,” 24 September 11. The statement was published initially with the title, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation.” In it, the Dalai Lama states, “The Golden Urn system was actually used only in the cases of the Eleventh and Twelfth Dalai Lamas. However, the Twelfth Dalai Lama had already been recognized before the procedure was employed. Therefore, there has only been one occasion when a Dalai Lama was recognized by using this method. Likewise, among the reincarnations of the Panchen Lama, apart from the Eighth and the Ninth, there have been no instances of this method being employed. This system was imposed by the Manchus, but Tibetans had no faith in it because it lacked any spiritual quality.” See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofu zhuanshi guanli banfa], issued 18 July 07, effective 1 September 07.

⁴¹Office of His Holiness the Dalai Lama, “Reincarnation,” 24 September 11. The statement was published initially with the title, “Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation.” See also “Dalai Lama Rejects Communist Party ‘Brazen Meddling’ in Tibetan Buddhist Reincarnation,” CECC China Human Rights and Rule of Law Update, No. 1, 24 January 12, 3. The Commission article stated, “[The Dalai Lama] summed up his basis for rejecting Party interference in identifying *trulkus* and outlined measures he intends to take to protect the legitimacy of a possible 15th Dalai Lama.”

⁴²Ibid.

⁴³China Directory 2014 (Tokyo: Radiopress, December 2013), 154.

⁴⁴China Directory 2012 (Tokyo: Radiopress, December 2011), 7, 17, 27. Prior to Zhu Weiqun’s current Chinese People’s Political Consultative Conference post, he held senior Party positions including membership on the Communist Party Central Committee, Executive Deputy Head of the Party’s United Front Work Department, and Director of the Party’s General Office of the Central Coordinating Group for Tibet Affairs.

⁴⁵“United Front Work Department Executive Deputy Head Reveals Inside Story of Communist Party-Dalai Talks” [Tongzhanbu changwu fubuzhang jiemi zhonggong yu dalai tanpan neimul], Phoenix Net, 23 December 08 (translated in Open Source Center, 25 December 08) (“Since 2003, Zhu Weiqun has participated in all the subsequent engage-and-talk interactions with the Dalai side.”); “Press Conference on Central Govt’s Contacts With Dalai Lama (Text),” China Daily, 11 February 10 (demonstrates participation in 2010 round of dialogue). For information in previous Commission annual reports on Zhu Weiqun’s involvement in the dialogue between the Dalai Lama’s representatives and Party and government officials, see, e.g., CECC, 2010 Annual Report, 10 October 10, 219–20; CECC, 2009 Annual Report, 10 October 09, 274–75; CECC, 2008 Annual Report, 31 October 08, 187.

⁴⁶Sui-Lee Wee, “China Sticks to Right To Decide Reincarnation of Dalai Lama,” Reuters, 30 November 15. Reuters attributed Zhu’s remarks to an article published in the Party-run Global Times. See also CECC, 2008 Annual Report, 31 October 08, 189.

⁴⁷Ibid.

⁴⁸For more information, see the Commission’s Political Prisoner Database records 2004-00835 on Gedun Choekyi Nyima, 2004-01336 on Konchog Phuntsog (Gedun Choekyi Nyima’s father), and 2004-01274 on Dechen Choedron (Gedun Choekyi Nyima’s mother).

⁴⁹The statement is based on an August 1, 2016, query for the term “Panchen Lama” in the “short summary” field of the Commission’s Political Prisoner Database (PPD). The PPD is available to the public at ppdcecc.gov.

⁵⁰See the Commission’s Political Prisoner Database record 2010-00156 on Samdrub Gyatso. See “Recently Freed Tibetan Detained for Carrying Leaflets Calling for Dalai Lama’s Return,” Radio Free Asia, 12 October 15. According to the RFA report, officials previously detained Samdrub Gyatso in May 2010 for protest activity that included calling for the Panchen Lama’s release; he served five years’ imprisonment.

⁵¹The statement is based on an August 1, 2016, query for the term “Panchen Lama” in the “short summary” field of the Commission’s Political Prisoner Database (PPD). Of 43 records identified, 41 referred to Gedun Choekyi Nyima, the 11th Panchen Lama, and 2 referred to his predecessor, the 10th Panchen Lama. The PPD is available to the public online at ppdcecc.gov and is available for query. Information on the number of Tibetan political and religious protesters and the details of their protests are certain to be far from complete. Tibetans who attempt to share such information may face detention, criminal charges, and imprisonment.

⁵²See, e.g., “Tibetan Man Dies in Second Self-Immolation Protest This Month,” Radio Free Asia, 16 April 15; “Respected Tibetan Monk Burns Himself to Death in Gansu,” Radio Free Asia, 19 December 13; “Tibetan Self-Immolations Continue, 25-Year-Old Dies in Protest,” Voice of America, 19 November 12; “Another Tibetan Self-Immolates in Rebkong,” Voice of America, 17

November 12. Information on the number of Tibetan political and religious protesters and the details of their protests are certain to be far from complete. Tibetans who attempt to share such information may face criminal charges, imprisonment, or other forms of abuse.

⁵³For information on more recent detentions, see the Commission's Political Prisoner Database records 2016-00210 on Konchog Drolma, 2016-00167 on Lobsang Tsering, 2016-00110 on Lobsang Thubten, 2016-00080 on Mangga, 2016-00065 on Jamyang Dorje, 2016-00039 on Orgyen, and 2016-00040 on Paga.

⁵⁴The statement is based on an August 1, 2016, query for the term "Dalai Lama" in the "short summary" field of the Commission's Political Prisoner Database (PPD). Commission staff did not analyze each record individually to determine the nature of the reference to the Dalai Lama. The PPD is available to the public online at ppdcecc.gov and is available for query. Information on the number of Tibetan political and religious protesters and the details of their protests are certain to be far from complete. Tibetans who attempt to share such information may face criminal charges, imprisonment, or other forms of abuse.

⁵⁵For information on Tibetan self-immolations, see tables in CECC, 2012 Annual Report, 10 October 12, 157–60 (on self-immolations 1–50); CECC, 2013 Annual Report, 10 October 13, 174–78 (on self-immolations 51–116); CECC, 2014 Annual Report, 9 October 14, 175 (on self-immolations 117–26); CECC, 2015 Annual Report, 8 October 15, 303–4 (on self-immolations 127–37). Previous Annual Report lists included the following self-immolators who reportedly expressed religious devotion to the Dalai Lama or called for his return: 2012 Annual Report (6–12, 14–17, 23, 30, 41, 45); 2013 Annual Report (51–55, 62–66, 68, 69, 72, 74–76, 79–81, 84, 86, 87, 92–95, 98); 2014 Annual Report (117–20); and 2015 Annual Report (131, 133, 134, 136, 137).

⁵⁶As of August 1, 2016, the PPD contained 1,894 records of Tibetans detained on or after March 10, 2008. Information on the number of Tibetan political and religious protesters and the details of their protests are certain to be far from complete. Tibetans who attempt to share such information may face criminal charges, imprisonment, or other forms of abuse. See also International Campaign for Tibet, "Tibet at a Turning Point," 6 August 08; Tibetan Centre for Human Rights and Democracy, "Human Rights Situation in Tibet: Annual Report 2008," last visited 20 April 16, 126–63.

⁵⁷The statement is based on Commission staff analysis of Tibetan political protest and imprisonment during the period from 1987 onward. For the period 2008 onward, see, e.g., CECC, 2014 Annual Report, 9 October 14, 180–82; CECC, 2013 Annual Report, 10 October 13, 179–81; CECC, 2011 Annual Report, 10 October 11, 212–13, 216–17, 219–20; CECC, 2010 Annual Report, 10 October 10, 224–29; CECC, 2009 Annual Report, 10 October 09, 290–99; CECC, 2008 Annual Report, 31 October 08, 183–85, 194–99; CECC, "Special Topic Paper: Tibet 2008–2009," 22 October 09, 56–86; The Crisis in Tibet: Finding a Path to Peace, Hearing of the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, U.S. Senate, 23 April 08, Testimony of Steven Marshall, Congressional-Executive Commission on China, Senior Advisor and Prisoner Database Program Director. For analysis on Tibetan political detention from 1987–2001, see, e.g., Steven D. Marshall, *In the Interests of the State: Hostile Elements III—Political Imprisonment in Tibet, 1987–2001* (London: Tibet Information Network, 2002); Steven D. Marshall, *Rukhag 3: The Nuns of Drapchi Prison* (London: Tibet Information Network, 2000); Steven D. Marshall, *Hostile Elements—A Study of Political Imprisonment in Tibet: 1987–1998* (London: Tibet Information Network, 1999). See also U.S. Policy Considerations on the 40th Anniversary of the Tibetan Uprising and the Dalai Lama's Flight Into Exile, Hearing of the Committee on International Relations, U.S. House of Representatives, 11 March 99, Testimony of Steven Marshall, Tibet Information Network.

⁵⁸See, e.g., Jiang Jie and Li Ruohan, "Dalai Lama Not Religious Leader: Official," *Global Times*, 8 March 16; "China Official Says Dalai Lama 'Making a Fool' of Buddhism," *Reuters*, 28 March 16. For additional information on Zhu Weiqun, see *China Directory 2012* (Tokyo: Radiopress, December 2011), 7, 17, 27. Prior to Zhu Weiqun's current Chinese People's Political Consultative Conference post, he held senior Party positions including membership on the Communist Party Central Committee, Executive Deputy Head of the Party's United Front Work Department, and Director of the Party's General Office of the Central Coordinating Group for Tibet Affairs.

⁵⁹See, e.g., Edward Wong, "Communist Party Warns Secret Dalai Lama Followers in Its Ranks," *New York Times*, 11 November 15; Simon Denyer, "China Accuses Party Members of Support for Dalai Lama and Even Terrorism," *Washington Post*, 4 December 15.

⁶⁰See, e.g., "Deadline Nears in County in China's Sichuan for Surrender of Dalai Lama Photos," *Radio Free Asia*, 2 February 16; Emily Rauhala, "China's Plan To 'Liberate' a Cradle of Tibetan Culture," *Washington Post*, 14 December 15.

⁶¹See, e.g., Edward Wong, "Communist Party Warns Secret Dalai Lama Followers in Its Ranks," *New York Times*, 11 November 15; "China Says Graft Fight in Tibet Also Aimed at Religion," *Reuters*, 9 November 15.

⁶²"English Edition of Global Times Launched," *People's Daily*, 20 April 09. The *People's Daily* article describes the *Global Times* as "[o]perating under the *People's Daily*." *China Directory 2014* (Tokyo: Radiopress, December 2013), 3, 21. *China Directory* shows the *People's Daily* as directly subordinate to the Communist Party Central Committee.

⁶³*China Directory 2014* (Tokyo: Radiopress, December 2013), 6, 432–33. *China Directory* provides the name "Padma Choling," rather than Pema Choling.

⁶⁴Jiang Jie and Li Ruohan, "Dalai Lama Not Religious Leader: Official," *Global Times*, 8 March 16.

⁶⁵Edward Wong, "Communist Party Warns Secret Dalai Lama Followers in Its Ranks," *New York Times*, 11 November 15 ("pretend not to be religious"; "follow the clique"); Simon Denyer, "China Accuses Party Members of Support for Dalai Lama and Even Terrorism," *Washington Post*, 4 December 15 ("secretly believe"). See also "China Says Graft Fight in Tibet Also Aimed at Religion," *Reuters*, 9 November 15.

⁶⁶Edward Wong, “Communist Party Warns Secret Dalai Lama Followers in Its Ranks,” *New York Times*, 11 November 15. See also Simon Denyer, “China Accuses Party Members of Support for Dalai Lama and Even Terrorism,” *Washington Post*, 4 December 15; “China Says Graft Fight in Tibet Also Aimed at Religion,” *Reuters*, 9 November 15.

⁶⁷“Chinese Authorities Slap New Constraints on Tibetan Buddhist Monasteries,” *Radio Free Asia*, 29 March 16.

⁶⁸“Deadline Nears in County in China’s Sichuan for Surrender of Dalai Lama Photos,” *Radio Free Asia*, 2 February 16;

⁶⁹“Chinese Authorities Slap New Constraints on Tibetan Buddhist Monasteries,” *Radio Free Asia*, 29 March 16. According to the report, one of the restrictions required that “all statues and photos of the Dalai Lama be removed from shrines and temples” and warned that violators “could be handed over to authorities for prosecution.”

⁷⁰Mandala, “What Is a Geshe?” April–May 2007. According to the article, a Geshe degree is “a scholastic degree in large monastic universities that can take two decades or more to complete.”

⁷¹Tibetan Centre for Human Rights and Democracy, “Abbot and Senior Monk Detained for Holding Prayer for Dalai Lama’s Health,” 8 February 16. For more information, see the Commission’s Political Prisoner Database records 2016-00039 on Orgyen and 2016-00040 on Paga.

⁷²*Ibid.* See also Richard Finney, “Two Monks Detained in Sichuan Over Dalai Lama Prayers,” *Radio Free Asia*, 11 February 16. For more information, see the Commission’s Political Prisoner Database records 2016-00039 on Orgyen and 2016-00040 on Paga.

⁷³“Over a Thousand Tibetans Gather in Kardze To Pray for Dalai Lama’s Health,” *Radio Free Asia*, 27 January 16.

⁷⁴Tibetan Centre for Human Rights and Democracy, “Abbot and Senior Monk Detained for Holding Prayer for Dalai Lama’s Health,” 8 February 16. See also “Over a Thousand Tibetans Gather in Kardze To Pray for Dalai Lama’s Health,” *Radio Free Asia*, 27 January 16. RFA reported “hundreds of Tibetan men, women, and children seated before a large shrine at the monastery and praying before a large image of the Dalai Lama,” and noted that as of the report date there had been no “crackdown” as a result of the gathering.

⁷⁵“Tibetan Monk Jailed for Two Years Over Dalai Lama Photo,” *Radio Free Asia*, 22 February 16. RFA reported that security officials detained Choephel (“Gomar Choephel”) on July 10, 2015, for having an image of the Dalai Lama in his personal possession and sharing one via social media. See also Tibetan Centre for Human Rights and Democracy, “Monk Sentenced to Two Years for Keeping and Sharing Dalai Lama’s Photos,” 24 February 16. TCHRD reported that prosecutors charged him with having “threatened social stability” and “engaged in separatist activities.” For more information on Choephel, see the Commission’s Political Prisoner Database record 2015-00340.

⁷⁶“China Publishes Living Buddhas’ Bios for Authentication,” *Xinhua*, 28 April 16; “China Living Buddha Database Nearly Complete,” *Global Times*, 29 April 16. For a detailed discussion of the “living Buddha” database, see International Campaign for Tibet, “The ‘Poisonous Fruit’ of Tibet’s Religious Policy as China Publishes ‘Living Buddha’ Database,” 2 May 16.

⁷⁷Olivia Geng and Josh Chin, “China Launches Living-Buddha Authentication Site, Dalai Lama Not Included,” *Wall Street Journal*, *China Real Time Report* (blog), 19 January 16. As of August 1, 2016, Commission staff observed no subsequent reports indicating that the Buddhist Association of China subsequently added the Dalai Lama to the database.

⁷⁸“China Living Buddha Database Nearly Complete,” *Global Times*, 29 April 16. According to the *Global Times* report, “The [BAC] said that there will not be major changes to the database’s inquiry system in the near future. . . .” For a detailed discussion of the database, see International Campaign for Tibet, “The ‘Poisonous Fruit’ of Tibet’s Religious Policy as China Publishes ‘Living Buddha’ Database,” 2 May 16.

⁷⁹“China Living Buddha Database Nearly Complete,” *Global Times*, 29 April 16.

⁸⁰Tibetan Centre for Human Rights and Democracy, “Document Exposes Intensification of State-Sanctioned Religious Repression in Troubled Tibetan County,” 9 November 15. An image of an official stamp on the document displays the date September 9, 2015.

⁸¹*Ibid.* An image of the first page of the notice displays Tibetan and Chinese text for Biru (Driru) County People’s Government.

⁸²*Ibid.* A TCHRD caption for an image on the first page of the Tibetan-language “Document No. 224” refers to the document as “the Notice.”

⁸³*Ibid.* According to the TCHRD report, the document “identifies and targets 24 activities” to be “purged and reformed” at county monastic institutions.

⁸⁴*Ibid.* According to the TCHRD report, the notice asserted the local government’s “sole right to recognize and appoint reincarnate or other prominent religious personalities.”

⁸⁵*Ibid.* According to the TCHRD report, the measures would: “[intensify] attempts to replace religious vows of monks and nuns with state ideology by making political education mandatory”; provide “easier” admission for monastic applicants demonstrating “support and loyalty” toward the Communist Party and government; mandate “political education” for monks and nuns every Thursday; and apply “restrictions” on monastic travel for religious study beyond a “hometown.”

⁸⁶*Ibid.* According to the TCHRD report: “Chinese authorities will control all financial activities of religious institutions”; and “restrictions” will apply to donations or loans that monastic institutions and senior monastic figures could give to “victims of natural disasters” or “poor Tibetans.”

⁸⁷*Ibid.* According to the TCHRD report, possible punitive measures resulting from noncompliance or inadequate compliance with the measures could include the following: shutdown of a monastic institution; decreasing the number of monks and nuns permitted at a monastic institution and a four-year ban on new enrollment; salary reductions for reincarnated teachers (*trulhus*), abbots, and senior teachers; salary cuts for six months and political education for two months for members of Monastery Management Committees; warning, blacklisting, firing, and a ban for two years on harvesting *cordyceps sinensis* for heads of village committees or village

Party committees if lay residents of villages are “lenient” in implementing the measures; and six months’ political education, a ban for two to three years on harvesting *cordyceps sinensis*, and loss of government subsidies and welfare benefits for parents or families of monks or nuns who “break the regulation.” For additional information on banning harvesting *cordyceps sinensis* see CECC, 2015 Annual Report, 8 October 15, 305; CECC, 2014 Annual Report, 9 October 14, 178.

⁸⁸Tibetan Centre for Human Rights and Democracy, “Mass Expulsion of Nuns and Land Grabbing in Tibet’s Diru County,” 13 October 15. According to the TCHRD report, officials expelled 100 nuns from Jada Gaden Khachoeing during a three-day period beginning on September 27, 2015. TCHRD did not explicitly state that the nuns were unregistered. “Chinese Authorities Expel Nuns From Jada Convent in Tibet,” Radio Free Asia, 10 November 15. According to RFA, officials expelled 106 nuns from “Jada Garden Khacheoling” during the period September 30–October 5 “on the pretexts of not possessing the proper documents and exceeding the number of nuns that authorities permitted to live in the nunnery.”

⁸⁹Edward Wong, “Tibetan Groups Upset Over China’s Demolition Work at Buddhist Institute,” New York Times, 27 July 16. According to the NYT report, “In the Tibetan regions ruled by China, one religious institute stands out—Larung Gar . . . It has been described as the largest Buddhist institute on the planet.” Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16. TCHRD described the “Serthar Larung Gar Buddhist Institute” as a “famed Tibetan Buddhist encampment.” International Campaign for Tibet, “Demolitions Begin at Larung Gar, ‘Monastery for the World,’ as Religious Teachers Urge Calm,” 25 July 16. ICT described Larung Gar as “one of the most important centers of Tibetan Buddhism worldwide.”

⁹⁰Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16; “Massive Cuts Planned for Tibetan Buddhist Center in Sichuan,” Radio Free Asia, 7 June 16. See also International Campaign for Tibet, “Demolitions Begin at Larung Gar, ‘Monastery for the World,’ as Religious Teachers Urge Calm,” 25 July 16.

⁹¹Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16. According to the TCHRD report, “More than 20,000 monastic and lay practitioners live permanently at Larung Gar.” Multiple Radio Free Asia reports described the scale of the reduction as “about half to a maximum of 5,000.” See, e.g., “Larung Gar Monks, Nuns Forced To Return to Their Family Homes,” Radio Free Asia, 11 August 16; “Tibetan Nun Commits Suicide at Buddhist Complex in China’s Sichuan Province,” Radio Free Asia, 8 August 16; “Destruction Proceeds at Larung Gar, With at Least 600 Structures Torn Down So Far,” Radio Free Asia, 29 July 16.

⁹²Human Rights Watch, “Serta County Order on Larung Gar Monastery,” 9 June 16. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” According to the HRW translation, the document states: “The limit of 5,000 total members of the camp must be maintained . . .” and that the limit must be attained by September 30, 2017. Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16.

⁹³Human Rights Watch, “Serta County Order on Larung Gar Monastery,” 9 June 16. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” According to the HRW translation, the document states: “The limit of 5,000 total members of the camp must be maintained, of whom not more than 1,000 can come from other provinces,” and that the limit must be attained by September 30, 2017. For information on the Tibetan autonomous areas that are not in Sichuan province, see CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 22, 24. The areas include the Tibet Autonomous Region; Haibei (Tsojiang) Tibetan Autonomous Prefecture (TAP), Hainan (Tsolho) TAP, Haixi (Tsonub) Mongol and Tibetan AP, Huangnan (Malho) TAP, Guoluo (Golog) TAP, and Yushu (Yushul) TAP in Qinghai province; Gannan (Kanlho) TAP and Tianzhu (Pari) Tibetan Autonomous County in Gansu province; and Diqing (Dechen) TAP in Yunnan province.

⁹⁴Human Rights Watch, “Serta County Order on Larung Gar Monastery,” 9 June 16. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” The incomplete document lists several tasks with completion dates that are characterized in the title as “Correction and Rectification Obligations.”

⁹⁵Ibid. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” According to the HRW translation of “Responsibility Six,” a “main duty” is to “divide the [monastic] camp from the lay practitioners and demolish any construction within 30 [meters], to make a gap,” and to complete the task by July 31, 2016. Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16.

⁹⁶Human Rights Watch, “Serta County Order on Larung Gar Monastery,” 9 June 16. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” The HRW translation of “Responsibility Five” stipulates as a “main duty” to establish “camera surveillance and entry screening procedures and putting them to use,” and to complete the task by August 31, 2016. Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16.

⁹⁷Human Rights Watch, “Serta County Order on Larung Gar Monastery,” 9 June 16. The HRW report provides what it entitles as a “Provisional translation of extracts from ‘Correction and rectification obligations for the Larung monastery Buddhist Institute in Serta county.’” The HRW translation of “Responsibility Six,” item 2, refers to the 30-meter “gap” and stipulates:

“The gap must be sealed with ladders of notched logs [?],” and to complete the task by September 30, 2016. (Commission staff familiar with traditional Tibetan construction interprets “ladders of notched logs [?]” as a possible reference to very steep, narrow wooden steps; such steps could be used to cross over a barrier wall.) For a description that refers to constructing a “wall” within the “gap,” see Tibetan Centre for Human Rights and Democracy, “China Issues Demolition Order on World’s Largest Religious Town in Tibet,” 15 June 16. “The sixth point in the demolition order calls for the separation of lay practitioners from the monastics . . . Before 31 July 2016, the houses built between the monastics and lay practitioners, an area of 30 meters, will be demolished. Before 30 September 2016, walls will be constructed between them.”

⁹⁸Edward Wong, “Tibetan Groups Upset Over China’s Demolition Work at Buddhist Institute,” *New York Times*, 27 July 16.

⁹⁹Commission staff analysis. A Commission staffer who traveled widely in the Tibetan autonomous areas of China from the mid-1980s to mid-1990s and visited several of the monasteries featured in the ICT report regarded the images of gatherings depicted in the ICT report as remarkable in the context of current Communist Party policy and government regulations. For information on Tibetan autonomous areas outside the Tibet Autonomous Region in the mid-1990s, see Steven Marshall and Susette Cooke, *Tibet Outside the TAR: Control, Exploitation and Assimilation: Development With Chinese Characteristics* (Washington, DC: Self-published CD-ROM, 1997).

¹⁰⁰International Campaign for Tibet, “Thousands of Tibetans Gather Across Tibet To Mark Prayer Festival; Lockdown of TAR to Foreign Tourists,” 25 February 16. The ICT report provided images of Qinghai province monasteries including Kubum Monastery (“Kumbum”), located in Huangzhong (Rushar) county, Xining municipality; Rongbo Monastery, located in Tongren (Rebgong) county, Huangnan (Malho) Tibetan Autonomous Prefecture (TAP); Ragya Monastery, located in Maqin (Machen) county, Guoluo (Golog) TAP; Dragkar Traldzong Monastery (“Drakar Tredzong”), located in Xinghai (Tsigorhang) county, Hainan (Tsolho) TAP; and Tashi Choekorling Monastery, located in Xunhua (Yadzi) Salar Autonomous County, Haidong prefecture.

¹⁰¹*Ibid.* The ICT report provided images of Gansu province monasteries including Labrang Tashikhyil Monastery, located in Xiahe (Sangchu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture (TAP) and “Chone Monastery” (or Tingdzing Dargyeling), located in Zhuoni (Chone) county, Gannan TAP.

¹⁰²*Ibid.* The ICT report provided an image of Kirti Monastery, located in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province.

¹⁰³*Ibid.* The ICT report provided images of Drepung Monastery, located in Lhasa municipality, Tibet Autonomous Region.

¹⁰⁴*Ibid.* The ICT report identifies the day as Monlam Chenmo. For a Tibetan calendar identifying the date as the 15th day (full moon) of the 1st Tibetan month, see Men-Tsee-Khang, “Calendar,” last visited 6 May 16.

¹⁰⁵International Campaign for Tibet, “Thousands of Tibetans Gather Across Tibet To Mark Prayer Festival; Lockdown of TAR to Foreign Tourists,” 25 February 16. The ICT report noted: “Police in camouflage uniforms were visible amidst the gathering of pilgrims at ceremonies . . .”

¹⁰⁶*Ibid.* According to the ICT report, “Massed ranks of armed troops in riot gear with shields and helmets, and guns strapped against their chests, have been visible at the forefront of images of Monlam Chenmo in the last few years, but did not appear in the pictures received by ICT this week.”

¹⁰⁷*Ibid.*

¹⁰⁸For an example involving an official who formerly was a senior Communist Party official and currently is the Chairperson of the Chinese People’s Political Consultative Conference Ethnic and Religious Affairs Committee, see Zhu Weiqun, “Some Thoughts on Existing Problems in the Field of Nationalities” [Dui dangqian minzu lingyu wenti de jidian sikao], *Study Times*, 13 February 12 (translated in Open Source Center, 20 February 12). In the article, Zhu stated: “Touching on the issue of ethnic development trend, we must talk about the issue of ethnic mingling and amalgamation. . . . Whether from the perspective of benefiting the development and progress of minority nationalities, or from the perspective of benefiting the Chinese Nation’s unanimity, it is imperative to popularize the state’s common spoken and written languages without fail.” See also *China Directory 2014* (Tokyo: Radiopress, December 2013), 154.

¹⁰⁹See, e.g., Edward Wong, “Tibetan Entrepreneur Has Been Illegally Detained, Family Says,” *New York Times*, 10 March 16 (“Mr. Tashi said that he was not advocating Tibetan independence and that he was mainly concerned about cultural preservation.”); Emily Rauhala, “China’s Plan To ‘Liberate’ a Cradle of Tibetan Culture,” *Washington Post*, 14 December 15 (“. . . Tibetan calls for ‘protecting the mother tongue,’ . . . are merely a ‘pretext’ for separatism . . .”); “New Controls on Tibetan Language Study in Qinghai’s Pema County,” *Radio Free Asia*, 20 January 16 (“taking classes in secret due to fear of arrest”).

¹¹⁰See, e.g., “Xi Stresses Unity for Tibet, Vows Fight Against Separatism,” *Xinhua*, 25 August 15.

¹¹¹Gray Tuttle, “China’s Race Problem—How Beijing Represses Minorities,” *Foreign Affairs*, May–June 2015; Columbia University, Department of East Asian Languages and Cultures, “Gray Tuttle,” last visited 22 March 16. According to the Columbia University bio, Gray Tuttle is the Leila Hadley Luce Associate Professor of Modern Tibetan Studies.

¹¹²“Xi Stresses Unity for Tibet, Vows Fight Against Separatism,” *Xinhua*, 25 August 15.

¹¹³“State-Approved Tibetan Language Classes Held Unhindered in Tawu,” *Radio Free Asia*, 27 January 16 (“series of classes promoting the study of the Tibetan language . . . has gone ahead with apparent state approval”).

¹¹⁴*Ibid.*

¹¹⁵“Tibetan, Muslim Students Join in Protest for Equal Education,” *Radio Free Asia*, 28 January 16.

¹¹⁶*Ibid.*

¹¹⁷“New Controls on Tibetan Language Study in Qinghai’s Pema County,” Radio Free Asia, 20 January 16.

¹¹⁸Ibid.

¹¹⁹“Top Competitors in Tibetan Language Contest in Qinghai Win Car, Cash Awards,” Radio Free Asia, 1 February 16 (“week-long competition testing Tibetan language skills has gone ahead with apparent approval from authorities”).

¹²⁰Ibid. The RFA report identified the association as the “Dzanyin Mother Tongue Promotion Association.”

¹²¹“Tibetan Writer Sentenced to Three Years in Prison in China’s Qinghai Province,” Radio Free Asia, 19 February 16 (“People’s Intermediate Court in Rebgong (in Chinese, Tongren) of Malho (Huangnan) prefecture”). For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²²“Tibetan Writer Sentenced to Three Years in Prison in China’s Qinghai Province,” Radio Free Asia, 19 February 16 (citing “material the government said could incite discord among nationalities”). For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²³Tibetan Centre for Human Rights and Democracy, “Tibetan Writer Sentenced to Three Years Maintains His Innocence,” 22 February 16 (“inciting ethnic hatred during the 2008 uprising”). For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²⁴“Tibetan Writer Sentenced to Three Years in Prison in China’s Qinghai Province,” Radio Free Asia, 19 February 16; Tibetan Centre for Human Rights and Democracy, “Tibetan Writer Sentenced to Three Years Maintains His Innocence,” 22 February 16. For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²⁵“Tibetan Writer Believed To Be Jailed in Northwest China Province,” Radio Free Asia, 8 April 15; “Tibetan Writer Shokjung Arrested in Rebkong,” Voice of America, 8 April 15. For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²⁶For information on the reaction from other Tibetan writers, see, e.g., High Peaks Pure Earth, “Tashi Rabten Remembers Detained Writer Shokjang,” 9 April 15; High Peaks Pure Earth, “My Friend Is Innocent. Return Him! More From Netizens on Detained Writer Shokjang,” 9 April 15. For more information on Druglo (Shogjang (“Shokjang”)), see the Commission’s Political Prisoner Database record 2010-00153.

¹²⁷Edward Wong, “Tibetan Entrepreneur Has Been Illegally Detained, Family Says,” New York Times, 10 March 16. See also Edward Wong, “Tibetans Fight To Salvage Fading Culture in China,” New York Times, 28 November 15; Edward Wong, “A Showcase of Tibetan Culture Serves Chinese Political Goals,” New York Times, 19 December 15.

¹²⁸Edward Wong, “China Charges Tibetan Education Advocate With Inciting Separatism,” New York Times, 30 March 16. According to the New York Times report, a “police document” specified the charge of “inciting separatism.” See PRC Criminal Law [Zhonghua renmin gongheguo xing fa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 103. According to Article 103(2), “Whoever incites others to split the State or undermine unity of the country shall be sentenced to fixed-term imprisonment of not more than five years, . . .”

¹²⁹Edward Wong, “Police in China Push for Trial of Tibetan Education Advocate,” New York Times, 30 August 16. According to the report, “Mr. Tashi’s case entered a new phase on Thursday, when the police concluded an additional investigation at the prosecutors’ request and handed over those results.”

¹³⁰Edward Wong, “Tibetan Entrepreneur Has Been Illegally Detained, Family Says,” New York Times, 10 March 16. See also Edward Wong, “Tibetans Fight To Salvage Fading Culture in China,” New York Times, 28 November 15; Edward Wong, “A Showcase of Tibetan Culture Serves Chinese Political Goals,” New York Times, 19 December 15.

¹³¹Edward Wong, “Tibetans Fight To Salvage Fading Culture in China,” New York Times, 28 November 15. See also Edward Wong, “Tibetan Entrepreneur Has Been Illegally Detained, Family Says,” New York Times, 10 March 16; Edward Wong, “A Showcase of Tibetan Culture Serves Chinese Political Goals,” New York Times, 19 December 15.

¹³²Edward Wong, “Tibetan Entrepreneur Has Been Illegally Detained, Family Says,” New York Times, 10 March 16.

¹³³“Tibetan Monk Detained, Warned Over Plans To Publish Book,” Radio Free Asia, 6 January 16 (“taken into custody on Nov. 7”); “Tibetan Monk Arrested, Warned Against Publication of Book,” Phayul, 6 January 16 (“arrested on the morning of Dec 18”).

¹³⁴Ibid.

¹³⁵“Tibetan Monk Detained, Warned Over Plans To Publish Book,” Radio Free Asia, 6 January 16; “Tibetan Monk Arrested, Warned Against Publication of Book,” Phayul, 6 January 16 (book “documents his experience of his escape to India in 1994 over 54 days”).

¹³⁶Ibid.

¹³⁷For information in recent Commission Annual Reports on the Chinese Communist Party and government approach to economic development in autonomous Tibetan areas of China, see CECC, 2015 Annual Report, 8 October 15, 298–300; CECC, 2014 Annual Report, 9 October 14, 182–83; CECC, 2013 Annual Report, 10 October 13, 184; CECC, 2012 Annual Report, 10 October 12, 165–66; and CECC, 2011 Annual Report, 10 October 11, 214–19.

¹³⁸See, e.g., “Chinese Communist Party Central Committee Political Bureau Convenes Meeting To Study, Promote Work on Tibet’s Development by Leaps and Bounds and Long-Term Order and Stability—Chinese Communist Party Central Committee General Secretary Hu Jintao Presides Over the Meeting” [Zhonggong zhongyang zhengzhiju zhaokai huiyi—yanjiu tuijin xizang kuayueshi fazhan he changzhi jiu’an gongzuo—zhonggong zhongyang zongshuji hu

jintao zhuchi huiyi], Xinhua, 8 January 10 (translated in Open Source Center, 8 January 10); Qin Jiaofeng, Gama Duojin, and Quan Xiaoshu, “Make Every Effort To Promote Leapfrog Development in Tibet Through Adherence to ‘Chinese Characteristics and Tibetan Traits’—Interview With National People’s Congress Deputy and Tibet Autonomous Region Chairman Baima Chilin” [Jianchi “zhongguo tese, xizang tedian” licu xizang kuayueshi fazhan—fang quanguo renda daibiao, xizang zizhi qu zhuxi baima chilin], Xinhua, 10 March 10 (translated in Open Source Center, 10 March 10). For information on developments at the January 2010 Fifth Tibet Work Forum, see “Communist Party Leadership Outlines 2010–2020 ‘Tibet Work’ Priorities at Fifth Forum,” CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10.

¹³⁹“China Focus: Tibet Targets Double-Digit Growth in 2016,” Xinhua, 27 January 16. According to the report, the Tibet Autonomous Region GDP (gross domestic product) grew 11 percent in 2015 and maintained “double-digit growth over the past 22 years.”

¹⁴⁰Ibid. According to the report, the [average] “per capita disposable income” of “farmers and herdsmen” in the Tibet Autonomous Region was 7,359 yuan, an increase of 10.9 percent over the previous year; the [average] “per capita disposable income” of urban residents was 22,016 yuan. The report did not provide a percent increase over 2014 for the rise in urban residents’ income.

¹⁴¹See, e.g., Edward Wong, “China Charges Tibetan Education Advocate With Inciting Separatism,” *New York Times*, 30 March 16 (Tashi Wangchug (“Tashi Wangchuk”): “Tibetans need to protect their culture”); International Campaign for Tibet, “New Solo Protest by Young Man in Ngaba Is Part of Emerging Trend,” 21 December 15 (religious leaders “urged Tibetans to protect their lives so that they can protect their culture and religion”); Gray Tuttle, “China’s Race Problem—How Beijing Represses Minorities,” *Foreign Affairs*, May–June 2015 (referring to protection of “cultural traditions”: “such protections . . . are rarely honored”).

¹⁴²See, e.g., Edward Wong, “China Charges Tibetan Education Advocate With Inciting Separatism,” *New York Times*, 30 March 16 (Tashi Wangchug (“Tashi Wangchuk”): “Mr. Tashi has been most vocal about language education, . . .”); International Campaign for Tibet, “Hotel Restaurant Closed Down by Authorities After Staff Threatened With Fine for Speaking Tibetan,” 14 January 16 (“netizens . . . were making a broader point on concern for their language”); Gray Tuttle, “China’s Race Problem—How Beijing Represses Minorities,” *Foreign Affairs*, May–June 2015 (“although the government putatively seeks to preserve and respect the Tibetan language, in practice Beijing has sought to marginalize it”).

¹⁴³Tibetan Centre for Human Rights and Democracy, “Document Exposes Intensification of State-Sanctioned Religious Repression in Troubled Tibetan County,” 9 November 15 (Biru (Driru) county regulation: “identifies and targets 24 activities through which religious institutions . . . will be ‘purged and reformed’”); Li Ruohan, “Fake Buddhas Back Separatists: Official,” *Global Times*, 7 December 15 (Some [trulkus] “bypass the official approach . . . without applying for permission from the country’s department of religious affairs”); Shi Lei and Xiao Tao, “Tibet CPC Standing Committee Listen to Report on Cadre Stationing in Village, Campaign for Model Harmonious Monastery, Patriotic, Law-Abiding, Advanced Monks and Nuns, ‘Advanced Double-Link Household’ and Preparation for Recognition Conference; Firmly Deepen Successful Practice of Managing Border and Stabilizing Tibet, Lay Solid Foundation for Economic and Social Development and Long-Term Peace and Stability; Chen Quanguo Presides Over Meeting” [Zizhiqu dangwei changweihui tingqu ganbu zhu cun—hexie mofan simiao ji aiguo shoufa xianjin sengni chuanguan pingxuan huodong—“xianjin shuang lian hu” chuanguan jian pingxuan gongzuo zongjie ji biao Zhang hui choubei qingkuang huibao—jianding buyi ba zhi bian wen zang de chengong shijian yinxiang shenru—wei jingji shehui fazhan he changzhi jiu’an daxia jianshi jichu], *Tibet Daily*, 13 November 15 (summarized in Open Source Center, 13 November 15) (describes status of “campaign of striving to become a model harmonious monastery and law-abiding monks and nuns”).

¹⁴⁴Jane Qiu, “Trouble in Tibet,” *Nature*, Vol. 529, No. 7585, 13 January 16, 143 (“policies are harming the environment and the herders”); International Campaign for Tibet, “New Report Reveals Global Significance of Tibet, Earth’s Third Pole, and Challenges China’s Policies,” 8 December 15 (“China’s policies are re-shaping the landscape of the earth’s highest and largest plateau with devastating consequences.”); International Campaign for Tibet, “Blue Gold From the Highest Plateau: Tibet’s Water and Global Climate Change,” last visited 26 February 16, 10 (“Large-scale mining . . . , signaling the remote region’s integration into the Chinese industrial economy, is having a devastating impact, . . .”). The ICT report does not provide a publication date but the ICT press release does so.

¹⁴⁵For examples of Tibetans reportedly detained or imprisoned as a result of questioning Chinese government and Party policies during the Commission’s 2016 reporting year, see, e.g., the Commission’s Political Prisoner Database records 2010-00153 on Drukar Gyal (or Druglo, Shogjang (“Shokjang”), sentenced to three years’ imprisonment in February 2016 for his writing); 2016-00077 on Tashi Wangchug (“Tashi Wangchuk”; detained in January 2016 for criticizing government language and education policy); and 2015-00340 on Choephel (reportedly sentenced in February 2016 to two years’ imprisonment for keeping and sharing images of the Dalai Lama via his cell phone). For examples of Tibetans who reportedly staged solitary political protests during the Commission’s 2016 reporting year, see, e.g., records 2016-00080 on Mangga (detained in March 2016); 2016-00065 on Jamyang Dorje (detained in February 2016); 2015-00480 on Tashi Dondrub (detained in December 2015); 2015-00153 on Gedun Phuntsog (sentenced in December 2015 to four years’ imprisonment for protesting in March 2015); 2015-00159 on Lobsang Kalsang (sentenced in November 2015 to three years and six months’ imprisonment for protesting in March 2015); 2015-00411 on Jampa Sengge (detained in November 2015); and 2015-00376 on Tashi (detained in October 2015).

¹⁴⁶For additional information on the Sichuan-Tibet railway and other railway construction in Tibetan autonomous areas, see “Sichuan-Tibet Railway Work To Start, Impact May Far Surpass Qinghai-Tibet Railway,” CECC China Human Rights and Rule of Law Update, No. 5, 2009, 1; CECC, “Special Topic Paper: Tibet 2008–2009,” 22 October 09, 46–53; CECC, 2015 Annual Re-

port, 8 October 15, 299; CECC, 2012 Annual Report, 10 October 12, 165–66; CECC, 2011 Annual Report, 10 October 11, 217–18; CECC, 2010 Annual Report, 10 October 10, 223; CECC, 2008 Annual Report, 31 October 08, 193.

¹⁴⁷ Christopher Bodeen, “Tibet’s Governor Praises Plans for 2nd Railway Line to Lhasa,” Associated Press, 7 March 16, reprinted in Washington Post.

¹⁴⁸ “China Approves New Railway in Tibet,” Xinhua, 31 October 14.

¹⁴⁹ “Construction Begins on Chengdu-Ya’an Section of Sichuan-Tibet Railway,” Xinhua, 6 December 14. According to the report, work on the Sichuan province portion of the railway began on the report’s publication date: Saturday, December 6, 2014. “Construction of Lhasa-Nyingchi Railway Begins,” Xinhua, 19 December 14. According to the report, work on the Tibet Autonomous Region portion of the railway began on the report’s publication date: Friday, December 19, 2014.

¹⁵⁰ Christopher Bodeen, “Tibet’s Governor Praises Plans for 2nd Railway Line to Lhasa,” Associated Press, 7 March 16, reprinted in Washington Post. According to the report, Lobsang Gyaltsen (“Losang Jamcan”), Chairman of the Tibet Autonomous Region People’s Government, stated that completion of the railway will bring “even more economic benefits, even more prosperity.” China Directory 2014 (Tokyo: Radiopress, December 2013), 9, 432–33. According to the China Directory, Lobsang Gyaltsen (Losang Gyaltsen, *Luosang Jiangcun*) was an alternate member of the Central Committee of the Chinese Communist Party, a Deputy Secretary of the TAR Communist Party Committee, and the Chairperson of the TAR People’s Government.

¹⁵¹ Ibid. According to the report, Pema Choling (“Padma Choling”), Chairman of the Tibet Autonomous Region People’s Congress, dismissed “worries about the environment” and said the Tibetan environment was “well protected.” China Directory 2014 (Tokyo: Radiopress, December 2013), 6, 37, 432–33. According to the China Directory, Pema Choling (Padma Choling, *Baima Chilin*) was a member of the Central Committee of the Chinese Communist Party, a Vice-Chairperson of the Nationalities Committee of the National People’s Congress, a Deputy Secretary of the TAR Communist Party Committee, and the Chairperson of the Standing Committee of the TAR People’s Congress.

¹⁵² Huang Xing, “State Council Approves and Agrees to Removal of Duilongdeqing’s County Status and Confers District Status” [Guowuyuan pifu tongyi lasa shi duilongdeqing xian che xian she qu], Xinhua, 28 November 15.

¹⁵³ International Campaign for Tibet, “Crossing the Line: China’s Railway to Lhasa, Tibet,” last visited 29 March 16, 60. The map shows that the railway would enter Duilongdeqing (Toelung Dechen) county through its northwest corner and exit from the southeast corner. The ICT website indicates that the report’s publication date was September 1, 2003, but the report does not contain a publication date. For a dated press release, see International Campaign for Tibet, “New ICT Report Finds Tibet Railway Built for Political, Not Economic Reasons,” 2 September 03.

¹⁵⁴ Huang Xing, “State Council Approves and Agrees to Removal of Duilongdeqing’s County Status and Confers District Status” [Guowuyuan pifu tongyi lasa shi duilongdeqing xian che xian she qu], Xinhua, 28 November 15. The Commission has not observed any report of a third urban district established in the Tibet Autonomous Region (TAR) and, specifically, has not observed any report of an urban district established in Changdu (Chamdo), Rikaze (Shigatse), or Linzhi (Nyingtri), the other three municipalities in the TAR. See CECC, 2015 Annual Report, 8 October 15, 299; Wang Shoubao and Zhang Jingpin, “Tibet Qamdo Prefecture Revocation and Establishment of Municipality Obtains State Council Approval” [Xizang changdu diqu che di she shi huo guowuyuan pifu], Xinhua, 3 November 14; “New City Inaugurated in China’s Tibet,” Xinhua, 19 December 14 (“Xigaze . . . the third prefecture-level city in the region”); “New City To Be Established in China’s Tibet,” Xinhua, 3 April 15 (“Nyingchi . . . the fourth prefecture-level city in the region”).

¹⁵⁵ Based on 2000 and 2010 ethnic census data, the Han population in Lhasa municipality increased 50.2 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (Han population of Lhasa municipality in 2000: 80,584); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (Han population of Lhasa municipality in 2010: 121,065).

¹⁵⁶ See, e.g., CECC, 2006 Annual Report, 20 September 06, 166–69; “Qinghai-Tibet Railway Statistics Add to Confusion, Mask Impact on Local Population,” Congressional-Executive Commission on China, 4 March 10; “First Passenger Trains to Lhasa Sold Out,” CECC China Human Rights and Rule of Law Update, June 2006, 15–18.

¹⁵⁷ Based on 2000 and 2010 ethnic census data, the total population in the Chengguan district of Lhasa municipality increased 25.1 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (total population of Chengguan district in 2000: 223,001); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (total population of Chengguan district in 2010: 279,074).

¹⁵⁸ Based on 2000 and 2010 ethnic census data, the Han population in the Chengguan district of Lhasa municipality increased 40.5 percent. Tabulation on Nationalities of 2000 Population

Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (Han population of Chengguan district in 2000: 76,581); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (Han population of Chengguan district in 2010: 107,607).

¹⁵⁹Based on 2000 and 2010 ethnic census data, the total population in Duilongdeqing (Toelung Dechen) county increased 28.9 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (total population of Duilongdeqing in 2000: 40,543); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (total population of Duilongdeqing in 2010: 52,249).

¹⁶⁰Based on 2000 and 2010 ethnic census data, the Han population in Duilongdeqing (Toelung Dechen) county increased 268.6 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (Han population of Duilongdeqing in 2000: 1,868); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (Han population of Chengguan district in 2010: 6,886).

¹⁶¹Based on 2000 and 2010 ethnic census data, the TAR total population increased 14.7 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (total population of TAR in 2000: 2,616,329); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (total population of TAR in 2010: 3,002,165).

¹⁶²Based on 2000 and 2010 ethnic census data, the Han population in the Tibet Autonomous Region (TAR) increased 54.7 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–1, 632 (Han population of the TAR in 2000: 158,570); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–1, 975 (Han population of the TAR in 2010: 245,263).

¹⁶³Based on 2000 and 2010 ethnic census data, the Tibetan population in the Tibet Autonomous Region (TAR) increased 11.9 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–2, 682 (Tibetan population of the TAR in 2000: 2,427,168); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–2, 1035 (Tibetan population of the TAR in 2010: 2,716,388).

¹⁶⁴Based on 2000 and 2010 ethnic census data, the Tibetan population in Lhasa municipality increased about 10.8 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10–2, 682 (Tibetan population of Lhasa municipality in 2000: 387,124); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10–2, 1035 (Tibetan population of Lhasa municipality in 2010: 429,104).

¹⁶⁵Based on 2000 and 2010 ethnic census data, the Tibetan population in Lhasa's Chengguan district increased about 16.6 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department

of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10-2, 682 (Tibetan population of the Chengguan district in 2000: 140,387); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10-2, 1035 (Tibetan population of the Chengguan district in 2010: 163,725).

¹⁶⁶Based on 2000 and 2010 ethnic census data, the Tibetan population in Duilongdeqing (Toelung Dechen) county increased about 16.4 percent. Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10-2, 682 (Tibetan population of Duilongdeqing in 2000: 38,455); Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Table 10-2, 1035 (Tibetan population of Duilongdeqing in 2010: 44,768).

¹⁶⁷Two factors have made accessing ethnic census data more difficult. One is that Tibet Autonomous Region (TAR) statistical yearbooks after 2009 ceased reporting population data at prefectural or county levels. The other is that the Tabulation on Nationalities of 2010 Population Census of China, as accessed by the Commission, provided data tables only in Chinese. The Tabulation on Nationalities of 2000 Population Census of China provided a bilingual Chinese and English edition. As of April 2016, the Commission had not located a bilingual edition of the 2010 ethnic census. See also box on “TAR Statistics Show Little Increase in Non-Tibetan Population After Qinghai-Tibet Railway Startup” in CECC, Special Topic Paper: Tibet 2008–2009, 22 October 09, 45–46.

¹⁶⁸China Population Statistics Yearbook 1991 [Zhongguo renkou tongji nianjian], National Bureau of Statistics of China, Division of Population Statistics (Beijing: China Statistics Publishing House, April 1992), Table 1-77, 223. Total national population data are available in Table 1-77. Tabulation on China's Nationality (Data of 1990 Population Census) [Zhongguo minzu renkou ziliao (1990 nian renkou pucha shuju)], Department of Population Statistics, State Statistical Bureau, and Department of Economics, State Nationalities Affairs Commission (Beijing: China Statistics House, May 1994), Tables 2-1, 2-4, 241, 359. Ethnic census data for Han population are available in Table 2-1; data for Tibetan population are available in Table 2-4.

¹⁶⁹Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10-1, 10-2, 632, 682. Ethnic census data for the national total population and Han population are available in Table 10-1; data for the Tibetan population are available in Table 10-2.

¹⁷⁰Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Tables 10-1, 10-2, 975, 1035. Ethnic census data for the national total population and Han population are available in Table 10-1; data for Tibetan population are available in Table 10-2.

¹⁷¹China Population Statistics Yearbook 1991 [Zhongguo renkou tongji nianjian], National Bureau of Statistics of China, Division of Population Statistics (Beijing: China Statistics Publishing House, April 1992), Table 1-77, 223. Total national population data are available in Table 1-77. Tabulation on China's Nationality (Data of 1990 Population Census) [Zhongguo minzu renkou ziliao (1990 nian renkou pucha shuju)], Department of Population Statistics, State Statistical Bureau, and Department of Economics, State Nationalities Affairs Commission (Beijing: China Statistics House, May 1994), Tables 2-1, 2-4, 241, 359. Ethnic census data for Han population are available in Table 2-1; data for Tibetan population are available in Table 2-4.

¹⁷²Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10-1, 10-2, 632, 682. Ethnic census data for the national total population and Han population are available in Table 10-1; data for the Tibetan population are available in Table 10-2.

¹⁷³Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Tables 10-1, 10-2, 975, 1035. Ethnic census data for the national total population and Han population are available in Table 10-1; data for Tibetan population are available in Table 10-2.

¹⁷⁴China Population Statistics Yearbook 1991 [Zhongguo renkou tongji nianjian], National Bureau of Statistics of China, Division of Population Statistics (Beijing: China Statistics Publishing House, April 1992), Table 1-77, 223. Total national population data are available in Table 1-77. Tabulation on China's Nationality (Data of 1990 Population Census) [Zhongguo minzu renkou ziliao (1990 nian renkou pucha shuju)], Department of Population Statistics, State Statistical Bureau, and Department of Economics, State Nationalities Affairs Commission (Beijing: China Statistics House, May 1994), Tables 2-1, 2-4, 241, 359. Ethnic census data for Han population are available in Table 2-1; data for Tibetan population are available in Table 2-4.

¹⁷⁵Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State

Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–2, 632, 682. Ethnic census data for the national total population and Han population are available in Table 10–1; data for the Tibetan population are available in Table 10–2.

¹⁷⁶Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Tables 10–1, 10–2, 975, 1035. Ethnic census data for the national total population and Han population are available in Table 10–1; data for Tibetan population are available in Table 10–2.

¹⁷⁷China Population Statistics Yearbook 1991 [Zhongguo renkou tongji nianjian], National Bureau of Statistics of China, Division of Population Statistics (Beijing: China Statistics Publishing House, April 1992), Table 1–77, 223. Total national population data are available in Table 1–77. Tabulation on China's Nationality (Data of 1990 Population Census) [Zhongguo minzu renkou ziliao (1990 nian renkou pucha shuju)], Department of Population Statistics, State Statistical Bureau, and Department of Economics, State Nationalities Affairs Commission (Beijing: China Statistics House, May 1994), Tables 2–1, 2–4, 241, 359. Ethnic census data for Han population are available in Table 2–1; data for Tibetan population are available in Table 2–4.

¹⁷⁸Tabulation on Nationalities of 2000 Population Census of China [2000 nian renkou pucha zhongguo minzu renkou ziliao], Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Tables 10–1, 10–2, 632, 682. Ethnic census data for the national total population and Han population are available in Table 10–1; data for the Tibetan population are available in Table 10–2.

¹⁷⁹Tabulation on Nationalities of 2010 Population Census of China, Volume 1 [Zhongguo 2010 nian renkou pucha fen minzu renkou ziliao shang], Department of Population and Employment Statistics, National Bureau of Statistics of China, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, July 2013), Tables 10–1, 10–2, 975, 1035. Ethnic census data for the national total population and Han population are available in Table 10–1; data for Tibetan population are available in Table 10–2.

¹⁸⁰Tibetan Centre for Human Rights and Democracy, “Mass Expulsion of Nuns and Land Grabbing in Tibet’s Diru County,” 13 October 15. The TCHRD report did not provide information about the purpose of the appropriation or the date when it took place.

¹⁸¹Ibid. According to the TCHRD report, in Biru (Diru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region, “Tibetan families who own big houses are subjected to severe criticisms, following which their houses are destroyed . . . Moreover, Tibetans are ordered to pay for the demolition of their houses and courtyards.” See also “Tibetan Homes Near Lhasa To Be Replaced by Chinese-Style Dwellings,” Radio Free Asia, 4 December 15.

¹⁸²Tibetan Centre for Human Rights and Democracy, “Mass Expulsion of Nuns and Land Grabbing in Tibet’s Diru County,” 13 October 15. According to the TCHRD report, in Biru (Diru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region, “Tibetan families who own big houses are subjected to severe criticisms, following which their houses are destroyed. They are then told to rebuild their houses in accordance to the standards set by the local government.”

¹⁸³“Tibetan Homes Near Lhasa To Be Replaced by Chinese-Style Dwellings,” Radio Free Asia, 4 December 15. According to the RFA report, officials in three counties located in Lhasa municipality—Dazi (Tagtse), Linzhou (Lhundrub), and Mozhugongka (Maldro Gongkar)—ordered the mandatory demolition of “traditional” (i.e., Tibetan style) homes and their replacement with “Chinese-style” homes during a five-year period starting in 2016. Based on the report, in at least one county (Mozhugongka), the government would pay part of the cost and residents would pay the rest.

¹⁸⁴“Chinese Authorities Destroy ‘Over 300’ Tibetan Houses and Shops Near Qinghai Lake,” Radio Free Asia, 21 October 15. According to the October 21 RFA report, between October 16 and the report’s October 21 publication date, authorities demolished “about 300” homes, dwellings, and shops in Trelnag (“Trelnak”) township, Gonghe (Chabcha) county, Hainan (Tsolho) Tibetan Autonomous Prefecture, Qinghai province. The RFA report did not provide information on whether officials characterized the structures as “illegal.” “Destruction of Tibetan Homes Near Qinghai Lake Leaves Over 900 Homeless,” Radio Free Asia, 27 October 15. According to the October 27 RFA report, beginning on October 22, authorities allegedly demolished “over 240” homes in Trelnag township.

¹⁸⁵“Destruction of Tibetan Homes Near Qinghai Lake Leaves Over 900 Homeless,” Radio Free Asia, 27 October 15.

¹⁸⁶“Chinese Authorities Destroy ‘Over 300’ Tibetan Houses and Shops Near Qinghai Lake,” Radio Free Asia, 21 October 15.

¹⁸⁷“Destruction of Tibetan Homes Near Qinghai Lake Leaves Over 900 Homeless,” Radio Free Asia, 27 October 15.

¹⁸⁸“Chinese Police Tear Down More Than 600 ‘Illegal Structures’ at Qinghai Lake,” Radio Free Asia, 3 June 16. The RFA report identified the township as Tanagma (“Tanakma”). Commission map research indicates that the township’s Chinese name is Heimaha.

¹⁸⁹Ibid. See also “Tibetan Homes, Shops Are Torn Down by Police Near Qinghai Lake,” Radio Free Asia, 1 June 16.

¹⁹⁰“Police Attack, Beat Tibetan Protesters at Qinghai Lake,” Radio Free Asia, 23 June 16.

¹⁹¹“Five Tibetan Protesters Are Detained in Chinese ‘Show of Force’ at Qinghai Lake,” Radio Free Asia, 24 June 16. The RFA report named four of the five detainees. For more information, see the Commission’s Political Prisoner Database records 2016-00179 on Lhachen Kyab, 2016-00180 on Jigje Deleg Gyatso (Jigje Delek Gyatso), 2016-00181 on Rinchen Bum, and 2016-00182 on Tashi Drolma.

¹⁹²The Commission’s Political Prisoner Database (PPD) contains 12 records of Tibetans detained in connection with petitioning for the return of land: records 2010-00233 on Jigje Kyab,

2015-00112 on Tsepag, 2015-00359 on Rinchen Dorje, 2015-00360 on Yeshe (or Magyug), 2015-00361 on Phurkho (or Phurgur), 2015-00362 on Sonam Gyatso, 2015-00363 on Shetrug, 2015-00364 on Tsering Kyab, 2015-00365 on Tsering Tashi, 2015-00366 on Patra (or Phagtag), 2015-00367 on Dobe, and 2015-00368 on Tabe.

¹⁹³The September and October 2015 Radio Free Asia reports do not refer to the year “2010” but state that the detentions were “five years ago.” See, e.g., “Two Tibetans Detained in Sichuan After Petition Over Land Grab,” Radio Free Asia, 14 October 15; “A Dozen Tibetans Detained in Sichuan After Reoccupying Grabbed Land,” Radio Free Asia, 24 September 15. According to the September 24 and October 14, 2015, RFA reports, security officials in Ruo’ergai (Dzooge) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, took “at least 12 residents of Dzooge’s Thangkor town into custody.” See also “Five Tibetan Land Protesters Are Freed in Sichuan, With Five Others Held Back,” Radio Free Asia, 6 October 15.

¹⁹⁴See, e.g., “Tibetans Sentenced for Attempt To Retake Community Land,” Radio Free Asia, 11 April 16; “Two Tibetans Detained in Sichuan After Petition Over Land Grab,” Radio Free Asia, 14 October 15.

¹⁹⁵Tibetan Centre for Human Rights and Democracy, “Four Tibetan Land Rights Petitioners Given Suspended Sentence,” 14 April 16. The TCHRD report states, “In accordance with the law on suspended jail sentence, the court added six months each to their sentence terms.” The Commission interprets the statement as possibly indicating that the period of suspension is six months longer than the sentence period. See also “Tibetans Sentenced for Attempt To Retake Community Land,” Radio Free Asia, 11 April 16. For more information, see the Commission’s Political Prisoner Database records 2010-00233 on Jigje Kyab (or Jigme Kyab), 2015-00359 on Rinchen Dorje, 2015-00360 on Yeshe (or Magyug), and 2015-00361 on Phurkho (or Phurgur).

¹⁹⁶Tibetan Centre for Human Rights and Democracy, “Four Tibetan Land Rights Petitioners Given Suspended Sentence,” 14 April 16; “Two Tibetans Detained in Sichuan After Petition Over Land Grab,” Radio Free Asia, 14 October 15; “Five Tibetan Land Protesters Are Freed in Sichuan, With Five Others Held Back,” Radio Free Asia, 6 October 15; “A Dozen Tibetans Detained in Sichuan After Reoccupying Grabbed Land,” Radio Free Asia, 24 September 15.

¹⁹⁷Tibetan Centre for Human Rights and Democracy, “Mass Expulsion of Nuns and Land Grabbing in Tibet’s Diru County,” 13 October 15.

¹⁹⁸Jane Qiu, “Trouble in Tibet,” *Nature*, Vol. 529, No. 7585, 13 January 16.

¹⁹⁹International Campaign for Tibet, “New Report Reveals Global Significance of Tibet, Earth’s Third Pole, and Challenges China’s Policies,” 8 December 15; International Campaign for Tibet, “Blue Gold From the Highest Plateau: Tibet’s Water and Global Climate Change,” last visited 26 February 16. The ICT press release (“New Report Reveals Global Significance . . .”) provides a publication date but the ICT report does not. Tibetan Centre for Human Rights and Democracy, “Wasted Lives: A Critical Analysis of China’s Campaign To End Tibetan Pastoral Lifeways,” May 2015.

²⁰⁰International Campaign for Tibet, “Blue Gold From the Highest Plateau: Tibet’s Water and Global Climate Change,” last visited 26 February 16, 10. The ICT report observed: “A combination of urbanization, intensified militarization linked to China’s strategic aims, infrastructure construction and warming temperatures are creating an ‘ecosystem shift’ in Tibet. This involves irreversible environmental damage, including the predicted disappearance of large areas of grasslands, alpine meadows, wetlands and permafrost on the Tibetan plateau by 2050, with serious implications for environmental security in China and South Asia.” Tibetan Centre for Human Rights and Democracy, “Wasted Lives: A Critical Analysis of China’s Campaign To End Tibetan Pastoral Lifeways,” May 2015, 2, 27. The TCHRD report described itself as “an extended analytical essay, on the perverse outcomes of statist interventions into customary land management practices over a huge area that has been managed sustainably and productively by Tibetan pastoralists for 9000 years,” and offered a “primary recommendation” that “China listen to its pastoralists, and discern their customary strategies for living off uncertainty, in an extreme climate, where 9000 years of human use persisted sustainably until very recently.”

²⁰¹See, e.g., Jane Qiu, “Trouble in Tibet,” *Nature*, Vol. 529, No. 7585, 13 January 16. The *Nature* report cited Tsechoe Dorje (“Tsechoe Dorji”), a Tibetan researcher based in Lhasa asserting, “Having a sweeping grazing policy regardless of geographical variations is a recipe for disasters,” and Wang Shiping, a researcher in Beijing municipality at the Chinese Academy of Sciences (CAS) Institute of Tibetan Plateau Research observing, “A big part of the problem is that the policies are not guided by science, and fail to take account of climate change and regional variations.”

²⁰²International Campaign for Tibet, “Blue Gold From the Highest Plateau: Tibet’s Water and Global Climate Change,” last visited 26 February 16, 10. The ICT report observed: “The Chinese government has accelerated implementation of policies to displace nomadic pastoralists from the vast Tibetan grasslands, a massive social engineering campaign that threatens to eviscerate a sustainable way of life uniquely adapted to the harsh landscape of the high plateau.” See also Tibetan Centre for Human Rights and Democracy, “Wasted Lives: A Critical Analysis of China’s Campaign To End Tibetan Pastoral Lifeways,” May 2015.

²⁰³International Campaign for Tibet, “Blue Gold From the Highest Plateau: Tibet’s Water and Global Climate Change,” last visited 26 February 16, 10. The ICT report asserts: “Large-scale mining in copper, gold, silver, chromium and lithium, signaling the remote region’s integration into the Chinese industrial economy, is having a devastating impact, leading to record levels of water pollution in Tibet. Tibetans who express even moderate concern about the impact of toxic wastes, deforestation, and large-scale erosion risk being imprisoned, tortured, or killed.”

²⁰⁴*Ibid.*, 32. The ICT report cites Wang Weiluo, an engineer and geographer at the University of Dortmund stating, “Dam-building raises the water level of the river which increases the pressure of the water on the ground. This raises the number of geological catastrophes especially since the valleys [of the Himalayas] are so young; landslides or rockslides will already increase as has happened in the Three Gorges dam region.”

²⁰⁵“Chinese Police Clamp Down Tibetan Mining Protesters,” Voice of America, 7 May 16 (“investigation linked pollution from the operation with a mass die-off of aquatic life”); “Tibetans Protest Restart of Operations by Chinese Mining Company,” Radio Free Asia, 9 May 16 (“credible evidence of damage to the fish population”).

²⁰⁶“Tibetan Protests in Ngaba Bring Mining to a Halt ‘For Now,’” Radio Free Asia, 22 June 16 (“Authorities . . . have called a temporary halt to mining activities near a sacred mountain . . .”). See also “Tibetans in Ngaba Warned Over Anti-Mine Protests,” Radio Free Asia, 27 May 16 (“finished road may be used to support Chinese mining operations on nearby sacred mountains”).

²⁰⁷International Campaign for Tibet, “Temporary Halt to Mining After Protest in Eastern Tibet: The Rush To Invest in Tibet’s Lithium,” 9 May 16; “Tibetan Protests in Ngaba Bring Mining to a Halt ‘For Now,’” Radio Free Asia, 22 June 16.

²⁰⁸For information on a halt to mining in 2005, see “Temporary Respite as Mining Halted in Minyak County,” Phayul, 10 May 16 (“In 2005, after wide-spread protests in the same region, mining activities were halted.”). For information on a halt to mining in 2013, see “Chinese Police Clamp Down Tibetan Mining Protesters,” Voice of America, 7 May 16 (“Mining at the location had been postponed since 2013 . . .”); “Tibetans Protest Restart of Operations by Chinese Mining Company,” Radio Free Asia, 9 May 16 (“Activities at the mine were suspended again in 2013 . . .”).

²⁰⁹“Tibetans Protest Restart of Operations by Chinese Mining Company,” Radio Free Asia, 9 May 16 (“Protesters . . . demanded on May 4 that [the company] cease mining activities which it began in the area last month,” . . .).

²¹⁰International Campaign for Tibet, “Temporary Halt to Mining After Protest in Eastern Tibet: The Rush To Invest in Tibet’s Lithium,” 9 May 16 (“the death of the fish occurred after a Chinese company re-started lithium mining”).

²¹¹“Tibetans Protest Restart of Operations by Chinese Mining Company,” Radio Free Asia, 9 May 16 (“Protesters . . . demanded on May 4 that [the company] cease mining activities which it began in the area last month,” . . .).

²¹²International Campaign for Tibet, “Temporary Halt to Mining After Protest in Eastern Tibet: The Rush To Invest in Tibet’s Lithium,” 9 May 16 (“An official document dated May 6 . . . stated that the local authorities were calling a halt to the mining because of ‘environmental problems’” . . .).

²¹³“Tibetans in Ngaba Warned Over Anti-Mine Protests,” Radio Free Asia, 27 May 16 (“On May 20, . . . police officers arrived . . . and warned residents over loudspeakers of ‘serious consequences’” . . .).

²¹⁴“Tibetan Protests in Ngaba Bring Mining to a Halt ‘For Now,’” Radio Free Asia, 22 June 16 (“all work related to the project has been ‘temporarily halted’”).

²¹⁵Tibetan Centre for Human Rights and Democracy, “TCHRD Calls on Chinese Government To Stop Mining at Sacred Mountain,” 7 June 16 (“Rampant open-pit mining activities conducted for more than a decade . . . have faced renewed and sustained protests . . .”); International Campaign for Tibet, “Tibetan Protest Leaders Hospitalized as Chinese Police Suppress Demonstrations in Amchok,” 8 June 16 (“Chinese police beat and detained a number of Tibetan demonstrators . . .”); “Tibetan Anti-Mine Protesters Assaulted, Beaten in Gansu,” Radio Free Asia, 6 June 16 (“protest . . . followed 15 years of frustrated appeals to authorities to halt the mining”).

²¹⁶Tibetan Centre for Human Rights and Democracy, “TCHRD Calls on Chinese Government To Stop Mining at Sacred Mountain,” 7 June 16. According to TCHRD’s translation of the June 3, 2016, Amuqu (Amchog) Township People’s Government circular, it stated in part: “Recently under the instigation of a few evil and corrupt people, a group of masses have illegally gathered to ostensibly protest against what they refer to as destruction of environment. Their protests have hindered gold mining at Nag Deu mine. They have also, in collusion with anti-China forces, indulged in lies and propaganda. These incidents have caused negative influence and serious consequences.”

²¹⁷In addition to the 461 Tibetans detained on or after March 10, 2008, whom courts sentenced to imprisonment are 2 Tibetans believed charged with a crime and tried with an unknown result and 9 Tibetans believed charged (and who may have faced trial).

²¹⁸In addition to the 640 Tibetan political prisoners believed or presumed to be currently detained or imprisoned and who were detained on or after March 10, 2008, the Commission’s Political Prisoner Database recorded, as of August 1, 2016, another 1,244 Tibetan political prisoners detained or imprisoned on or after March 10, 2008, who are believed or presumed to have been released, or who reportedly escaped or died.

²¹⁹Tibetan Buddhists believe that a *trulku* is a teacher who is a part of a lineage of teachers that are reincarnations.

²²⁰All of the 148 sentences to fixed-term imprisonment were judicial.

²²¹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], issued 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 50. A sentence of death with a two-year reprieve may be commuted to life imprisonment upon expiration of the two-year reprieve if a prisoner “commits no intentional crime” during the reprieve. If a prisoner “has truly performed major meritorious service,” then the sentence may be commuted to a fixed-term sentence of 25 years upon expiration of the two-year reprieve. If the prisoner “has committed an intentional crime” during the period of suspension, the death penalty “shall be executed upon verification and approval of the Supreme People’s Court.”

²²²UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16. See also International Campaign for Tibet, “Civil Society Sub-

mission for the 5th Cycle of the United Nations Committee against Torture, Review of the People's Republic of China," 26 October 15.

²²³ UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, 11.

²²⁴ As of August 1, 2016, the Commission's Political Prisoner Database (PPD) contained the following 18 records on Tibetans detained on or after March 10, 2008, and who reportedly died in police custody as a result of police abuse (arranged in reverse chronological order by the date of detention provided): records 2016-00194 on Yudrug Nyima (June 20, 2016); 2015-00035 on Karne (December 7, 2014); 2015-00048 on Bachen Gyalwa (November 2014); 2014-00273 on Jinpa Tharchin (August 12, 2014); 2014-00275 on Lodroe Pasang (August 12, 2014); 2014-00271 on Tsewang Gonpo (August 12, 2014); 2014-00272 on Yeshe (August 12, 2014); 2014-00164 on Tashi Paljor (February 28, 2014); 2014-00068 on Konchog Dragpa (December 2013); 2008-00570 on Ngawang Jamyang (November 23, 2013); 2013-00205 on Kaldo (April 21, 2013); 2014-00261 on Karwang (May 25, 2012); 2013-00200 on Gyarig Thar (March 2012); 2014-00232 on Tsering Gyaltzen (February 9, 2012); 2011-00749 on Tsultrim Gyatso (July 2011); 2009-00240 on Phuntsog Rabten (March 25, 2009); 2009-00037 on Pema Tsepag (January 20, 2009); and 2010-00519 on Kalden (March 10, 2008).

²²⁵ As of August 1, 2016, the Commission's Political Prisoner Database (PPD) contained the following four records on Tibetans detained on or after March 10, 2008, who courts sentenced to imprisonment, and who reportedly died either in prison or soon after release as a result of torture (arranged in reverse chronological order by the date of detention provided): records 2015-00273 on Lobsang Yeshe (May 12, 2014); 2016-00081 on Trigyal (November 24, 2013); 2016-00059 on Goshul Lobsang (June 2010); and 2010-00354 on Tenzin Choedrag (April 2008).

²²⁶ As of August 1, 2016, the Commission's Political Prisoner Database (PPD) contained record 2009-00156 on monk Tashi Zangpo, who police reportedly detained on March 10, 2009, and tortured in custody. He reportedly escaped on March 21, 2009, leaped into a river, and drowned.

²²⁷ For more information on Jigme Gyatso ("Golog Jigme"), see the Commission's Political Prisoner Database record 2008-00587.

²²⁸ China's Pervasive Use of Torture, Hearing of the Congressional-Executive Commission on China, 14 April 16, Written Statement Submitted by Golog Jigme [Jigme Gyatso], Tibetan Buddhist monk, 2–3. In submitted testimony, Jigme Gyatso stated: "Unbelievably, when asked by the Committee about the 'tiger chair' used during police interrogations, a Chinese government official said the chair was for the protection and safety of the detainees. I spent days and nights in such a chair; it was horrific torture." Describing in his testimony how security officials used the device, Jigme Gyatso stated: "I was forced to sit in the 'tiger chair' (also known as the 'iron chair') day and night. This was the worst form of torture I experienced during my three detentions. My arms were handcuffed in front of me on a small metal table, and my legs were bent beneath the seat and strapped to the chair with iron cuffs. My joints suffered horribly and at one point my feet became so swollen that all my toenails fell off. I still have scars on my wrists and ankles from when I was turned backwards in the chair and suspended from the ceiling, for hours at a time."

²²⁹ China's Pervasive Use of Torture, Hearing of the Congressional-Executive Commission on China, 14 April 16, Written Statement Submitted by Sophie Richardson, China Director, Human Rights Watch, "Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China," May 2015, 56.

VI. Developments in Hong Kong and Macau

Hong Kong

During the Commission's 2016 reporting year, the growing influence of the Chinese central government and Communist Party and suspected activity by Chinese authorities in Hong Kong—notably the disappearance, alleged abduction, and detention in mainland China of five Hong Kong booksellers—raised fears regarding Hong Kong's autonomy within China as guaranteed under the “one country, two systems” policy enshrined in the Basic Law, which prohibits mainland Chinese authorities from interfering in Hong Kong's internal affairs.¹ Tensions over the Chinese government's role in Hong Kong and the future of Hong Kong's political system contributed to the growth of “localist”² political sentiment, with candidates seen as localist or supportive of self-determination for Hong Kong winning seats in Hong Kong's September 2016 Legislative Council elections.

UNIVERSAL SUFFRAGE AND DEMOCRATIC REFORM

Hong Kong's Basic Law guarantees freedom of speech, religion, and assembly; promises Hong Kong a “high degree of autonomy”; prohibits Chinese authorities from interfering in Hong Kong's internal affairs; and affirms that the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong.³ The Basic Law also states that its “ultimate aim” is the election of Hong Kong's Chief Executive and Legislative Council (LegCo) “by universal suffrage.”⁴ Forty out of 70 LegCo members are elected directly by voters and 30 by functional constituencies,⁵ which are composed of trade and business interest groups, corporations, professionals, and religious and social organizations.⁶ The electors of many functional constituencies reportedly have close ties to or are supportive of the Chinese government.⁷

After the fall 2014 pro-democracy demonstrations and the June 2015 defeat of the Hong Kong government's proposed electoral reforms,⁸ some political groups and activists in Hong Kong called for greater self-determination or independence for Hong Kong, due in part to fears regarding Chinese government control over Hong Kong⁹ and mainland Chinese economic and cultural influence in Hong Kong.¹⁰ Pro-democracy activists,¹¹ students,¹² and veterans of the 2014 pro-democracy demonstrations¹³ founded new political organizations that contested the November 2015 District Council elections,¹⁴ a February 2016 LegCo by-election,¹⁵ and the September 2016 LegCo elections. Some of these groups advocated for a referendum on Hong Kong's political system after 2047,¹⁶ or expressed outright support for independence.¹⁷

In response to calls for independence and self-determination, in March and April 2016 Chinese government officials declared Hong Kong independence unacceptable,¹⁸ asserted that discussing the idea violated Hong Kong's laws,¹⁹ and said that founding pro-independence groups “severely contravened the national constitution and Hong Kong's Basic Law and relevant enacted laws.”²⁰ Hong Kong government officials also said that advocating independence “is contrary to the Basic Law.”²¹ Chinese officials blamed “sepa-

ratist forces” for a February 2016 riot in the Mong Kok area of Hong Kong²² in which protesters—including members of a localist organization²³—allegedly attacked police after government officials tried to close down unlicensed street food vendors.²⁴

In July 2016, the Electoral Affairs Commission issued a new “confirmation form”²⁵ for LegCo candidates to sign, confirming that they will uphold the Basic Law and explicitly listing three Basic Law provisions²⁶ emphasizing Hong Kong’s inalienability from China. The Hong Kong government appeared to say those not signing the form would be ineligible for nomination, and those lying on the form are “liable to criminal sanction.”²⁷ At least 12 candidates refused to sign,²⁸ and at least 21 political groups wrote a joint statement demanding the government withdraw the form, denouncing its use as “political censorship” and “interference in fair and just elections.”²⁹ Elections officials disqualified six pro-independence candidates,³⁰ drawing heavy criticism, including from lawyers,³¹ political organizations,³² and students.³³ Several localist or pro-democracy candidates reported government obstruction in mailing campaign materials,³⁴ saying officials in several government departments questioned the legality of their use of phrases such as “self-determination” and “independence.”³⁵

In Hong Kong’s September 4 LegCo general election, the first since the 2014 pro-democracy protests, opposition parties gained seats, including candidates seen as “localist” or supportive of self-determination for Hong Kong. Pro-democratic and localist candidates, both opposed to the Chinese government and pro-establishment parties in Hong Kong,³⁶ together won a total of 30 out of 70 seats³⁷—22 directly elected seats, including 3 at-large seats, and 8 indirectly elected functional constituency seats³⁸—an increase of 3 from the 2012 LegCo elections.³⁹ Localist candidates reportedly received 19 percent of all geographical constituency votes, winning six seats.⁴⁰ Afterward, the Chinese central government reiterated its opposition “to any form of ‘Hong Kong independence’ activities inside or outside the Legislative Council,” declaring that “Hong Kong independence . . . endangers state sovereignty and security.”⁴¹

Disappearances of Mighty Current Booksellers

The disappearances of five owners and employees of Hong Kong bookstore Causeway Bay Books and its parent company, Mighty Current Media,⁴² in October and December 2015⁴³ compromised the “one country, two systems” policy and raised concerns that Chinese authorities had violated Hong Kong’s rule of law and autonomy.

In October 2015, publisher Gui Minhai⁴⁴ disappeared from his vacation home in Pattaya, Thailand, and Thai authorities reportedly said⁴⁵ there was no record of him exiting the country. Gui, a naturalized Swedish citizen, is a co-owner of Mighty Current,⁴⁶ which specializes in political gossip books critical of the Chinese Communist Party.⁴⁷ In January 2016, Gui appeared on state-run China Central Television, saying he “voluntarily” returned to China after fleeing a 2003 suspended sentence for a fatal drunk driving incident.⁴⁸ Chinese police reportedly accused Gui of “illegal business activity” for shipping over 4,000 banned books to mainland China since October 2014.⁴⁹

Disappearances of Mighty Current Booksellers—Continued

Mighty Current co-owner and British citizen Lee Bo⁵⁰ disappeared from Hong Kong on December 30, 2015.⁵¹ Lee called his wife the same day from Shenzhen municipality, Guangdong province, and told her he would not return “anytime soon.”⁵² In January 2016, Hong Kong police received a letter from the Guangdong public security bureau confirming Lee was in mainland China.⁵³ In a February 29 interview with state-funded news media under apparent coercion,⁵⁴ Lee said he had not been abducted, but did not explain specifically how he entered China without his travel document,⁵⁵ and said he had decided to renounce his British citizenship.⁵⁶ On March 24, Lee briefly⁵⁷ appeared in Hong Kong and requested that Hong Kong authorities cancel his missing-person case before returning to mainland China.⁵⁸ Lee maintained he went to mainland China to assist Chinese authorities in the investigation into Gui’s case.⁵⁹ Before his disappearance, Lee told Gui’s daughter he feared “special agents from China” had abducted Gui “for political reasons.”⁶⁰ In an October 2015 interview, Lee said he had avoided traveling to mainland China ever since Chinese authorities imprisoned another Hong Kong publisher, and that Chinese security officials had hacked his email and were surveilling him.⁶¹

Three other Hong Kong residents and employees of Mighty Current and Causeway Bay Books—Lui Bo,⁶² Cheung Chi-ping,⁶³ and Lam Wing-kei⁶⁴—disappeared in October 2015 while in or traveling to Shenzhen and Dongguan municipalities in Guangdong.⁶⁵ On February 16, Guangdong security officials told Hong Kong police that Lui, Cheung, and Lam were under “criminal compulsory measures” on suspicion of “illegal activities in the Mainland,”⁶⁶ reportedly including “illegal business activity.”⁶⁷ Guangdong authorities later released all three on bail.⁶⁸ In early March 2016, Lui⁶⁹ and Cheung⁷⁰ arrived separately in Hong Kong, requested that Hong Kong police cancel their missing-persons cases, and then returned to mainland China.⁷¹

Lam returned to Hong Kong on June 14 and requested the same,⁷² but on June 16, he held a press conference revealing the details of his detention.⁷³ Lam said that after Chinese officials detained him on October 24 while crossing from Hong Kong into Shenzhen, authorities sent him to Ningbo municipality, Zhejiang province, where he was held incommunicado for five months before being transferred to Shaoguan municipality, Guangdong.⁷⁴ Lam alleged that the agency that detained him and the other four booksellers reported directly to the Chinese central government.⁷⁵ Lam said that Chinese authorities allowed him to return to Hong Kong on bail on the condition that he hand over a hard drive containing information on Causeway Bay Books’ mainland Chinese customers.⁷⁶ Lam expressed fear for his safety after returning to Hong Kong, requesting police protection after he reported being followed repeatedly by unidentified individuals.⁷⁷

Disappearances of Mighty Current Booksellers—Continued

International human rights groups and non-governmental organizations,⁷⁸ Hong Kong activists and lawyers,⁷⁹ and foreign governments⁸⁰ denounced the disappearances of Lee and the others as damaging to the “one country, two systems” policy and threatening to Hong Kong’s autonomy, and criticized the February 2016 televised “confessions” of Gui, Lui, Cheung, and Lam as violations of their right to a fair trial.⁸¹ The British government said Lee’s involuntary removal to mainland China “constitutes a serious breach of the Sino-British Joint Declaration . . .”⁸² Hong Kong political parties and elected officials expressed support for Lam and condemned his detention;⁸³ the Civic Party called it “the most serious case of political abduction” since Hong Kong’s 1997 return to Chinese sovereignty.⁸⁴

PRESS FREEDOM

During the 2016 reporting year, press freedom in Hong Kong reportedly continued to worsen due to government restrictions, violence against journalists, and pressure on reporters and editors from media ownership, including owners with financial ties to mainland China.⁸⁵ A Hong Kong Journalists Association (HKJA) survey on press freedom found that 85 percent of journalists believed press freedom had deteriorated in 2015.⁸⁶ In February 2016, several media organizations accused the Hong Kong government of “obstructing press freedom” after officials at the vote-counting location for a Legislative Council by-election refused to admit reporters from online news websites.⁸⁷ The HKJA filed a complaint against the government with the Ombudsman in June.⁸⁸ On March 8, at least four journalists were injured while covering unrest between police and protesters in Mong Kok.⁸⁹ One of the four accused police of using unnecessary force after several officers reportedly beat and kicked him.⁹⁰

Concerns over editorial independence, journalistic integrity, and management decisions continued to grow during the past year, including at media companies with financial connections to mainland China.⁹¹ The purchase of the South China Morning Post (SCMP) by the Chinese company Alibaba Group, in particular, raised concerns that SCMP could face increased pressure to self-censor or avoid reporting on “sensitive” topics.⁹² One journalists’ group expressed worries that SCMP’s new ownership could restrict coverage of mainland China.⁹³ Media observers and SCMP staff noted suspicions about an interview⁹⁴ published in July 2016 with Zhao Wei,⁹⁵ a legal assistant detained in mainland China as part of a crackdown on lawyers and rights advocates begun in and around July 2015.⁹⁶ SCMP management refused to explain, reportedly even to SCMP reporters, how the paper was able to interview Zhao.⁹⁷ Zhao’s husband and lawyer said they could not contact her and doubted she had spoken freely with SCMP.⁹⁸ This past year, other Hong Kong media outlets published alleged interviews with individuals detained in mainland China or televised their “confessions.”⁹⁹ Reporters from the newspaper Ming Pao¹⁰⁰ and Hong Kong and international journalists’ organizations¹⁰¹ criticized the abrupt April 2016 dismissal of a Ming Pao editor the day after the

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paper published a report on Hong Kong business and government figures' offshore bank accounts.¹⁰² Critics questioned Ming Pao's explanation that the dismissal was due to budget cuts.¹⁰³ Journalists' organizations and current and former staff of the Hong Kong Economic Journal expressed concern that the July 2016 dismissal of a long-time pro-democratic columnist, Joseph Lian Yi-zheng,¹⁰⁴ constituted political censorship.¹⁰⁵ Lian had previously explored the possibility of Hong Kong independence in his columns.¹⁰⁶

Macau

POLITICAL AND PRESS FREEDOMS

Macau's Basic Law does not provide for "universal suffrage,"¹⁰⁷ though its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau¹⁰⁸ and guarantee Macau a "high degree of autonomy" within China.¹⁰⁹ During the 2016 reporting year, the Commission observed no progress in Macau toward "an electoral system based on universal and equal suffrage . . ." in line with the ICCPR,¹¹⁰ as recommended by the UN Human Rights Committee.¹¹¹ In August 2016, Macau's Legislative Assembly passed revisions to the Legislative Assembly Electoral Law.¹¹² As the Macau government previously announced, the revisions to the Electoral Law did not change the composition of the Legislative Assembly or the methods for Chief Executive elections provided for in the Basic Law.¹¹³ Several political organizations accused the Macau government of restricting their rights to assembly after authorities broke up or blocked demonstrations near government buildings.¹¹⁴ In June 2016, police reportedly investigated a pro-democracy activist for "aggravated disobedience" after he helped organize one such demonstration in May.¹¹⁵

Following a controversial donation in May 2016 of Macau government funds to a mainland Chinese university connected to Macau's Chief Executive,¹¹⁶ the Macau Journalists' Association (AJM) alleged that media organizations reporting on the donation scandal engaged in self-censorship under pressure from Macau authorities.¹¹⁷ AJM noted that this was the latest in a series of "organized, large-scale incidents of press censorship, political manipulation of public opinion, and interference in internal media operations" since Macau's 2012 political reforms.¹¹⁸

CONCERNS REGARDING INTERREGIONAL EXTRADITION

During the past year, Macau officials continued negotiations with Chinese authorities on an agreement governing extraditions to and from mainland China.¹¹⁹ The Macau and Hong Kong governments also pursued an interregional extradition agreement.¹²⁰ In December 2015, the Macau government introduced a bill in the Legislative Assembly (AL) that would be the basis for extradition agreements between Macau, mainland China, and Hong Kong.¹²¹ In May 2016, the AL rejected the extradition bill; the president of the AL declined to give a reason, only saying that the bill "has technical problems."¹²² The Macau government withdrew the bill in June 2016, saying it needed more time to negotiate with the Hong

Kong and Chinese governments due to differences in the legal systems of the three jurisdictions.¹²³

A United Nations committee, lawyers, and activists raised concerns over the proposed extradition agreements. The UN Committee against Torture, in its November 2015 review of Hong Kong's and Macau's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, urged both regions to ensure that any extradition agreement—between the two regions or with mainland China—protect offenders or fugitives from torture or abuse.¹²⁴ In light of concerns over the Macau government's previous handover of fugitives to Chinese authorities¹²⁵ and the 2015 disappearances of five Hong Kong booksellers,¹²⁶ activists in Macau questioned the potential Macau-China agreement, in particular a reported provision allowing one side to request extradition for military crimes or "crimes . . . against the interests of national defense committed in mainland China," even if such an act were not a crime in Macau.¹²⁷ Some Macau lawyers expressed concern over the possibility that a Macau-Hong Kong agreement might allow for retroactive extradition requests.¹²⁸

FINANCIAL CRIME

The Monetary Authority of Macau continued¹²⁹ coordinating with international and mainland Chinese financial agencies and the Chinese Ministry of Public Security¹³⁰ to fight the use of mainland China-registered bank cards for money laundering and evading Chinese currency-export restrictions.¹³¹ In 2015, 1.22 billion Macau patacas (approximately US\$153 million) in reportedly illegal UnionPay bank card transactions were run through unregistered point-of-sale devices in Macau.¹³² Macau police reported that illegal transactions using portable UnionPay devices in the first half of 2016 amounted to nearly 2.10 billion patacas (approximately US\$262 million).¹³³ In December 2015, Macau officials announced plans to launch a "real-time monitoring system" of bank card use for "high-risk" businesses located near casinos.¹³⁴

Notes to Section VI—Developments in Hong Kong and Macau

¹Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, arts. 12, 16, 22. Article 22: "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law."

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³Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed 4 April 90, effective 1 July 97, arts. 2 ("high degree of autonomy"), 22 (prohibits Chinese interference), 27 (freedoms of speech and assembly), 32 (freedom of religion), 39 (applicability of ICCPR). See also Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, adopted 19 December 84, item 3(2, 3, 5, 11).

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