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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2018

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

OCTOBER 10, 2018

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



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I. Executive Summary

STATEMENT FROM THE CHAIRS

When the Congressional-Executive Commission on China (Commission) was established in 2000, the prevailing wisdom underpinning U.S.-China relations maintained that increased trade and economic interconnectivity, as well as diplomacy and robust cultural exchange, would lead to greater openness and political liberalization within China.

In the years that followed, the Chinese economy grew dramatically, while the Chinese Communist Party became even more deeply entrenched in the political power structure and deeply committed to preserving its monopoly on power through state-sponsored repression, surveillance, and indoctrination. In the aftermath of the violent suppression of the 1989 Tiananmen protests and the fall of the Berlin Wall later that same year, the late Chinese leader Deng Xiaoping articulated a foreign policy strategy in which China would not try to assume a leadership role in international affairs, but rather “hide its capabilities and bide its time” (*taoguang yanghui*). Now, under the leadership of current Chinese President and Party General Secretary Xi Jinping, however, we see an ascendant and increasingly aggressive China, seeking to take center stage in the world, and in so doing, determined to shape new global norms on development, trade, the internet, and even human rights. All the while, the fundamental authoritarian character of China’s political system remains the same.

The Chinese government’s disregard for human rights and the rule of law most directly affects the Chinese people—as evidenced by the more than 1,300 active cases of political and religious prisoners contained in the Commission’s far from exhaustive Political Prisoner Database. The Commission’s Annual Report painstakingly documents rights violations in ethnic minority regions, religious freedoms violations, harassment of rights defenders and lawyers, suppression of free speech, large-scale forced evictions, onerous restrictions on civil society and more—all of which are the markings of a repressive, one-party state.

The report that follows highlights the dire human rights situation inside China and the continued downward trajectory, by virtually every measure, since Xi Jinping became Communist Party General Secretary in 2012 and President in 2013—the latter post likely to be his beyond 2023. Of particular concern is the mass, arbitrary, internment of as many as 1 million or more Uyghurs and other Muslim ethnic minorities in “political reeducation” camps in western China. Reports indicate that this may be the largest incarceration of an ethnic minority population since World War II, and that it may constitute crimes against humanity. Local officials in the Xinjiang Uyghur Autonomous Region (XUAR) have used alarming political rhetoric to describe the purpose of this government policy, including “eradicating tumors” and “spray[ing] chemicals” on crops to kill the “weeds.” In response to these developments, an international expert described the XUAR as “a police state to rival North Korea, with a formalized racism on the order of South African apartheid.”¹

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China's authoritarianism at home directly threatens our freedoms as well as our most deeply held values and national interests. Inside China, American citizens are targeted with exit bans preventing them from leaving China, often in order to resolve business disputes or pressure their family members or colleagues to cooperate with Chinese courts; American citizens are detained or deported for sending private electronic messages critical of the Chinese government; American journalists are harassed and intimidated; and American business interests are threatened by rampant intellectual property theft and forced technology transfers.

Additionally, the "long arm" of the Chinese Communist Party extends beyond China's borders and is increasingly pervasive and multifaceted under the direction of an enhanced United Front Work Department, a Party institution used to influence Chinese individuals at home and abroad to neutralize possible challenges to its ideological and policy agenda. The Party's efforts to export its authoritarianism abroad takes a multitude of forms, including but not limited to the following: interference in multilateral institutions; threatening and intimidating rights defenders and their families; imposing censorship mechanisms on foreign publishers and social media companies; asserting "cyber-sovereignty" and "national internets"; influencing academic institutions and critical analysis of China's past history and present policies; and threatening American companies who do not conform with China's narrative on "sensitive topics" like Tibet, Hong Kong, and Taiwan. So, too, Chinese government foreign investment and development, which will likely reach record levels with its ambitious and far-reaching Belt and Road Initiative, is accompanied by a robust non-democratic political agenda as are other manifestations of what some experts are calling Chinese "sharp power." The Chinese government is actively seeking to leverage its economic power to extend the influence of its political model.

The ever-expanding scope of domestic repression documented in the pages that follow directly affects an increasing number of Chinese citizens, stirring resentment, dissent, and even activism in unlikely places. As American policymakers revisit the assumptions that previously informed U.S.-China relations, and seek to chart a new path forward, it is vital that our foreign policy prioritizes the promotion of universal human rights and the protection of basic human dignity, principles the Chinese Communist Party is actively trying to redefine. Such pursuits have merit on their own accord, and they are also inextricably linked to vital U.S. national interests, including regional stability in the Indo-Pacific, the future of young and emerging democracies in our hemisphere, and the strength of our own civic institutions domestically. It is in this context that we, as Chairman and Cochairman of the Congressional-Executive Commission on China, submit the Commission's 2018 Annual Report.

Senator Marco Rubio
Chair

Representative Chris Smith
Cochair

INTRODUCTION

In recent years the Congressional-Executive Commission on China (Commission) has reported on Chinese President and Communist Party General Secretary Xi Jinping's consolidation and personalization of political power—a trend which reached new heights at the 19th National Congress of the Chinese Communist Party in October 2017, and the March 2018 meetings (Two Sessions) of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference in Beijing. The political sensitivity of these events was underscored by the control and censorship of news and online discussion, and the implementation of “stability maintenance” activities to quash citizen advocacy and petitioning. No clear successor for Party General Secretary emerged during the 19th Party Congress in October, an omission that presaged the passage of amendments to the Party constitution confirming Xi Jinping's paramount authority. The March 2018 amendments enshrining the principle of “Xi Jinping Thought on Socialism With Chinese Characteristics for a New Era” in China's Constitution and removing the two-term limit on the presidency signaled Xi's intention to retain leadership of China beyond the end of his second term as president in 2023, a distinct break with China's decades-long model of authoritarian governance grounded in “collective leadership” and orderly succession.

Another key development at the Two Sessions was the establishment of an anticorruption agency, the National Supervisory Commission (NSC). The investigatory and supervisory functions of the NSC appear to extend Xi Jinping's signature anticorruption campaign against Party officials to a much broader swath of public sector personnel of over 100 million people, including state-owned enterprise employees, public hospital staff, and public educators. Moreover, the NSC is authorized to use “confinement” (*liuzhi*), a new form of extrajudicial detention, for at least three months without a guarantee of access to counsel. The NSC is also authorized to place any private citizen, regardless of their profession or party membership status, under *liuzhi* if they are suspected of involvement in official misconduct. The structure of the NSC further blurs the line between the Party and government, as does the far-reaching reorganization of Party and government agencies approved at the Two Sessions.

These developments effectively remove many of the protections put in place in the late 1970s and during the 1980s in the wake of the violent and chaotic Cultural Revolution. Deng Xiaoping and Party leadership at that time established these institutional measures, warning China to protect against “the excessive concentration of power . . . particularly the first secretary, who takes command and sets the tune for everything . . .”² As Xi emerged this year with near total policymaking authority, many experts drew comparisons to the cult-of-personality era of former Party Chairman Mao Zedong. One commentator deemed it the “end of China's 40-year-long reform era.”³

While Xi consolidated his political power at central and sub-national levels, the Party and government further tightened the space for civil society and rights advocacy. Many international non-gov-

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ernmental organizations (NGOs) submitted reports in advance of the November 2018 session of the UN Human Rights Council's Universal Periodic Review (UPR) of the Chinese government's compliance with international human rights standards. The NGOs documented multiple violations of international legal standards and worsening conditions for civil society, rights defense, religious freedom, ethnic minority rights, and freedom of expression. Several submissions also highlighted the July 2017 death in custody of writer and Nobel Peace Prize laureate Liu Xiaobo for whom authorities failed to provide adequate medical care. Rights groups also censured the Chinese government for the illegal home confinement of his widow Liu Xia for eight years, despite the absence of any criminal charge or judicial proceeding against her. She was finally released and permitted to travel to Germany in July 2018, mere days before the one-year anniversary of her husband's death in state custody.

Authorities maintained tight restrictions in many spheres of civil society advocacy, often giving priority to the suppression of grassroots mobilization and the sharing of information online. Chinese authorities continued to severely restrict the ability of civil society organizations to work on labor issues, in keeping with a national crackdown on labor NGOs that began in 2015. Strikes continued, however, with the vast majority of strikes this reporting year relating to non-payment of wages. Additionally, the Commission observed continuing restrictions on individuals and groups working on women's rights, the environment, and public health advocacy. Civil society groups' social media accounts were censored or shut down this past year, reflecting the government's awareness of the power of online communications. Moreover, in a related regulatory development, administrators of social media groups (e.g., WeChat, QQ, and other group messaging platforms) may now be held liable for the views expressed by members of their respective chat groups.

Authorities continued to harass, abuse, and detain individuals by means including extralegal "black jails," forced psychiatric commitment of individuals without mental illness, and "political reeducation" centers, the latter specifically used to detain members of ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR). Authorities apply broadly defined provisions in the PRC Criminal Law, such as crimes of "endangering state security" and "picking quarrels and provoking trouble," for a range of activities that are protected under international human rights standards. The government violated detainees' rights under the PRC Criminal Procedure Law, including through what appeared to be coerced confessions in the cases of Swedish citizen **Gui Minhai** and Taiwan NGO volunteer **Lee Ming-cheh**. Reports showed that authorities continued to deny or failed to provide adequate medical care to detainees, a violation of international human rights standards that may amount to torture. There were also reports of detainees being forced to ingest unknown "medications." The sudden and unexpected death in February 2018 of prominent human rights lawyer **Li Baiguang**, just weeks after he visited Washington, D.C., led some observers to claim that he was the latest victim in Xi's sweeping crackdown on rights lawyers and advocates. In the more than three years since the July 2015 crackdown on human rights law-

yers and defenders, which has affected over 300 individuals and led to 14 criminal convictions, authorities continued to target prominent rights defenders and lawyers with torture (**Yu Wensheng**), imprisonment (**Wu Gan, Jiang Tianyong**), cancellation of law licenses (**Li Heping, Xie Yanyi**) and other forms of harassment. Authorities stopped **Li Wenzu**, the wife of detained lawyer **Wang Quanzhang**, from completing a 100-kilometer walk from her home in Beijing municipality to Tianjin municipality, where Wang reportedly is being held, to mark Wang's 1,000th day in incommunicado detention.

The Chinese government remained one of the worst jailers of journalists, with estimates of individuals in detention or imprisoned in connection with their reporting ranging from 41 to more than 50, including the founders of human rights monitoring websites and citizen journalists. **Lu Yuyu**, founder of an initiative to track labor protests and strikes called "Not-the-News," is serving a four-year sentence in Yunnan province. The cases of **Liu Feiyue**, founder of the human rights monitoring website Civil Rights & Livelihood Watch; **Huang Qi**, founder of another rights monitoring website, 64 Tianwang; and **Zhen Jianguhua**, executive director of Human Rights Campaign in China, an online platform that campaigns for human rights advocates and victims of rights abuses, are pending. According to the Foreign Correspondents' Club of China's 2017 survey, working conditions for foreign reporters in China deteriorated in 2017, demonstrated by accounts of official harassment of reporters, news assistants, and sources; attempts to interfere with coverage of issues that authorities deemed "sensitive"; restrictions on travel to areas along China's borders and ethnic minority regions; and visa renewal delays and denials.

The Party and government continued implementing repressive policies in Tibetan autonomous areas, including extensive and intrusive surveillance, strict regulations and rules to restrict Tibetans' religious and cultural rights, and pervasive displays of police and military force. The Chinese government persists in regarding Tibetans' spiritual leader, the 83-year old Dalai Lama, as a "mastermind" of "separatist forces" and maintains that only it has the right to decide the Dalai Lama's successor, attempting to exert state control over a venerated and sacred religious process. In a case that drew widespread international condemnation, in May 2018, Chinese authorities in Qinghai province sentenced **Tashi Wangchug** to five years in prison for "inciting separatism" in connection with his interview with the New York Times about his Tibetan language advocacy. In August, the Qinghai High People's Court rejected Tashi Wangchug's appeal.

Official control and scrutiny over religious activity increased as revisions to the Regulations on Religious Affairs took effect in February 2018, national state-sanctioned religious organizations announced major plans to "sinicize" religion in China, and the Party's United Front Work Department took over responsibility for direct oversight of religious affairs. In Henan province, authorities reportedly banned at least 100 Protestant churches from meeting after the revised regulations went into effect in February, and also destroyed religious iconography in believers' homes. In September, set against the backdrop of a broader crackdown on Chinese Chris-

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tians, reports emerged that a deal was imminent between the Holy See and the Chinese government. Under the reported deal, the Holy See would recognize seven “illegitimate bishops” approved by the government, and Chinese authorities would nominate future Chinese bishops that the Holy See would be able to veto. Both sides reportedly agreed not to publish the agreement after its signing. As of mid-September the deal was not yet finalized, but Chinese Catholics had expressed concerns in reaction to earlier reports of an impending agreement that the Holy See would make concessions that would weaken and further divide the Chinese Catholic community. Official repression of Hui Muslim believers also intensified, with local governments in some areas removing “Arabic style” architecture, banning children and youth from participating in religious activities, and prohibiting calls to prayer and the sale of the Quran. Authorities also persisted in their crackdown on Falun Gong practitioners, subjecting them to abusive treatment, especially when in custody.

Chinese authorities continued to implement coercive population control policies that violate international standards, despite the shift to a “universal two-child policy.” Now in its third consecutive year, the new policy has not been effective in spurring population growth, reportedly prompting the government to commission research on removing birth restrictions completely. Decades of coercive population control policies have exacerbated China’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. A lack of economic opportunity and China’s sex ratio imbalance contributed to the risk of individuals in Southeast Asian countries being trafficked into China for forced labor and forced marriage. In addition, the Chinese government continued to treat North Korean refugees as illegal economic migrants and maintained a policy of repatriating undocumented North Koreans, leaving the refugees vulnerable to human trafficking within China and imprisonment, torture, or death upon return to North Korea.

The long-term viability of Hong Kong’s “one country, two systems” framework remained tenuous given the continued erosion of Hong Kong’s autonomy, as guaranteed under the “one country, two systems” policy enshrined in Hong Kong’s Basic Law. The “political screening” and ultimate disqualification prior to the March 2018 by-election of several prospective candidates for the Legislative Council based on their political beliefs, marked a significant setback for pro-democracy forces and called into question their ability to effectively use the existing political system to secure democratic reforms. Mainland officials used threats and intimidation against individuals based on their political association and beliefs; members of pro-democracy group Demosistō were reportedly detained and extensively questioned when they attempted to leave the mainland and return to Hong Kong. Also, this past year, Hong Kong and mainland officials continued negotiations and finalized “co-location” plans for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. Activists, politicians, and lawyers criticized the co-location plan, which permits mainland law enforcement to operate in a designated “Mainland Port Area” in

the Hong Kong train station, in apparent violation of Hong Kong's Basic Law.

The subsequent chapters of this report document these and other human rights and rule of law developments in China during the Commission's 2018 reporting year that spans, roughly, September 2017 through September 2018. General themes and key developments covered in the body of this report are outlined below.

OVERVIEW

Over the Commission's 2018 reporting year, the following general themes and key developments emerged:

1. Unprecedented Repression of Ethnic Minorities in the Xinjiang Uyghur Autonomous Region
2. Party Control Over Government, Society, and Business Dramatically Increases
3. Increasing Use of Technology as a Tool of Repression

Unprecedented Repression of Ethnic Minorities in the Xinjiang Uyghur Autonomous Region

The Xinjiang Uyghur Autonomous Region (XUAR), the area in western China that Chinese officials have promoted as an important hub for Belt and Road Initiative development projects, witnessed a severe deterioration with respect to human rights. Authorities have targeted members of the region's predominantly Muslim ethnic minority populations, including Uyghurs, Kazakhs, Kyrgyz, and Hui, with reports of mass internment in harsh "political reeducation" centers or camps and restrictions on religious practice and ethnic cultural and linguistic traditions. Several leading experts characterized the region as a "digital police" or "surveillance" state, and a potential incubator for high-tech social controls that the government may soon employ more broadly.

Since Chen Quanguo's appointment as XUAR Party Secretary in August 2016, reports have documented the escalation of rights abuses against local ethnic minority populations. Chen previously served in the same position in the Tibet Autonomous Region (TAR), where he imposed similarly onerous restrictions. This past year the mass surveillance and securitization of the XUAR was starkly illustrated by the extrajudicial detention of 1 million or more individuals in "political reeducation" centers or camps—making it the largest mass internment of an ethnic minority population in the world today. Individuals may be detained for a number of reasons, including frequency of prayer, expression of "politically incorrect" views, history of travel abroad, and connections with people outside of China. Detentions appear to be indefinite in most cases. Regional government authorities reportedly ordered officials in some XUAR jurisdictions to meet detention quotas, and local orphanages were reportedly overcrowded due to the number of children requiring care while both parents are held in the camps. A May 2018 Associated Press report documented propagandistic slogans that detainees were required to chant—"Thank the Party! Thank the Motherland! Thank President Xi!"—before being permitted to eat.⁴ The "political reeducation" centers are reportedly fortified with barbed wire, reinforced doors, and bombproof surfaces. Security

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personnel have subjected detainees to torture (including the use of interrogation chairs called “tiger chairs”), medical neglect and maltreatment, solitary confinement, sleep deprivation, lack of adequate clothing in cold temperatures, and other forms of abuse. Reports have also emerged of a number of deaths in the camps. Reports in May 2018 indicated that Chinese authorities were soliciting public bids for the construction of more camps and additional security features for existing ones. In addition to those detained in “political reeducation” centers, rights groups reported that as of June 2018, authorities may have forced an additional 2.2 million XUAR residents to attend day or evening “education sessions.”

Analysis of Chinese government data published by the organization Chinese Human Rights Defenders (CHRD) in July 2018 showed that 21 percent of all criminal arrests in China in 2017 took place in the XUAR, which has 1.5 percent of China’s population. These figures do not include detentions in “reeducation” camps, which are carried out extrajudicially, though authorities reportedly transferred some “reeducation” camp detainees to prison after a period of time. It remained difficult for foreign journalists, NGO representatives, or senior diplomats to travel or work freely in the region, making precise reporting on the numbers of those detained in the camps difficult to ascertain. Figures ranged anywhere from hundreds of thousands to upwards of a million, according to rights groups, scholars, and media organizations. Authorities in the XUAR show no indication of slowing or halting the detentions, and in fact government procurement documents indicate plans to build additional detention facilities, underscoring the ongoing nature of the crisis.

Those not subject to “transformation through education” in detention still faced daily intrusions in their home life, including compulsory homestays whereby Communist Party officials are sent to live with local Uyghur and Kazakh families, including families with no adult male present because the men in the family have been detained in “reeducation” camps. Families are required to provide information regarding their daily prayer habits and political views and are subjected to “political education” administered by the live-in Party official.

The data-driven surveillance in the XUAR is facilitated by iris and body scanners, voice pattern analyzers, DNA sequencers, and facial recognition cameras in neighborhoods, on roads, and in train stations. Two large Chinese firms, Hikvision and Dahua Technology, have profited greatly from the surge in security spending, reportedly winning upwards of US\$1.2 billion in government contracts for large-scale surveillance projects in the XUAR. Authorities employ hand-held devices to search smart phones for encrypted chat applications (apps) and require residents to install monitoring apps on their cell phones. More traditional security measures are also employed, including extensive police checkpoints. The rise in security personnel has accompanied the proliferation of “convenience police stations,” a dense network of street corner, village, and neighborhood police stations that enhance authorities’ ability to closely surveil and police local communities.

Developments in the XUAR had a direct impact on U.S. interests, most notably the detention of dozens of family members of at

least six U.S.-based Uyghur journalists employed by Radio Free Asia, as well as the detention of dozens of family members of prominent U.S.-based Uyghur rights activist, Rebiya Kadeer, in an apparent attempt by the Chinese government to silence effective reporting on human rights conditions in the XUAR and Uyghur rights advocacy. Additionally, reports emerged of Chinese authorities attempting to influence, intimidate, and otherwise harass other Uyghurs living abroad, including in the United States, to get them to return to China, or monitor and silence them while abroad.

*Party Control Over Government, Society, and Business
Dramatically Increases*

This past year, the purview of the Party continued to expand into many sectors of public life, eliminating the tenuous separation that previously existed between the Party and government agencies. In previous decades, the Party had allowed experimentation and varying degrees of autonomy in local- and provincial-level implementation of central policy decisions. Under Party General Secretary Xi Jinping, that modicum of autonomy continues to shrink with the Party apparatus reasserting itself over the government. In September 2017, senior Party officials began a process of amending China's Constitution, which was finalized in the March 2018 meeting of the National People's Congress. A new sentence was added to Article 1 in China's Constitution after "[t]he socialist system is the basic system of the People's Republic of China" that reads, "The defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China." More significantly for Xi Jinping's personalization of power, "Xi Jinping Thought on Socialism With Chinese Characteristics for a New Era" was added to both the Party Constitution and China's Constitution, joining Mao Zedong Thought and Deng Xiaoping Theory as the three principles guiding Chinese political life. Central to the doctrine, and Xi's aspirational promise of the "Chinese dream," is the supremacy of the Chinese Communist Party and one-party rule.

In another major move to elevate and consolidate the Party's control over government work, at the end of March, the Party Central Committee issued a massive restructuring plan for Party and government agencies to be completed by the end of 2018. This process has been described by expert Carl Minzner as the "re-Partyization of the bureaucracy." One of the key changes in this sweeping reorganization plan was the rise of the United Front Work Department (UFWD), a Party institution used to influence and neutralize possible challenges to its ideological and policy agenda. The functions of the State Administration for Religious Affairs (SARA), which previously oversaw religious affairs, are now subsumed by the UFWD. Some commentators noted that the change was evidence that the Party views control of religious affairs as central to maintaining its power. The stated rationale for the restructuring of SARA was to unify and strengthen the Party's control over "religious work." In addition to religious affairs work, the UFWD has also taken over management of ethnic affairs, including the management of regions with sizeable ethnic minority populations like the Xinjiang Uyghur Autonomous Region and Tibet Autonomous Region—consistent with Xi Jinping's emphasis on the importance

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of “sinicizing” ethnic and religious minorities. The UFWD also absorbed the Overseas Chinese Affairs Office, giving the Party much clearer authority to monitor and manage the affairs of Chinese citizens who are living outside of China. One analyst voiced concern that this was an “unprecedented extension of Party influence abroad.”

The reorganization plan also restructured authority and managerial responsibilities of Party entities and Chinese government agencies in the area of the press and media. The plan positioned the Party’s Central Propaganda Department (CPD) in a “leadership” role with direct management responsibilities for news media, publishing, and film. While the CPD and its lower level bureaus have long coordinated ideological messaging, the CPD’s enhanced managerial role reportedly reflects Party efforts to rein in increasingly complex digital news, communications, and entertainment platforms and ensure dissemination of a unified message about China within and outside of China. Among the key provisions addressing managerial structures and authority was the merger of three major broadcast entities—China Central Television, China National Radio, and China Radio International—into China Media Group domestically and Voice of China internationally. Official explanations of the broadcasting agency’s global name of Voice of China emphasize its role in “telling China’s story well” to an international audience in polished and innovative ways.

The Party also sought to expand its role in commercial enterprises. In October 2017, the Party amended its constitution to stipulate that Party committees play a “leading role” in the decision-making of state-owned enterprises (SOEs). Multiple SOEs also reportedly proposed granting internal Party groups a greater decisionmaking role in joint ventures with foreign companies. The government is also reportedly exploring purchasing stakes in major technology firms including Alibaba and Tencent.

Increasing Use of Technology as a Tool of Repression

This reporting year, consistent with the trend regarding the Party’s expanding reach, the Commission observed the Party and government re-inserting itself into the private lives of Chinese citizens through expanded collection of biometric data, growing surveillance networks, and continued development of the social credit system. Reports show that social and political management of the Chinese people was aided by smart technology and advances in artificial intelligence (AI) in new ways this past year, including efforts to create “a pervasive system of algorithmic surveillance.”⁵ The Chinese government continued to expand its video surveillance system this past year, with the primary aim of “maintaining social stability.” Also known as Skynet, the system included over 27 million surveillance cameras nationwide as of September 2017. The effort was buttressed by the creation of biometric databases to contain information gathered from saliva and blood samples from individuals, in some cases collected without their informed consent, amplifying privacy concerns. As of December 2017, the government had also reportedly spent 3.1 billion yuan (approximately US\$500 million) on “Sharp Eyes,” considered the rural version of China’s Skynet surveillance project. By 2020, China aims to complete a nationwide

facial recognition and surveillance network, with “100 percent surveillance and facial recognition coverage and total unification of its existing databases across the country.”⁶

Chinese companies like Alibaba (and its affiliate Ant Financial) and Tencent (which owns the popular messaging platform WeChat) can be required to hand over data on Chinese citizens. Ant Financial, which has pioneered the commercial credit rating product Sesame Credit, has indicated its intention to “share information collected on trustworthiness and untrustworthiness with the State Credit Information-Sharing Platform in a timely manner.”⁷ The PRC Cybersecurity Law, which took effect in June 2017, requires companies to store user data inside mainland China, resulting in growing privacy concerns. American companies, including Apple, which transferred operations of iCloud services for mainland Chinese accounts to a state-owned firm in February 2018, will likely be compelled to disclose users’ information to authorities, a particular concern for users who may be targeted because they are perceived as a threat to the Party.

As of March 31, 2018, access to non-licensed virtual private networks (or VPNs)—previously used to send secure emails or data or to access websites blocked by Chinese authorities—is no longer permitted. While most analyses of this development centered around the far-reaching censorship implications, a secondary impact is the strengthening of the state’s surveillance apparatus as it relates to foreign companies whose electronic communications and data transmissions are increasingly vulnerable.

The government continued to work with Chinese companies to develop and implement a social credit system based on the governing principle, “once untrustworthy, always restricted.”⁸ Pilot projects of the nascent social credit system have begun to aggregate vast amounts of data on citizens, with a view toward shaping and even engineering citizens’ behavior. The social credit system is grounded in a broader political control framework known as “social management” or “social governance,” which the Party views as vital to maintaining power. The system does not simply rate financial activities, rather it aims to reward or punish a variety of actions pertaining to economic as well as social and political conduct.⁹ According to media reports, at least 9 million Chinese have been banned from travelling domestically in connection to the social credit system, though the system is still in its pilot stages. One observer described the Party’s plans for the social credit system as “Orwellian” and “a preemptive way of shaping the way people think and shaping the way people act.”¹⁰

Notes to Section I—Executive Summary

¹Rian Thum, “What Really Happens in China’s ‘Re-Education’ Camps,” *New York Times*, 15 May 18.

²Evan Osnos, “Xi Jinping May Be President for Life. What Will Happen to China?” *New Yorker*, 26 February 18.

³James Doubek, “China Removes Presidential Term Limits, Enabling Xi Jinping To Rule Indefinitely,” *NPR*, 11 March 18.

⁴Gerry Shih, “China’s Mass Indoctrination Camps Evoke Cultural Revolution,” *Associated Press*, 18 May 18.

⁵Anna Mitchell and Larry Diamond, “China’s Surveillance State Should Scare Everyone,” *Atlantic*, 2 February 18.

⁶“China Aims for Near-Total Surveillance, Including in People’s Homes,” *Radio Free Asia*, 30 March 18.

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⁷National Development and Reform Commission, “Commission Signs Memorandum of Understanding on Rewards and Punishments With Ant Financial Services Group” [Woweiyu mayi jinrong fuwu jituan lianhe jiangcheng beiwanglu], 3 August 16.

⁸Jamie Fullerton, “China’s ‘Social Credit’ System Bans Millions From Travelling,” Telegraph, 24 March 18.

⁹Shazeda Ahmed, “Who’s Really Responsible for Digital Privacy in China?” Asia Society, ChinaFile, 30 May 18.

¹⁰Simina Mistreanu, “Life Inside China’s Social Credit Laboratory,” Foreign Policy, 3 April 18.

RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

As mentioned earlier in the Executive Summary, there is a growing consensus that U.S.-China policy is in need of a readjustment. In December 2017, the Administration released the “National Security Strategy of the United States of America” (NSS), which identified the current Chinese government as a “revisionist power” seeking to “shape a world antithetical to U.S. values and interests” and engaged in efforts to “repress” its society. There has long been the temptation to view human rights and the rule of law as tangential issues in bilateral relations, sidelined from economic and security interests, but the NSS concluded by saying that the U.S. Government must “raise our competitive game” and employ all of the “tools of national power” to deal with the challenges coming from illiberal and authoritarian states, including China. In this vein, the Commission makes the following recommendations for consideration by Congress and the Administration, recognizing that, since the end of World War II, a shared commitment to universal principles and the rule of law are the foundation upon which cooperative alliances and security partnerships, multilateral consultative mechanisms, and the free flow of trade and investment depend. Any effort to rethink U.S. Government approaches to the current Chinese government should recognize that pressing for adherence to universal standards and insistence on greater reciprocity advance American economic and security interests and the interests of Chinese citizens eager for peace, rights protections, and genuine political reform.

- **Advocate for Political Prisoners.** In meetings with Chinese government officials, Administration officials at the highest levels and Members of Congress should raise cases of human rights abuse and publicly articulate why China’s continued detention of political and religious prisoners harms U.S.-China relations. Experience demonstrates that raising individual prisoner cases, publicly and privately, can result in improved treatment, lighter sentences or, in some cases, release from custody, detention, or imprisonment. As demonstrated by the case of Liu Xia, who left China in July 2018 and is now living in Germany, sustained and consistent international advocacy on behalf of prisoners can bring results. The Administration should consider creating a Special Advisor for Religious and Political Prisoners to coordinate interagency efforts on behalf of political and religious prisoners in China and globally. Members of Congress are encouraged to “adopt” individual prisoners and advocate on their behalf, including through the Tom Lantos Human Rights Commission’s “Defending Freedoms Project” or the Commission’s #FreeChinasHeroes initiative.

- **Embed Human Rights Throughout Bilateral Relations.** The Administration should develop a comprehensive strategy to advance human rights through other issues on the U.S.-China agenda. Working with Congress, the Administration should develop an action plan and implementation guidelines to embed human rights, rule of law, and democratic accountability goals into the critical mission strategies of all U.S. Government entities interacting with the Chinese government. Isolating human rights discussions only to State Department-led bilateral human rights dialogue implies

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that human rights concerns are unconnected to other bilateral interests. The Administration should consider creating an Inter-agency Policy Committee (IPC) to coordinate human rights policy on China throughout the U.S. Government.

- **Prioritize Reciprocity.** The Administration should seek a rules-of-the-road agreement that will correct long-standing diplomatic, trade, investment, media, and cultural and academic exchange imbalances in U.S.-China relations. The Administration should take appropriate actions to ensure that U.S.-based news and social media outlets and academic and non-governmental organizations (NGOs) have the same freedom to operate, publish, and broadcast afforded to a growing number of Chinese government-sponsored and funded think tanks, academic institutions, and media entities in the United States. The Administration should take steps to limit the growth of Chinese government-funded Confucius Institutes and Confucius Classrooms on U.S. college campuses and in primary and secondary schools, and seek greater transparency and faculty oversight over those that continue to operate as part of U.S. academic institutions.

- **Focus on Commercial Rule of Law.** Working with Congress, the Administration should press the Chinese government to discontinue harmful practices and policies that have the effect of restricting or limiting U.S. trade and investment in China to address the lack of reciprocity between the United States and China and strengthen existing laws and regulations to scrutinize Chinese investments in various U.S. business sectors, including by bolstering the capacity of the Committee on Foreign Investment in the United States (CFIUS) as required by the John McCain National Defense Authorization Act (Public Law No. 115–232). The Administration should publish information collected from U.S. businesses about requests from the Chinese government regarding censorship, data and forced technology transfers, and surveillance, and work with like-minded World Trade Organization members to pursue negotiations on restriction of cross-border data transfers and to develop meaningful rules to address restrictions on digital trade.

- **Hold Officials Accountable for Abuses.** The Administration should use the powers granted in Executive Order 13818 to hold accountable individuals complicit in “serious human rights abuse and corruption” in China and also use the list-based sanctions available in the Global Magnitsky Human Rights Accountability Act (Global Magnitsky) (Public Law No. 114–328), the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113) to levy financial sanctions or deny U.S. entry visas to Chinese officials complicit in torture and arbitrary detentions; severe religious freedom restrictions; and forced abortions, sterilizations, or human trafficking, including human trafficking for the purpose of organ removal.

- **Condition Law Enforcement Cooperation.** The U.S. Government should stop all cooperation on the extradition of Chinese nationals who have fled to avoid pending corruption charges until a law enforcement agreement can be signed that guarantees verifiable due process protections and an end to torture in detention and all forms of arbitrary detention, including the Chinese

Communist Party's and National Supervisory Commission's extrajudicial forms of detention called shuanggui and liuzhi, respectively, and Chinese public security officials' use of "residential surveillance at a designated location."

- **Promote Internet Freedom and Counter Foreign Disinformation.** The Administration should view ideological competition as a critical strategic challenge as the Chinese government has intensified the use of disinformation, propaganda, economic intimidation, and political influence operations to weaken commitments to universal human rights and promote the Chinese political-economic model globally. The Administration should develop a comprehensive interagency action plan to counter disinformation emanating from authoritarian countries, including by actively opposing the Chinese government's efforts to establish a new international norm in "internet sovereignty," expanding digital security training for civil society advocates, and prioritizing a robust internet freedom agenda that transparently uses congressionally-appropriated funds to circumvent China's "Great Firewall" and other "smart technologies" through the funding and wide distribution of effective technologies that provide the greatest possible access to the internet in China and globally. The Senate should move swiftly to consider the Administration's choice as CEO of the U.S. Agency for Global Media (formerly the Broadcasting Board of Governors or BBG) and to work with the nominee to strengthen U.S. public diplomacy efforts.

- **Expand Vital Global Alliances.** International responses to gross violations of human rights have the greatest impact when the United States exercises leadership. The Administration should develop a multilateral strategy on China with other countries, as the Chinese government has used multilateral institutions to undermine human rights norms and close off discussion of its failures to uphold its international obligations. The Administration should also continue coordination with businesses and NGOs to develop unified messages about unfair industrial policies, digital protectionism, and about the harm to U.S. and global interests from legislation such as the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the PRC Cybersecurity Law, and the recently revised Regulations on Religious Affairs.

- **Help Address the "Missing Girl" Problem.** The Administration should integrate the provisions of the Girls Count Act (Public Law No. 114-24) into foreign assistance programs to help address the social and economic issues created by the Chinese government's population control policies. In addition, Congress should continue to link U.S. contributions to the UN Population Fund (UNFPA) for use in China with the end of all birth limitation and coercive population control policies in China.

- **Prioritize Religious Freedom Diplomacy.** Religious groups continue to be the largest segment of China's civil society and there is academic research that shows that countries respecting and protecting religious freedom are often more politically stable, prosperous, and suffer from fewer incidents of domestic terrorism. Therefore, the U.S. and China share mutual interests in advancing this fundamental freedom. The Administration should issue a pres-

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idential policy directive to implement a global strategy on international religious freedom reflecting the priority placed on this issue in the “National Security Strategy of the United States of America.” The Administration should use all the tools available in the International Religious Freedom Act (22 U.S.C. 6401 et seq.) and the Frank Wolf International Religious Freedom Act (Public Law No. 114–281) to make targeted responses to escalating religious freedom abuses in China and hold officials accountable for abuses.

- **Address Abuses in the Xinjiang Uyghur Autonomous Region (XUAR).** In addition to employing Global Magnitsky sanctions targeting officials responsible for or complicit in the mass detentions, severe religious restrictions, and intrusive surveillance targeting Uyghurs and other ethnic minority Muslims in the XUAR, the Administration should consider initiating a joint statement with other nations at the UN Human Rights Council or, if appropriate, consider requesting an open debate or briefing at the UN Security Council. The Administration should calibrate the nature and scope of its counterterrorism and law enforcement cooperation and, through the Office of the Director of National Intelligence and the Justice Department, create guidelines for such cooperation to ensure that the United States does not condone or assist in Chinese authorities’ crackdown on domestic political dissent or restrictions on the freedoms of expression or religion.

- **Revamp Export Controls.** The Administration should consider restarting an interagency process to determine if new technologies should be added to the United States Munitions List (USML) at the State Department’s Directorate of Defense Trade Controls (DDTC), because of their ability to enhance surveillance and the ability of security forces to repress universally recognized human rights. Additionally, the End-User Review Committee (ERC), composed of representatives of the Departments of Commerce, State, Defense, Energy and, where appropriate, the Treasury, should add XUAR police and government entities to the “Entity List” of prohibited end-users and the Commerce Department Bureau of Industry and Security should increase scrutiny of any purchase of technology or equipment that may expand efforts to deny the right to life, liberty, or the security of person of ethnic minority populations in the XUAR.

- **Reiterate U.S. Interest in Hong Kong’s Autonomy.** The Administration should continue to issue annually the report outlined in Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law No. 102–383), subject to congressional directives, and provide clear assessments of the overall trajectory in Hong Kong, as understanding threats to the city’s autonomy and the rule of law are critical for appraising whether the special status granted to Hong Kong under U.S. law is warranted. Members of the Administration and Congress should express through public statements, official visits, and resolutions the important connection between a free press, a vibrant civil society, an independent judiciary, and expanded democratic governance in Hong Kong and the mutual interests shared by the United States and China in maintaining Hong Kong as a center of business and finance in Asia.

- **Expand Mandate of Foreign Agents Registration Act (FARA).** The Administration and Congress should work together to expand the mandate of FARA to encompass individuals working for foreign state-owned media and government-backed or Party-affiliated think tanks or non-profit organizations operating in the United States. Congress should consider legislation that increases reporting requirements for universities and other NGOs that receive financial or in-kind contributions from entities affiliated with the Chinese Communist Party or government.

- **Protect Civil Society From Political Influence Operations.** The Administration should work with U.S. businesses, non-governmental organizations, and academic institutions to formulate a code of conduct for interacting with Chinese government-affiliated entities to counter influence operations that are manipulative, coercive, or corrupting of democratic institutions, and to help protect human rights and academic freedom. In addition, the State Department should collect and disseminate information about best practices for monitoring and controlling foreign influence operations and provide information about the Chinese ministries, entities, and individuals engaged in foreign influence operations and their connections with agencies of the Chinese Communist Party or government. As the Administration develops new strategies to deal with existing threats, new messaging and policies should also be created to avoid fostering an atmosphere of suspicion of Chinese Americans and Chinese nationals living and studying in the United States, as they are potentially victims and targets of influence operations.

- **Promote Dialogue Regarding Tibet.** The Administration and Congress should work together to press for unrestricted access to Tibetan autonomous areas in China, facilitate the full implementation of the Tibetan Policy Act of 2002 (Public Law No. 107-228), and urge renewed dialogue between Chinese government officials and the Dalai Lama's representatives. Administration officials, including the President, should meet with the Dalai Lama in his capacity as a spiritual leader, and with the leaders of the Central Tibetan Administration.

- **Congressional Action To "Raise Our Competitive Game."** As part of the Administration's efforts to "raise our competitive game" in the face of challenges by a growing global authoritarianism, the Congress should be seeking to provide new authorities, resources, and ideas to counter China's mercantilist economic policies and Belt and Road Initiative; harden America's abilities to counter disinformation and political subversion; prioritize internet freedom, digital security, and circumvention of China's "Great Firewall"; and place reciprocity at the core of U.S. diplomatic engagement with China, including by considering passage of the Fair Trade with China Enforcement Act (S. 2826/H.R. 6001, 115th Cong., 2nd Sess.); the National Economic Security Strategy Act of 2018 (S. 2757, 115th Cong., 2nd Sess.); the Countering the Chinese Government and Communist Party's Political Influence Operations Act (H.R. 6010/S. 3171, 115th Cong., 2nd Sess.); the Hong Kong Human Rights and Democracy Act of 2017 (S. 417/H.R. 3856, 115th Cong., 1st Sess.); the Reciprocal Access to Tibet Act (S. 821/H.R.1872, 115th Cong., 1st Sess.); and the Stop

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Higher Education Espionage and Theft Act (S. 2903, 115th Cong., 2nd Sess.).

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

The Commission adopted this report by a vote of 15 to 0.†

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





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POLITICAL PRISONER CASES OF CONCERN





U.S. Government officials are encouraged to consult the Commission’s Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Commission’s 2018 Annual Report features cases of concern from among the ethnic Uyghur and Kazakh minority groups. Reports from rights groups, scholars, and media organizations have indicated that authorities in the Xinjiang Uyghur Autonomous Region (XUAR) have increasingly targeted Uyghurs, Kazakhs, and members of other predominantly Muslim ethnic minority groups for arbitrary detention on a mass scale in recent years, with a large increase in detentions beginning in 2017 that continued this past year. XUAR officials reportedly held as many as 800,000 to 1.1 million of these detainees in extrajudicial detention facilities in the XUAR that were variously referred to as “political reeducation” centers and “reeducation” camps, among other terms. For years the Chinese government has punished Uyghurs and members of other ethnic minority groups for exercising their political and civil rights, including by criticizing official policy, practicing religious traditions, and advocating for linguistic and cultural rights. [For more information on developments in the XUAR, see Section IV—Xinjiang.]

Name, PPD Record No., Detention Information	Case Summary (as of September 5, 2018)
<p>Ilham Tohti 2009-00315</p>  <p>Life sentence</p>	<p>On January 15, 2014, officials detained Uyghur scholar Ilham Tohti at his home in Beijing municipality. In February 2014, authorities formally arrested him on the charge of “separatism,” detaining him at the Urumqi Public Security Bureau (PSB) Detention Center in Urumqi municipality, XUAR. During a June 2014 meeting with his lawyers, Tohti stated officials had subjected him to abuse while in detention, including by shackling him and depriving him of food and water. On September 23, 2014, an Urumqi court sentenced Tohti to life in prison on the charge of “separatism.” He is held at the Xinjiang No. 1 Prison in Urumqi. Tohti was an economics professor in Beijing and founder of the website Uyghur Online. He wrote about ethnic tensions and sought peaceful dialogue between Uyghurs and Han Chinese.</p>
<p>Gulmira Imin 2010-00238</p>  <p>Life sentence</p>	<p>Authorities in Urumqi detained Gulmira Imin, a Uyghur website administrator and government employee from Urumqi, on July 14, 2009. She worked for the website Salkin, which reportedly posted an announcement calling for Uyghurs to demonstrate in Urumqi on July 5, 2009; authorities alleged she was involved in organizing the demonstration. On April 1, 2010, the Urumqi Intermediate People’s Court tried and sentenced her to life imprisonment for “separatism,” “leaking state secrets,” and “organizing an illegal demonstration.” She reportedly said at trial that authorities mistreated her and coerced her into signing a document she had not read. She is currently held in the Xinjiang Women’s Prison (Xinjiang No. 2 Prison) in Urumqi.</p>

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<p>Erfan Hezimjan (Erfan Hezim) 2018-00313</p>  <p>“Political reeducation”</p>	<p>In February 2018, security personnel in Dörbiljin (E'min) county, Tarbaghatay (Tacheng) district, Ili (Yili) Kazakh Autonomous Prefecture (KAP), detained 19-year-old Uyghur professional soccer player Erfan Hezimjan (Erfan Hezim) when he returned home to Dörbiljin to visit his parents. Authorities reportedly held Hezimjan in a “political reeducation” center. Authorities detained Hezimjan, formerly a member of China’s national youth soccer team, for “visiting foreign countries” after he trained and competed abroad. Authorities reportedly denied family visits for at least two months.</p>
<p>Abdurehim Heyit 2017-00371</p>  <p>“Political reeducation”/ current form of detention unknown</p>	<p>In April 2017, public security officials detained Uyghur musician Abdurehim Heyit and held him in custody in Urumqi. Authorities detained Heyit in connection with a Uyghur-language song he had performed, taking one phrase from the song to “brand him a religious extremist,” despite government censors’ prior approval of the lyrics. Heyit’s detention reportedly was part of the government’s broader detention of Uyghurs, including writers and artists, in the XUAR. Heyit performed in state-sponsored music and dance groups for many years. Authorities may have detained Heyit in a “political reeducation” center, but his whereabouts remain unknown.</p>
<p>Ablimit Metyasin 2018-00227</p>  <p>20 years</p>	<p>On an unknown date in 2017, public security officials in Hotan (Hetian) and Kashgar prefectures took into custody a group of young amateur martial artists, including 21-year-old Uyghur Ablimit Metyasin of Ilchi (Yiliqi) town, Hotan city, Hotan, detaining them on suspicion of “terrorism.” The dates, locations, and circumstances of their initial detentions were not reported. An unidentified court reportedly sentenced Ablimit Metyasin to 20 years in prison; the date and location of his trial and sentencing were unreported, as was the exact charge against him. Authorities also detained his mother, reportedly for failing to properly educate her son or to provide a timely report to authorities that he was studying martial arts.</p>
<p>Buzeynep Abdureshit 2018-00157</p>  <p>7 years</p>	<p>On March 29, 2017, public security officials in Urumqi detained Uyghur Buzeynep Abdureshit (Buzainafu Abudourexiti), transferring her to an unspecified location in Aksu (Akesu) prefecture. After a closed trial without legal counsel, on June 5, 2017, an unidentified court sentenced her to seven years in prison on unknown charges. She is serving her sentence in the Xinjiang Women’s Prison in Urumqi. Buzeynep Abdureshit’s detention may have been connected to her foreign travel and study. She spent two years studying Islam in Egypt before returning to China to study medicine. She was reportedly pregnant when initially detained.</p>

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<p>Manat Hamit 2018-00176</p>  <p>16 years, 6 months</p>	<p>On April 25, 2017, public security officials in Burultuqay (Fuhai) county, Altay (Aletai) district, Ili KAP, took into custody Manat Hamit, a 45-year-old ethnic Kazakh county official in Burultuqay, after discovering audio recordings of Quran readings on his computer. In May 2017, a court in Burultuqay sentenced him to 16 years and 6 months' imprisonment on charges related to "disseminating terrorism-related audiovisual material" and "inciting ethnic hatred." His family was unable to contact him while he was in detention, and authorities rejected the lawyer his family had hired. The Altay Intermediate People's Court upheld his sentence on appeal in or around June 2017. His whereabouts are unknown.</p>
<p>Amangul Aydek 2018-00119</p>  <p>21 years</p>	<p>On various dates throughout 2017, public security officials in Aksu city, Aksu, took into custody at least 17 members of a Uyghur family, all residents of Aksu city. Among those detained was Amangul Aydek, a food vendor around 37 years old, whom authorities detained in June 2017, and later sentenced to 21 years in prison on unknown charges. Her uncle reported that some of their relatives were detained in connection with growing beards, or having religious materials at their homes or on their phones. Authorities previously detained Amangul Aydek in 2015 after finding religious content on her phone. Her whereabouts are unknown.</p>
<p>Hebibulla Tohti 2017-00296</p>  <p>10 years</p>	<p>In March 2017, security personnel in Urumqi detained Uyghur religious scholar Hebibulla Tohti. In May 2017, a court in the XUAR sentenced Tohti to 10 years' imprisonment on unspecified charges related to "illegal religious activity." Tohti's whereabouts remained unknown. Authorities first detained Tohti in Urumqi in July 2016, after he returned from Egypt, releasing him in January 2017. The Islamic Association of China, the official association of Muslims in China, had sent Tohti to study at Al-Azhar University in Cairo, Egypt, where he obtained a doctorate in theology. Tohti's 2016 detention was linked to his teaching religion to Uyghur students in Egypt, attending a 2015 religious conference in Saudi Arabia, and highlighting Uyghur culture in his dissertation.</p>
<p>Pezilet Bekri 2018-00160</p>  <p>"Political reeducation"/ current form of detention unknown</p>	<p>On or around January 17, 2018, security personnel detained Uyghur Pezilet Bekri, the Chinese Communist Party Secretary of the Yarbagh (Yawage) subdistrict committee in Kashgar city, Kashgar. Han Chinese officials who worked with Bekri reportedly told superiors she had expressed sympathy toward people detained in "political reeducation" centers. Authorities reportedly detained Bekri in Kashgar. Moreover, unconfirmed reports indicated that authorities held Bekri at a "political reeducation" center at some point, but her exact whereabouts and the specific form of detention remained unknown. Bekri's responsibilities as Yarbagh Party secretary had included overseeing the detention of individuals and their transfer to such centers.</p>

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 2018 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 and government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its own advocacy and research work, including the preparation of the Annual Report, and routinely uses the database to prepare summaries of information about political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at <http://ppdcecc.gov>. (Information about the PPD is available at <https://www.cecc.gov/resources/political-prisoner-database>.)

The PPD received approximately 502,900 online requests for prisoner information during the 12-month period ending July 31, 2018—a change of approximately 27.96 percent over the 393,000 requests reported in the Commission's 2017 Annual Report for the 12-month period ending July 31, 2017.² During the 12-month period ending in July 2018, the United States remained the country of origin for the largest share of requests for information, with approximately 23.7 percent of such requests. India was in the second position, with approximately 5.9 percent of such requests, followed by France (3.3 percent), Brazil (3.0 percent), China (2.8 percent), Japan (2.8 percent), the Philippines (2.7 percent), Italy (2.6 percent), Germany (2.6 percent), the United Kingdom (2.1 percent), and Hong Kong (2.0 percent).

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

source of the largest share of online requests for information during the Commission's 2018 reporting year, accounting for approximately 37.0 percent of the 502,900 requests for information in the 12-month period ending in July 2018. The approximate number of requests from other sources are as follows: Domains ending in .net were second, with 15.5 percent of requests for PPD information. Domains ending in .com were third, with 15.4 percent of online requests for information, followed by Brazil (.br) with 2.7 percent, then by domains for Italy (.it), India (.in), and Japan (.jp) with 2.2 percent each, for Germany (.de) with 1.9 percent, for France (.fr) with 1.5 percent, for Poland (.pl) with 1.1 percent, for the European Union (.eu) with 1.0 percent, and Australia (.au) with 0.9 percent. U.S. Government (.gov) domains accounted for 0.7 percent of requests for information, educational domains ending in .edu with 0.2 percent, and domains ending in .org with 0.1 percent of requests. Domains for China (.cn) accounted for 0.1 percent of such requests.

POLITICAL PRISONERS

The PPD seeks to provide users with prisoner information that is reliable and up-to-date. Commission staff members work to maintain and update political prisoner records based on the staff member's area of expertise. 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 September 1, 2018, the PPD contained information on 9,345 cases of political or religious imprisonment in China. Of those, 1,392 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 7,953 are cases of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,392 cases of current political and religious imprisonment in China. Commission staff work on an ongoing basis to add cases of political and religious imprisonment to the PPD.

The 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.

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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 upgrade allows the PPD full text search and the basic search both to provide an option to return only records that either include or do not include an image of the prisoner. In addition, the 2015 enhancement allowed PPD record short summaries to accommodate more text as well as greater capacity to link to external websites.

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

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

Notes to Section I—Political Prisoner Database

¹The Commission treats as a political prisoner an individual detained or imprisoned for exercising his or her human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and law, or by international 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.

²CECC, 2017 Annual Report, 5 October 17, 63.

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

- In March 2018, the Chinese Communist Party Central Committee issued a large-scale plan to restructure the functional authority and managerial responsibilities of Party entities and Chinese government agencies, provisions of which reinforced the Party's ideological control by assigning to the Party Central Propaganda Department functional control of the press, publishing, and film. The plan also brought together China's three major broadcast news entities—China Central Television, China National Radio, and China Radio International—under a newly formed “mega” agency called China Media Group, to be known as Voice of China internationally.
- International press freedom advocacy organizations again ranked China as among the most restrictive for press freedoms throughout the world. The Chinese government continued to be one of the worst jailers of journalists in the world, with estimates of individuals in detention or imprisoned ranging from 41 to more than 50. Authorities detained and held a closed trial for Zhen Jianghua, the executive director of human rights monitoring website Human Rights Campaign in China. Other citizen journalists in detention included Huang Qi, Jiang Chengfen, Wang Jing, Chen Tianmao, and Yang Xiuqiong of the website 64 Tianwang, and Liu Feiyue and Ding Lingjie of the website Civil Rights & Livelihood Watch.
- Working conditions for foreign reporters in China generally deteriorated in 2017, according to the Foreign Correspondents' Club of China (FCCC). An FCCC survey noted official harassment of foreign reporters, news assistants, and sources; attempts to interfere with the coverage of issues that authorities deemed “sensitive”; restrictions on travel to areas along China's border and ethnic minority autonomous regions; and visa renewal delays and denials. Chinese officials rejected the FCCC survey findings, with one who questioned the legitimacy of the FCCC by alleging it is an “unregistered, illegal organization.”
- This past year, authorities continued to formulate new regulations to control and censor online news and media outlets, technology companies, and users of social media, and in the process, operationalize the PRC Cybersecurity Law.
- The Commission observed reports about censorship of topics relating to areas with large ethnic minority populations, such as the Tibet Autonomous Region and the Xinjiang Uyghur Au-

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onomous Region; Taiwan and Hong Kong; the spiritual movement Falun Gong; and anniversaries of past events and persons. Censorship of the news and social media commentary on the news was particularly intense this reporting year in connection with two major political events—the 19th National Congress of the Chinese Communist Party in October 2017 and the annual meetings of the National People’s Congress and its advisory body, the Chinese People’s Political Consultative Conference, in March 2018.

- Despite heavy and pervasive censorship, social media platforms continued to be an everyday channel of expression for Chinese citizens to discuss concerns about a range of news events and public interest issues. This past year, these concerns included sexual harassment on Chinese university campuses; racism on television; the forced eviction of thousands of non-local residents from Beijing municipality; and the removal of presidential term limits from China’s Constitution, with many posts in protest of Chinese President and Party General Secretary Xi Jinping’s consolidation of power.

- The Commission observed a wide range of cases that illustrated the Chinese government and Communist Party’s violations of international human rights standards and provisions in China’s Constitution on the right to freedom of expression, such as preventing author Jia Pingwa from traveling to an international literary scholarship conference in New York City in January 2018; detentions—and arrest in the case of Guo Qingjun—of administrators of a social media group who provided humanitarian assistance to the families of political prisoners; the announcement of a five-year prison sentence for Tibetan language rights advocate Tashi Wangchug; and the death of writer and democracy advocate Yang Tongyan (pen name Yang Tianshui) while on medical parole. Although the Chinese government permitted Liu Xia, the widow of writer and Nobel Peace Prize laureate Liu Xiaobo, to travel to Germany in July 2018 after holding her in arbitrary detention for nearly eight years, rights advocates raised concerns that her freedom of speech would be compromised since the Chinese government did not allow her brother Liu Hui to leave China with her.

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 cor-

ruption, and act as a trade barrier for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during bilateral dialogues. Assess the extent to which China's treatment of foreign journalists contravenes its World Trade Organization or other obligations.

- Sustain, and where appropriate expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions, in order to access and share content protected under international human rights standards. Continue to maintain internet freedom programs for China at the U.S. Department of State and the U.S. Agency for Global Media (formerly the Broadcasting Board of Governors) to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the costs to U.S.-China relations and to the Chinese public's confidence in government institutions that are incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions violate 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 institutions. Submit questions for China's next UN Human Rights Council Universal Periodic Review in November 2018, asking China to explain what steps it will take to ensure its restrictions on free expression conform to international standards.
- Urge Chinese officials to end unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Zhen Jianghua, Liu Feiyue, Huang Qi, Ding Lingjie, Jiang Chengfen, Wang Jing, Chen Tianmao, Yang Xiuqiong, Guo Qingjun, Tashi Wangchug, and other political prisoners raised in this report and in the Commission's Political Prisoner Database. Raise this issue in bilateral dialogues as well as through multilateral institutions, such as at China's UN Human Rights Council Universal Periodic Review scheduled to take place in November 2018, and at the UN Human Rights Council Working Group on Arbitrary Detention.

WORKER RIGHTS

Findings

- The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law. In January 2018, the state-run news agency Xinhua reported that the ACFTU had 303 million members in 2017. The

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U.S. Government and international observers noted that the ACFTU typically prioritized Chinese Communist Party interests over the interests of workers and did not effectively represent workers.

- Workers' right to collective bargaining remained limited in law and in practice. Observers noted the need for workers to establish trade unions that are truly independent from government and enterprise interests. In addition to curbing effective union representation, authorities have also restricted the ability of Chinese labor non-governmental organizations (NGOs) to train workers in collective bargaining.
- During this reporting year, Chinese authorities continued to severely restrict the ability of civil society organizations to work on labor issues, including domestic organizations that received foreign funding and international civil society organizations. The situation for civil society organizations has not improved since a crackdown on labor NGOs began in December 2015, and has deteriorated further during the first year of implementation of the PRC Law on the Management of Overseas NGOs' Activities in Mainland China.
- The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news and social media, recorded 1,257 strikes in 2017. The CLB communications director estimated that CLB was able to document between 5 and 10 percent of the total number of worker actions in China between 2013 and 2017.
- Major worker actions were reported, including in March 2018, when an estimated 3,000 sanitation workers protested wage cuts in Changning district, Shanghai municipality. Also in March 2018, 6,000 workers from five factories in Zhuhai municipality, Guangdong province, protested a plan to sell the factories. In April 2018, crane operators went on strike across 19 provinces in China to protest low pay.
- Against the backdrop of the ongoing, and in some sectors worsening, problem of wage arrears this past year, central authorities reiterated goals from 2016 to resolve the problem of migrant worker wage arrears. In December 2017, the State Council General Office released new measures on wage arrears, reiterating the goal of a 2016 State Council opinion to resolve the issue.
- During this reporting year, government data showed a continued decline in workplace deaths, though the Commission continued to observe reports of lax enforcement of work safety laws and regulations. According to the National Bureau of Statistics of China, in 2017, a total of 37,852 people died in workplace accidents, down from 43,062 deaths in 2016, and 66,182 deaths in 2015. Coal mine deaths have reportedly declined steadily and significantly over the past fifteen years, down to 375 in 2017, compared to 7,000 in 2002.

- In March 2018, as part of a sweeping government restructuring plan, central authorities announced plans to dismantle the State Administration of Work Safety, transferring responsibility for work safety to a new Ministry of Emergency Management. CLB criticized the bureaucratic changes as highlighting how “the Chinese government is more concerned with disaster management and control rather than in preventing workplace accidents in the first place.”

Recommendations

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

- Press the Chinese government to immediately release labor advocates who are in prison or detention for the exercise of their lawful rights. Specifically raise the cases of Lu Yuyu and Fu Tianbo.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining, and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party’s role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy wage rates should be determined by free bargaining between labor and management.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, and occupational health and safety. 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.
- 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 Commission’s 2018 reporting year, authorities continued to use various forms of arbitrary detention—such as extralegal “black jails” and forced psychiatric commitment of individuals without mental illness—to deprive individuals of their liberty, contravening international human rights stand-

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ards. Authorities also continued to use administrative forms of detention that circumvented judicial oversight and protections for detainees' rights under the PRC Criminal Procedure Law (CPL).

- In March 2018, the National People's Congress passed the PRC Supervision Law, authorizing the National Supervisory Commission (NSC) to investigate suspected official misconduct using methods including "confinement" (*liuzhi*), an extrajudicial form of detention that allows NSC officials to hold individuals without a guarantee of access to counsel. In May 2018, the first reported death in "confinement" occurred, that of Chen Yong. Chen's body reportedly showed signs of abuse, and officials said Chen "collapsed" during interrogation but did not specify a cause of death.

- Authorities continued to detain individuals under broad provisions in the PRC Criminal Law—such as crimes of "endangering state security" and "picking quarrels and provoking trouble"—to suppress rights advocacy and other activities protected under international human rights standards.

- Authorities continued to abuse detainees' rights under the CPL. Some detainees gave what appeared to be scripted, coerced confessions, in some cases on camera. For example, Swedish citizen Gui Minhai gave a televised confession for allegedly cooperating with Swedish authorities to attempt to leave China, after Chinese authorities detained him as he traveled to Beijing municipality with Swedish diplomats for a medical exam. In another case, Taiwan college employee and non-governmental organization (NGO) volunteer Lee Ming-cheh gave what appeared to be a coerced confession in court for "subversion of state power." Officials denied some detainees access to counsel, such as human rights website editor Ding Lingjie and internet commentator Chen Jieren.

- Authorities held some rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under "residential surveillance at a designated location" (RSDL), a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities. Observers reportedly were unable to contact rights lawyer Wang Quanzhang since authorities detained him on July 10, 2015. Wang's wife reported in July 2018 that another lawyer reported seeing Wang in a Tianjin municipality detention center. Authorities reportedly postponed the June 20, 2018, trial of 64 Tianwang website founder Huang Qi, whom authorities detained on November 28, 2016. According to an August 18, 2018, Radio Free Asia report, authorities had not set a new trial date. Authorities also placed rights lawyer Yu Wensheng and environmental petitioner Ji Shulong under RSDL.

- Authorities continued to torture and otherwise abuse detainees in some cases. Officials in Shenyang municipality, Liaoning province, reportedly detained rights lawyer Li Yuhan and allowed other detainees to throw her food on the floor, urinate on her food, and throw cold water on her. Officials in Yu county, Zhangjiakou municipality, Hebei province, reportedly placed

a hood over lawyer Wu Quan; took him to a basement; bound him to an interrogation chair for 48 hours; and deprived him of water, sleep, and sufficient clothing for the first 24 hours.

- Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data—raising concerns about privacy and public security officials’ capacity to crack down on rights advocates and other targeted persons. The manner in which authorities collected personal data, including biometric data, appeared to violate privacy protections in international human rights instruments, and the Commission did not observe any efforts by the Chinese government to bring the collection or use of such information in line with international standards.

- The Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders, while Amnesty International estimated that China carried out more executions than all other countries combined. China continued to classify statistics on its use of the death penalty as a state secret, and the Commission did not observe official reports on overall death penalty numbers. In December 2017, authorities in Lufeng city, Shanwei municipality, Guangdong province, sentenced to death 10 people variously for murder, robbery, and drug-related crimes—in a public trial in a stadium—and then immediately executed them. This past year, the Commission did not observe any rule-making efforts to ban harvesting organs from executed prisoners. At a trafficking conference at the Vatican in 2018, the head of the China Organ Transplant Response System reported that authorities made 220 arrests over the previous 10 years in connection to illegal organ transplants and noted that authorities continued to combat the practice.

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, which the Chinese government signed in 1998 but has not yet ratified.
- Include discussion of rights protections for government critics and rights advocates in a wide range of bilateral and multilateral discussions with Chinese officials. Stress to the Chinese government the importance of procedural compliance and effective legal representation in criminal cases in relation to the goal of rule-based governance. Publicly convey support for human rights advocates whom officials have deprived of liberty on unsubstantiated criminal charges and for apparent political or religious reasons.
- Urge Chinese officials to end all forms of arbitrary detention, as well as forms of extrajudicial detention that are imposed without meeting the standards for a fair trial as set

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forth in the International Covenant on Civil and Political Rights and other international human rights instruments.

- Consult with Chinese officials regarding progress toward adopting the recommendations made in February 2016 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 in Chinese law allowing for "residential surveillance at a designated location." Further, encourage Chinese officials to extend invitations to all UN special rapporteurs and other special procedures that have requested visits to China.

- Urge Chinese officials to adopt a legal and regulatory framework for information technology-based policing practices that meets international human rights standards. Such a framework should include, for example, privacy protections, restrictions on police authority to collect personal information without consent, and protections against discriminatory practices, including profiling of ethnic and religious minorities. Encourage Chinese officials to require police who use information technology to complete appropriate human rights training, and impose strict penalties for officials who authorize or carry out preemptive detentions.

- 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 for which the death penalty is applicable. Urge the Chinese government to ban explicitly in national legislation the harvesting of organs from executed prisoners.

- Continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform China as it charts a path toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

FREEDOM OF RELIGION

Findings

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

- The importance of "religious work" to the Chinese Communist Party agenda has undergone an "unprecedented increase" with "major innovations" under Party General Secretary Xi Jinping. Party and government officials continued to emphasize several key policy principles in religious affairs during this reporting year. These included "guiding" religious

groups to support Party leadership and the political system; shaping religious practice in China to promote and assimilate to a Chinese cultural identity (“sinicization”); and using Chinese religious groups to facilitate connections with other countries, particularly those hosting Belt and Road Initiative projects.

- In March 2018, the Party’s sweeping reorganization plan for Party and government institutions included a provision directing the Party’s United Front Work Department (UFWD) to take over the government agency responsible for religious affairs at the national level, making the national-level UFWD directly responsible for administering policies pertaining to religion in China.

- The Chinese government’s regulatory framework for religion imposed increased restrictions on religious freedom after revisions to the Regulations on Religious Affairs took effect on February 1, 2018. The revisions increased official control and scrutiny over religious activity. The revisions also established new legal responsibilities and penalties for violations of the regulations. Religious believers and academic experts predicted that the restrictions would increase official pressure on religious groups, particularly those not registered with the government. Many groups refuse to register because registration requires submitting to the direction of a state-sanctioned patriotic religious association. Other laws and Party policies also continued to restrict citizens’ freedom to hold religious beliefs and practice religion.

- While government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression, they nonetheless continued to subject these religions to extensive regulation and control. Official regulation also included restrictions aimed at stemming the perception of commercialization of Buddhist and Taoist religious practices.

- The government maintained measures that impede the freedom of Chinese Catholic congregations to be led by clergy who are selected and who conduct their ministry according to the standards called for by Catholic religious beliefs. The government also continued to harass, detain, or hold incommunicado certain leading Catholic clergy. In May 2018, the national religious organizations for Catholics passed a five-year plan for the “sinicization” of Catholicism in China.

- Party and government officials maintained restrictions on the religious activities of Chinese Protestants, with some believers facing harassment, surveillance, detention, imprisonment, and other abuse because of their religious activities. A U.S.-based organization that advocates for religious freedom, ChinaAid Association, reported that both instances of official persecution and the number of believers affected had increased in 2017 from the prior year. Academic experts on Chinese religion and society stated that the continued escalation of repression was due in part to Party officials’ concern that Christian communities pose a challenge to the Party’s monopoly on political power. In several instances, authorities detained house church members on the charge of “organizing and using a cult

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to undermine implementation of the law” under Article 300 of the PRC Criminal Law.

- The Commission noted reports of continued repression of Falun Gong practitioners, by means of harassment, arbitrary detention, and prosecution. International organizations continued to express concern over reports that organs of detained prisoners have been used in numerous organ transplant operations in China, including those of Falun Gong practitioners. Medical professionals and international advocacy organizations disputed Chinese health officials’ claims that organ procurement systems have been reformed in compliance with international standards, citing ethical concerns about organ sourcing raised by short wait times for organ transplants and discrepancies in data on organ transplants.

- During this reporting year, official restrictions on the religious freedom of Hui Muslim believers increased. The local government in Ningxia Hui Autonomous Region, a region in which Hui Muslims are concentrated, launched a “rectification campaign” that included the removal of “Arabic style” domes and décor from mosques and other buildings, prohibitions on calls to prayer, removal of the Quran and books on Islam from retail shops, and the closure of schools teaching Arabic. Hui Muslim believers in the Xinjiang Uyghur Autonomous Region have also been sentenced for “cult” or other offenses for “privately preaching the Quran.”

- Religious communities outside of the five religions that are the main objects of official regulation continued to exist in China, with some continuing to enjoy tacit recognition and support, while others faced suppression from authorities.

Recommendations

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

- Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with its international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt beliefs and practice religious activities without government interference, particularly those based on political goals.

- Stress to the Chinese government that the right to freedom of religion includes: the right of Buddhists and Taoists to carry out activities in temples and select monastic teachers independent of state controls; the right of Catholics to be led by clergy who are selected and who conduct their ministry according to the standard called for by Catholic religious beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimage, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state controls over doctrine and worship, and free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of mem-

bers of other religious communities to be free from state control and harassment.

- Call for the release of persons confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as those confined, detained, or imprisoned in connection to their association with them. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and the International Religious Freedom Act of 1998. Ensure that conditions related to religious freedom are taken into account when negotiating any applicable trade agreement as mandated by the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law No. 114–26).

- Publicly and privately advocate on behalf of persons whom Chinese authorities continue to severely harass or have detained for exercising their freedom of religion or belief. Some of the many cases in need of legal, humanitarian, and other forms of advocacy include Catholic clergy pressured by Chinese authorities to join the Catholic Patriotic Association, such as Coadjutor Bishop Augustine Cui Tai of Xuanhua district, Zhangjiakou municipality, Hebei province; Bishop James Su Zhimin of Baoding municipality, Hebei province; Father Lu Danhua of Qingtian county, Zhejiang province; and Bishop Thaddeus Ma Daqin of Shanghai municipality, whose movement reportedly remains restricted within Sheshan Seminary in Shanghai. A number of leaders of officially sanctioned Protestant groups have been prosecuted and sentenced after protesting official measures against their churches in recent years, including Zhang Shaojie of Nanle county, Puyang municipality, Henan province, as well as Bao Guohua and Xing Wenxiang, both of Jinhua municipality, Zhejiang province. Members of unofficial Protestant groups (“house churches”), including 27 Protestant believers across six different localities within Yunnan province, have received criminal sentences for “organizing and using a cult to undermine implementation of the law” under Article 300 of the PRC Criminal Law. The U.S.-based non-governmental organization Dui Hua Foundation reportedly found 800 official records of persons sentenced in 2017 under Article 300 in Chinese judicial databases, a majority of whom apparently are Falun Gong practitioners. Representative cases of Falun Gong practitioners in the Commission’s Political Prisoner Database include Deng Cuiping of Yuxi municipality, Yunnan, who is currently serving a six-year prison sentence; Bian Lichao of Tangshan municipality, Hebei, who is serving a 12-year prison sentence; and Zhang Ming and Li Quanchen of Dandong municipality, Liaoning province. Members of Congress and Administration officials are encouraged to consult the Commission’s Political Prisoner Database for information on political and religious prisoners.

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

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ETHNIC MINORITY RIGHTS

Findings

- At the March 2018 meetings of the National People's Congress and the Chinese People's Political Consultative Conference in Beijing (Two Sessions), Chinese Communist Party and government authorities changed the mechanisms they use to implement policies toward ethnic minorities, as the Party's United Front Work Department (UFW) assumed control of the work of the government departments overseeing ethnic affairs (the State Ethnic Affairs Commission) and religion (the State Administration for Religious Affairs). A number of observers expressed the view that the UFW's newly expanded powers represented an official move toward tighter Party control over ethnic affairs and policies promoting ethnic assimilation over ethnic pluralism.
- Authorities targeted ethnic Hui communities with policies and restrictions limiting Hui Muslims' religious practices. During the Two Sessions, Yang Faming, Chairman of the China Islamic Association, stressed that Muslims in China should incorporate Chinese characteristics into Islamic religious rituals, culture, and architecture, avoid the expansion of the concept of "halal" into secular life, and adhere to "socialist core values." According to an American historian, Yang's speech reflected a formal declaration of a policy trend that officials had begun implementing in regions with significant Hui populations beginning in fall 2016.
- Government and Party officials implemented policies limiting ethnic minorities' freedom to engage in cultural practices and speak or learn their languages. In December 2017, international media and rights advocates reported that in a policy implemented in September, Xinjiang Uyghur Autonomous Region (XUAR) education authorities had ended the use of Mongolian as a language of instruction in elementary and lower middle schools in Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, XUAR.
- Mongol herders in the Inner Mongolia Autonomous Region (IMAR) demonstrated and petitioned authorities over the government's role in the loss of their traditional grazing lands, the harmful ecological effect of state development on grassland and livestock, and the government's failure to provide herders with adequate compensation for their land. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested.

Recommendations

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

- Continue to build the capacity of Mongol, Uyghur, and Tibetan groups working to advance human rights, environmental protection, economic development, and rule of law in China through U.S. foreign assistance funding and by encouraging

additional support from both UN and non-governmental sources.

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

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

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

POPULATION CONTROL

Findings

- During the Commission's 2018 reporting year, Chinese government authorities continued to promote and implement coercive population control policies that violate international standards, including the 1995 Beijing Declaration, the 1994 Programme of Action of the Cairo International Conference on Population and Development, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The amended PRC Population and Family Planning Law and provincial-level regulations limit couples' freedom to build their families as they see fit.

- The Chinese Communist Party and government implemented the "universal two-child policy" for a third consecutive year in 2018, and government statistics showed that the policy was not effective in spurring population growth. The National Bureau of Statistics of China (NBS) reported that the number of total births in 2017 was 17.23 million, 630,000 less than the 2016 NBS figure. The National Health and Family Planning Commission (NHFPCC) had predicted in 2016 that the universal two-child policy would result in 3 million additional births per year.

- During this reporting year, central Party and government officials pledged to strengthen supporting policies that facilitate implementation of family planning policies. Some local govern-

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ments introduced supporting policies—including longer paid maternity leave, financial incentives and subsidies, and other benefits—to encourage couples to have a second child.

- During this reporting year, central authorities issued a plan to restructure Party and government agencies, including merging the NHFPC and several other agencies to create a new National Health Commission (NHC) under the State Council. The NHC will assume oversight of responsibilities related to family planning management and services, in addition to managing an aging population and other health-related matters. Some observers saw the restructuring plan as an indication that authorities plan to eventually eliminate birth limit policies. Experts from academic institutions affiliated with the Party and government, as well as a provincial government report on population development, called for ending the birth limit policies. The NHC reportedly stated that authorities were considering ending the two-child birth limit.

- According to a May 2018 Bloomberg News report, central government authorities reportedly were considering and may have reached a decision to end birth limit policies due to demographic concerns, such as the declining birth rate, aging population, and shrinking workforce. The report also cited international criticism of the policies as a factor in the decision.

- 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 and local government authorities, however, continued to explicitly instruct officials to carry out abortions, often referred to as “remedial measures,” for illegal pregnancies. Local authorities continued to promote the implementation of harsh and invasive family planning measures. Officials imposed or threatened various punishments to enforce family planning policies, including heavy fines, job termination, detention, and abortion.

- Decades of population control policies have exacerbated China’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. China’s total fertility rate has dropped from approximately 3 births per woman in the late 1970s to an estimated 1.6 births per woman in 2017, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The National Bureau of Statistics of China reported that from 2016 to 2017, China’s working-age population (persons between the ages of 16 and 59) declined by 5.48 million people to 901.99 million, while the elderly population (persons aged 60 or older) increased by 10.04 million in 2017 to 240.90 million people, or 17.3 percent of the total population. The overall sex ratio in 2017 was 104.81 males to 100 females, and there were approximately 32.66 million more males than females in China.

- International media reports continued to suggest a link between China’s sex ratio imbalance and the trafficking of foreign women into China for forced marriage or commercial sexual exploitation. Reports also indicated that decades of birth

limits under China's population control policies combined with a traditional preference for sons may have encouraged 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.
- 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. As the universal two-child policy may not adequately address these demographic challenges, urge the Chinese government to heed the recommendations of domestic and international demographic experts by ending, as soon as possible, all birth restrictions on families and abolishing “social compensation fees.”
- Use authorities provided in the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States of and impose sanctions against Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive family planning policies, including those who have forced men and women to undergo sterilizations and abortions.
- Call on China's central and local governments to vigorously enforce provisions of Chinese laws that provide for punishment of officials and other individuals who engage in these abuses.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China's population control policies with potential regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral and multilateral dialogues.

SPECIAL TOPIC: FORCED EVICTIONS IN BEIJING MUNICIPALITY

Findings

- In November 2017, Beijing municipal authorities responded to a fire in a migrant neighborhood with a campaign of forced evictions. On November 18, a fire broke out in an apartment building, killing 19 people. Of the 19 victims, 17 were migrants, meaning they were registered in localities outside of

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Beijing under the Chinese government's household registration (*hukou*) system.

- Following the fire, the Beijing government launched a campaign to inspect buildings for fire hazards, which resulted in large-scale forced evictions and demolitions in migrant neighborhoods across Beijing. Some affected residents reported being forced to leave their homes within three days, with some given a few hours' notice or less. The Commission did not observe official reports on the number of people evicted in Beijing, but international media estimated that tens of thousands were affected. The number of migrants in Beijing reportedly fell by 132,000 from the end of 2016 to the end of 2017.
- As events unfolded, some migrants and locals attempted to confront government officials over their evictions. Non-governmental organizations, companies, and individuals offered assistance to displaced migrants. Internet users engaged in online debates and criticized the eviction campaign as videos showing evictions, demolitions, and displaced migrant workers spread quickly on Chinese social media.
- The government responded by restricting domestic reporting on the evictions, and censoring online discussion and civil society groups. Authorities also detained an artist for sharing videos of the evictions and detained six others, reportedly for helping the artist flee. Authorities released the seven on bail and forced the artist to leave Beijing and return to his hometown in another province.
- Some observers viewed the eviction campaign that began in November 2017 as part of the Beijing government's long-term plan to limit the population of Beijing. In September 2017, central authorities approved Beijing municipal authorities' plan to cap Beijing's population at 23 million by 2020. In December 2017, central authorities also approved a plan to cap Shanghai's population at 25 million by 2035.
- Actions taken by Chinese government officials enforcing the eviction campaign in Beijing contravene both international standards and Chinese law, and restrictions arising from the *hukou* system contravene international human rights standards guaranteeing freedom of residence.

Recommendations

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

- Call on Chinese authorities to end forced evictions across China, and to follow both international and Chinese law in providing adequate notice, compensation, and assistance to residents when public safety requires demolishing dangerous structures.
- Encourage the Chinese government to expand both the rights of migrant workers in China, and the space for civil society organizations that provide social services and legal assistance to migrant workers, rather than cracking down on such organizations. Note that improving the rights of migrant workers and expanding their access to social services is likely to

lower the chances of spontaneous, large-scale protests, while large-scale forced evictions could increase the likelihood of such protests.

- Call on Chinese authorities to accelerate reforms to the *hukou* system, including lowering restrictions on migration to major cities and centers of economic opportunity; equalizing the level and quality of public benefits and services tied to local *hukou* and residence permits; and implementing laws and regulations to provide equal treatment for all Chinese citizens, regardless of place of birth, residence, or *hukou* status.
- Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrants, in order to advance legal and anti-discrimination assistance for migrants and their families, and to encourage policy debates aimed at eliminating inequality and discrimination connected to residence policies, including the *hukou* system.

STATUS OF WOMEN

Findings

- Employment discrimination against women continued to be a serious problem this past year. Employers routinely discriminate against women in hiring, wages, and promotion. Discriminatory and sexualized views of women were pervasive in job recruitment advertisements. Gender inequality in employment has increased during the period of market liberalization, and much of the disparity is attributed to the shifting of responsibility for child care from the state system (via publicly funded maternity leave and nursery schools) to the private sector, with the resulting burden falling disproportionately to individual women and employer-funded maternity leave. Employers viewed women as more costly than male employees, and such discrimination has worsened with the implementation of the “universal two-child policy.”
- Women in China continued to face challenges with domestic and sexual violence. While there were improvements in implementation of the PRC Anti-Domestic Violence Law evidenced by increased awareness and the publishing of local implementing regulations, other challenges remained. Chinese courts maintained an evidentiary standard for proving domestic violence that was difficult for victims to meet, and victims escaping abusive domestic situations received inadequate support in seeking shelters.
- Women in China continued to lack secure rights to property due to a combination of discriminatory policy implementation and adherence to patriarchal cultural values. Officials suggested a number of proposals aimed at addressing these issues during the upcoming round of agricultural policy reforms.
- Authorities maintained tight restrictions on the political environment for engaging in women’s rights advocacy—a continuation of the official repression of women’s rights advocacy beginning in 2015. In January 2018, Chinese students, alumni, and faculty initiated a series of independent campaigns to pre-

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vent sexual harassment on college campuses. These included public allegations of misconduct by individual professors, petitions calling on universities to institute policies to prevent sexual harassment, and public requests for information about university actions in past sexual assault cases. While some actions taken by university and government authorities were supportive of the issues raised by the campaigns, official responses nonetheless prioritized suppressing grassroots mobilization. Reports of sexual harassment in other sectors such as manufacturing, journalism, civil society, the state-sanctioned Buddhist community, and the Protestant community in Hong Kong also drew public attention.

Recommendations

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

- Publicly and privately urge the Chinese government to respect the freedom of expression and assembly of all rights advocates, and in particular to refrain from harassing and intimidating independent women's rights advocates seeking to increase awareness about sexual harassment in public areas.
- Urge the Chinese government to publicly expand its commitment to gender equality through measures such as increasing the number of women in the highest levels of political leadership, instituting gender equality and anti-harassment trainings in government workplaces, and challenging discriminatory attitudes based on gender through public education.
- Commend the Chinese government for recent legal developments aimed at promoting the welfare of women and gender equality. These include the passage of the PRC Anti-Domestic Violence Law and the inclusion of a gender discrimination case among the Supreme People's Court's guiding cases. Encourage the government to strengthen formal support services for implementation—for example, by increasing funding for health services or shelters for women experiencing violence, providing funding and support for attorneys for legal services, and allowing independent lawyers and advocates to assist with the promotion and implementation of laws related to gender equality through lawsuits and public campaigns.
- Support international exchanges among academics, legal advocates, non-governmental organizations, and others that focus on the implementation and enforcement of recently adopted laws promoting gender equity. In particular, facilitate and support technical assistance programs that would help both men and women working in law enforcement and the judiciary to implement the PRC Anti-Domestic Violence Law effectively and challenge discriminatory attitudes based on gender. As the first point of contact, law enforcement in particular should be trained in addressing reports of violence in a way that does not undermine victims' concerns or safety.
- Facilitate and support technical assistance programs that would help the development of gender equality education in schools and communities.

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

HUMAN TRAFFICKING

Findings

- As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol), China is obligated to enact legislation criminalizing human trafficking as defined by the UN TIP Protocol. The definition of human trafficking in Chinese law, however, remains inconsistent with UN TIP Protocol standards, contributing to the difficulty of assessing the scale of human trafficking in China.
- The Commission observed reports of human trafficking from Southeast Asian countries to China for forced marriage and forced labor, as well as trafficking of Chinese nationals to the United States for forced labor and sexual exploitation.
- The Chinese government continued to subject individuals to forced labor during pretrial detention and in administrative detention centers. Local authorities in Hotan prefecture, Xinjiang Uyghur Autonomous Region, reportedly required some Uyghur women and children to perform forced labor.
- This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on worker rights exacerbated this risk. A lack of economic opportunity in Southeast Asian countries contributed to human trafficking vulnerability in that region. China's sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage. In addition, the Chinese government continued to treat North Korean refugees as economic migrants and maintained a policy of repatriating undocumented North Koreans, leaving the refugees vulnerable to trafficking.
- The government of the Democratic People's Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor. Reports from October 2017 indicated that many workers had been or would be sent back to North Korea due to the Chinese government's enforcement of UN sanctions; however, the DPRK reportedly began sending workers to China again in March 2018, possibly in violation of UN sanctions.
- Hong Kong remained a destination for human trafficking, with migrant domestic workers particularly at risk of exploitation for forced labor. The Hong Kong government maintained that comprehensive anti-trafficking legislation was unnecessary and that human trafficking in Hong Kong was rare.

Recommendations

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

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

NORTH KOREAN REFUGEES IN CHINA

Findings

- During the Commission's 2018 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, in violation of its obligations under international human rights and refugee law.
- Heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face, and may be limiting the outflow of refugees from the DPRK. South Korean Ministry of Unification data indicated that 1,127 North Korean refugees reached South Korea in 2017, continuing a trend of significant decline since 2009 when the yearly number of refugees entering South Korea peaked at 2,914.
- After North Korean leader Kim Jong-un's March 2018 visit to China, Chinese authorities reportedly increased the monetary reward for reporting North Korean refugees hiding inside China. As a result, Chinese authorities reportedly caught and detained many North Korean refugees.
- Chinese authorities appeared to have intensified crackdowns on organizations and individuals in China, particularly South Korean Christian missionaries and churches, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.
- North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The majority of North Korean refugees leaving the DPRK are women, many of whom are trafficked from the DPRK into, or within, China for the purposes of forced marriage and commercial sexual exploitation.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services owing to a lack of legal resident status in China, which constitutes a violation of international law.

Recommendations

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

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

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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 the Chinese government's treatment of refugees. 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.
- Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).

PUBLIC HEALTH

Findings

- During the Commission's 2018 reporting year, the Chinese government and Communist Party implemented institutional reforms to support evolving public health priorities and engaged in international exchanges focused on public health issues.
- Health-based discrimination in employment and education continued, and universities continued to experience shortcomings with accessible facilities for disabled students. To increase school completion rates, authorities in different localities issued guidance implementing a July 2017 State Council General Office circular that included a focus on disabled students.
- Authorities continued to suppress public health information in sensitive cases. For three months in 2017, authorities in Hunan province did not acknowledge publicly a tuberculosis outbreak at a high school in Taojiang county, Yiyang municipality, Hunan, that resulted in 29 confirmed cases.
- This past year, authorities continued efforts and took new approaches to prevent the spread of HIV/AIDS, but social stigma and authorities' efforts to suppress HIV/AIDS rights advocacy continued.
- People with mental illness—many of whom suffer from additional disadvantages—remained at risk of discrimination and faced inadequate access to medical care. Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities to punish rights advocacy. In February 2018, the Supreme People's Procuratorate reportedly released provisions clarifying the procuratorate's role in supervising procedures that include psychiatric treatment and assessment in criminal cases, but the actual effect remained unclear.
- Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) compelled residents to submit to the large-scale collec-

tion of biometric data intended for dual use by public health and public security authorities. These efforts coincided with broader efforts by public security authorities to collect and integrate personal information to predict perceived threats to public security, as part of efforts to maintain “stability” or “harmony.”

Recommendations

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

- Continue to support technical assistance and exchange programs in public health. Require that U.S.-China cooperative programs include the participation of U.S. and Chinese non-governmental organizations and a focus on human rights. Introduce human rights as an area of focus in the U.S.-China Social and Cultural Dialogue.
- Urge Chinese officials—including officials in the newly formed National Health Commission—to focus on effective implementation of laws and regulations that prohibit health-based discrimination in employment and education. Encourage Chinese officials to highlight improvements to standards at the subnational level, such as the amendment of discriminatory provisions for hiring teachers in Fujian province discussed in this section. Where appropriate, share the United States’ ongoing experience with and efforts in promoting the rights of persons with disabilities in education and employment, through non-governmental advocacy and services, and legal and regulatory means.
- Call attention to Chinese authorities’ efforts to suppress public health information and health-related rights advocacy. Raise individual cases in meetings with Chinese officials, such as the case of HIV/AIDS rights advocate Sun Ya and medical doctor Tan Qindong.
- Urge the Chinese government to establish panels of legal, medical, social work, and security professionals from within and outside the government to monitor and report on implementation of the PRC Mental Health Law (MHL) and initiatives 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.

THE ENVIRONMENT

Findings

- During the Commission’s 2018 reporting year, despite top Chinese Communist Party and government leaders highlighting the importance of protecting the environment, environmental pollution remained a major challenge. Chinese authorities’ top-down approach to environmental issues limited the role of civil society and the public. In October 2017, at the 19th National Congress of the Chinese Communist Party, President

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and Party General Secretary Xi Jinping avowed the importance of China's top-down approach to environmental protection in "ensuring harmony between humans and nature."

- In March 2018, central authorities established a new Ministry of Ecology and Environment (MEE) to replace the Ministry of Environmental Protection, and a new Ministry of Natural Resources to replace the Ministry of Land and Resources. According to a number of environmental experts, the MEE may strengthen environmental protection by consolidating environmental oversight and improving bureaucratic efficiency.

- In early 2018, authorities reported achieving the government's five-year (2013–2017) targets for improving air quality, but implementation of the plan resulted in significant hardships. In order to meet the air quality targets, authorities shut down thousands of factories and mandated that millions of Chinese stop using coal for heat during the winter, even though no replacement was available. An international advocacy group collected 5,822 posts to Weibo, China's Twitter-like microblogging platform, in November and December 2017, to document citizens' complaints about the lack of heat, and international media reported that millions may have lacked proper heating in subfreezing temperatures. The government's top environmental official acknowledged that some local governments had even closed enterprises that were in compliance with emissions rules.

- During this reporting year, state-run and other official media reported on multiple incidents in which Chinese officials attempted to manipulate environmental monitoring data or failed to investigate reports of serious pollution. In January 2018, the Beijing Times reported that Shizuishan municipality officials in the Ningxia Hui Autonomous Region attempted to spray water near the building that housed the monitoring equipment to improve air quality readings, but instead turned the building into an "ice sculpture" after the spray froze. Shortcomings in environmental transparency, including access to credible official environmental data, continued to be a long-term obstacle to assessing environmental quality and the efficacy of pollution control efforts.

- Although some non-governmental organizations (NGOs) have standing as plaintiffs in public interest lawsuits, most "public interest" litigation continued to be brought by the government. Cases in which NGOs initiated public interest lawsuits this past year included litigation against a hydroelectric power company in Yunnan province over damage to the rainforest, and litigation against local governments in Zhengzhou municipality, Henan province, for illegally moving culturally significant trees.

- Chinese citizens continued to raise their concerns about health issues related to the environment through street-level protests and other forms of public advocacy. Chinese environmental advocates were detained during this reporting year for protesting land reclamation, illegal quarrying, and mining.

Recommendations

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

- Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution. Raise the detention of environmental advocates Karma and Chen Wuquan 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.
- Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting. U.S. officials should also raise questions about the lack of transparency regarding public disclosure of emissions data from key polluting enterprises.
- Continue to support U.S.-China technical and legal collaboration on environmental protection and energy efficiency. U.S.-China cooperation should focus on programs aimed at increasing media freedom and public participation; improving transparency and the rule of law; reducing air, water, and soil contamination; and improving government accountability.

CIVIL SOCIETY

Findings

- During the Commission's 2018 reporting year, the Chinese government and Communist Party continued to view civil society's primary role as "cooperating with" (xietong) the Party's agenda for social governance under one-party rule. At the 19th National Congress of the Chinese Communist Party, Party General Secretary and President Xi Jinping reiterated the role of Chinese civil society in the context of Party and government leadership: "Party committees exercise leadership, government assumes responsibility, non-governmental actors provide assistance, and the public get involved." Ever since Xi's ascendance to the Party's top leadership role in late 2012, advocacy organizations operating in previously tolerated "gray areas" have experienced what experts describe as a "chilling effect."
- This past year, the government continued to suppress the rights of Chinese human rights defenders and political groups working on human rights advocacy. These advocates, among others, included Zhen Jianghua from Human Rights Campaign in China; Guo Qingjun and other members of the National Tourism Chat Group that provided support for families of political prisoners; and Xu Qin, Qin Yongmin, and Zhao Suli, affiliated with the China Human Rights Watch group.

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- The government continued to implement the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, which took effect in January 2017. While some international NGOs have successfully registered representative offices in China, including philanthropic organizations that had relationships with local governments, at least four organizations that have long worked on training lawyers, the protection of women, and LGBT rights reported that they were unable to register or obtain temporary activity permits. Other organizations that work in human rights and rule of law chose to suspend their operations or leave China.
- Chinese authorities continued to detain and prosecuted Taiwan human rights NGO volunteer Lee Ming-cheh this past year. After authorities detained Lee in March 2017, the State Council Taiwan Affairs Office subsequently confirmed that Chinese authorities were investigating Lee for “endangering state security” and had formally arrested Lee on suspicion of “subversion of state power” in May 2017. On September 11, 2017, the Yueyang Municipal Intermediate People’s Court in Hunan province tried Lee on the charge of “subversion of state power”—to which he pleaded guilty and for which he expressed remorse—and on November 28, sentenced him to five years in prison. Observers from international human rights organizations suspected that authorities coerced Lee into confessing, calling the trial “outrageous” and “politically motivated.”
- This past year, the government focused on cracking down on “illegal social organizations,” targeting those that “threaten state security and social stability.” In January 2018, the Ministry of Civil Affairs issued the Measures for Social Organizations Credit Information Management, which authorize the government to create an official list for organizations that are “severely illegal [and] not trustworthy.”
- Two years after the Ministry of Civil Affairs (MCA) released draft revisions to the three major regulations for civil society organizations, the MCA released new draft regulations for public comment in early August 2018, combining the three regulations that form the core of the regulatory system for domestic social service organizations, foundations, and social associations into one document.
- The National People’s Congress approved State Council reform plans, which provide for the establishment of a new International Development Cooperation Agency that will integrate foreign aid and development assistance efforts, including the Belt and Road Initiative (BRI). In November 2017, the Director of the International Department of the Party Central Committee—a key Party department charged with extending the Party’s influence and advancing its interests overseas—opened the first Silk Road NGO Cooperation Network Forum designed to strengthen cooperation between NGOs among participating BRI countries.

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. Call on China to ratify the International Covenant on Civil and Political Rights (ICCPR).
- Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGOs' Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the ICCPR, especially with regard to the rights to freedom of association, assembly, and expression.
- Call on the Chinese government to cease harassment of civil society advocates and NGOs and provide adequate procedural due process for those individuals subject to criminal investigations and trials.
- Integrate civil society issues into bilateral discussions and agreements with Chinese officials to promote reciprocity in the approach and implementation of civil society exchanges between the United States and China.
- Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, rule of law, and human rights advocacy.
- Promote a rules-based international development model that encompasses human rights protections for developing countries instead of an alternative model of development aid that delinks human rights and rule of law considerations.
- Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums, and support international training to build their leadership capacity in non-profit management, public policy advocacy, and media relations.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

- Chinese Communist Party General Secretary and President Xi Jinping demanded that all sectors of society obey the Party, which increasingly came under Xi's personal leadership. The Party's constitution was amended to recognize Xi as the core leader, and the country's constitution was amended to remove the existing term limits on the presidency, potentially allowing Xi to remain president indefinitely. Although official news media touted wide public support of the amendment, authorities reportedly suppressed dissenting voices by means of censorship and detention.
- Xi Jinping further undermined previous limited attempts to develop intraparty democracy when he decided to handpick the candidates for China's power center—the Communist Party Central Committee Political Bureau (Politburo) and its standing committee—which marks a departure from the existing

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practice of having a group of senior Party officials nominate candidates.

- Several developments this past year signified regression from international standards of democratic governance. The political structure underwent significant reorganization, tightening the Party's control over the state and society. For example, the Central Party School merged with the Chinese Academy for Governance, a state entity, to ensure government officials' ideological conformity. Moreover, the Party assumed managerial functions over the press and the media, and took on policymaking authority over religious and ethnic minority matters.

- The National People's Congress created a new government agency, the National Supervisory Commission (NSC). The NSC is responsible for investigating cases of corruption and official misconduct, and in practice is an extension of the Party's Central Commission for Discipline Inspection (CCDI). While the CCDI deals with cases concerning Party members, the NSC has jurisdiction over the entire public sector and has authority to extrajudicially detain anyone suspected of being complicit in corruption or official misconduct, potentially affecting private and foreign citizens.

- As corruption remained a significant problem in China, reports continued to emerge this past year highlighting the political nature of the anticorruption campaign, with the former CCDI head identifying political corruption, referring to activities that dilute the Party's centralized power, as the worst form of corruption.

- The Commission observed no progress in expanding the scope of elections and saw reports of officials suppressing meaningful participation in or speech regarding elections. In terms of public participation in the rulemaking process, the State Council amended two sets of regulations requiring the rulemaking body to solicit public comments. The amendments, however, did not provide for a mechanism to ensure consideration of public comments. The amendments added language requiring compliance with the Party's policies and decisions.

Recommendations

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

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).

- Employ a "whole-of-government" approach to encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly. These individuals include those mentioned in this report and in the Commission's Political Prisoner Database, such as Yu Qiyong, Liu Feiyue, and Qin Yongmin.

- Support joint U.S.-China cooperative programs to develop independent village committee and people's congress election monitoring systems. Encourage central and local Party and government leaders to implement free and fair elections across China. Continue to fund, monitor, and evaluate the effectiveness of democracy promotion and rule of law programs in China.
- Support organizations working in China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China's open government information initiatives. Urge Party officials to further increase the transparency of Party affairs.
- Call on the Chinese government to improve procedures through which citizens may hold their officials accountable outside of the internal Party-led anticorruption campaign. Urge Party and government officials to establish and improve public participation in government affairs. Encourage top-level officials to reform governing institutions to promote an authentic multi-party system with protections for freedom of speech, association, and assembly.

COMMERCIAL RULE OF LAW AND HUMAN RIGHTS

Findings

- Since China's accession to the World Trade Organization (WTO), the Chinese government has made progress toward meeting requirements for improving transparency of trade-related laws, yet still falls short in some areas such as publishing local regulations and translating trade-related documents. Although the government publishes many trade-related laws and administrative regulations, the government has in many cases failed to publish local regulations and other legal documents such as opinions, circulars, and subsidy measures.
- The Commission observed reports of improved enforcement of intellectual property rights (IPR) in some areas, though concerns remained about IPR infringement, including forced technology transfers. A March 2018 report from the Office of the U.S. Trade Representative (USTR) found that the Chinese government uses restrictions on foreign ownership in certain sectors of the economy to force technology transfers through the establishment of joint ventures with Chinese firms, and that authorities often demand technology transfers orally or informally to avoid the appearance of violating international trade obligations.
- The Chinese government took some steps toward meeting the WTO requirement for equal treatment of domestic and foreign companies, though 75 percent of U.S. companies surveyed by the American Chamber of Commerce in China reported feeling "less welcome in China than before." Reports continued to emerge this past year of favorable treatment of domestic firms over foreign firms through the blocking of foreign websites and other formal restrictions on foreign firms. The Commission further observed reports of other forms of preferential treatment,

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both of domestic firms and of government- or Party-connected firms.

- The Chinese Communist Party and government maintain a role in most enterprises that operate in mainland China, whether they are state-owned enterprises (SOEs), domestic private firms, foreign firms, or joint ventures. According to government data, as of the end of 2016, 93.2 percent of SOEs and 67.9 percent of private enterprises had Party groups, as did 70 percent of foreign-invested enterprises. Reports from this past year indicate that the Party and government are attempting to expand their roles in commercial enterprises.
- Companies provided a wide range of equipment and services to the government in the Xinjiang Uyghur Autonomous Region (XUAR), despite reports of the regional government's severe repression of religious freedom and the detention of hundreds of thousands of individuals belonging to Muslim ethnic minority groups in a network of extrajudicial "political reeducation" centers. For example, the international security services company Frontier Services Group reportedly partnered with the state-owned enterprise CITIC Group to invest in a Beijing municipality-based security training school that is building a branch in the XUAR to train military and police personnel.
- Human rights groups warned that Chinese laws allow for collection of personal data from commercial firms without adequately protecting individuals' right to privacy as provided for in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Despite these privacy concerns, international companies stored Chinese user data in mainland China to comply with domestic law. Chinese companies also collect large amounts of data from their users. It is unclear how much data these companies share with authorities, but reports indicate that domestic technology firms work closely with police and other government authorities.
- Government and companies' large-scale collection of data in China includes the collection of biometric data such as faces, voice samples, and DNA. During this reporting year, the Chinese government continued to work with Chinese companies to develop and implement a social credit system that aims to aggregate and monitor data that the government and companies collect, which some observers warned could increase the government's capacity for social control. Chinese security authorities are also working with companies to integrate improved technology into China's expanding network of surveillance cameras, despite concerns over the government's use of surveillance to target rights advocates and ethnic minorities.
- The Chinese government continued to restrict freedom of expression online by blocking and censoring content. Chinese authorities require companies to monitor content on their websites and applications (apps), and in several cases this past year, authorities threatened or punished companies for online content. Faced with the possibility of lost revenue and other forms of punishment, both domestic and international companies engaged in self-censorship. In March 2018, one media scholar described how film industry executives outside main-

land China have invited Chinese content regulators to speak at conferences to provide guidance on how to create content that Chinese censors will allow. In the summer of 2018, dozens of international airline companies reportedly changed their international websites to comply with Chinese government demands to remove references to Taiwan as a country.

Recommendations

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

- Work with allies and governments of other market-oriented economies to voice concerns over the unequal treatment of foreign companies in China and the increasing role of the Chinese Communist Party in Chinese state-owned enterprises, in joint ventures with foreign companies, and in private companies operating within mainland China.
- Encourage the Chinese government to continue to improve enforcement of intellectual property rights, noting that as indigenous innovation increases in China, stronger enforcement of intellectual property rights will be beneficial to both the United States and China. In public and private meetings with Chinese government counterparts, U.S. officials should highlight the concerns of international businesses regarding continued infringement of intellectual property rights, including through forced technology transfers.
- In meetings with constituents engaged in business ventures in China, encourage business leaders to adhere to the UN Guiding Principles on Business and Human Rights by developing internal policies to assess and mitigate the risk of complicity in the Chinese government's ongoing abuses of human rights, particularly in regions with egregious human rights violations, such as the Xinjiang Uyghur Autonomous Region.
- USTR should, under WTO rules, request detailed information from the Chinese government on internet restrictions that result in the blocking of the websites of U.S. companies. If warranted, a WTO dispute should be considered. In meetings with Chinese officials, urge the Chinese government to provide reciprocal access for and stop blocking Chinese internet users' access to U.S. media and technology companies in China.
- Encourage U.S. companies that receive censorship requests from Chinese authorities to comply with the UN Guiding Principles on Business and Human Rights and the Global Network Initiative's Principles on Freedom of Expression and, where possible, disclose such requests to the public.

ACCESS TO JUSTICE

Findings

- Despite reported improvements in the judiciary system's bureaucratic efficiency, increasing political control and continued persecution of rights lawyers undermine citizens' confidence and ability to seek and obtain justice. Zhou Qiang, a senior Party member and the Supreme People's Court President, ad-

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vocated for absolute loyalty and obedience to the Chinese Communist Party. Zhou said it was the judiciary's imperative to participate in a political campaign called "eliminate darkness and evil," which some commentators compared to earlier anti-crime campaigns, such as "Strike Hard" and "Strike Black," in terms of the potential for serious human rights abuses.

- Chinese authorities continued to criminally prosecute rights lawyers and advocates for political reasons, lodging "endangering state security" charges against them. For example, a court sentenced rights advocate Wu Gan to eight years in prison, and public security officials held rights lawyer Wang Quanzhang under de facto incommunicado pretrial detention for over 1,000 days. Authorities also criminally detained rights lawyers including Li Yuhan and Yu Wensheng for their advocacy work in human rights and democracy.

- Authorities targeted law firms that engaged in rights defense work and harassed them by employing intrusive measures such as stationing officials in the office. Individual lawyers also reported that they experienced harassment in the form of revocation and suspension of licenses, delay in the annual license renewal process, exclusion from courthouses, restriction of movement, and physical assault.

- The Supreme People's Court President Zhou Qiang reported that judicial reform efforts continued to move forward. The Standing Committee of the National People's Congress deliberated draft legislation that would implement a merit-based process in selecting judges. Political alignment, however, remained a selection criterion. Legislation concerning the people's assessors system may increase citizen participation and improve evidence-based adjudication, but its actual effect has yet to be seen.

- The legal aid system remained a state-controlled institution. The government took steps to further expand legal aid programs, but it tightened the space for legal aid services not administered by the government. In January 2018, the All China Lawyers Association issued a set of trial regulations prohibiting lawyers from accepting cases at discounted rates or without fees, except for legal aid cases, which could potentially prevent lawyers from providing pro bono legal services to disadvantaged individuals in cases of social significance.

- The Chinese government continued to streamline the petitioning system, a mechanism outside of the formal legal system for citizens to present their grievances to authorities. The government agency responsible for the petitioning system reported that a substantial percentage of petitions were referred to the administrative and judicial system for resolution. Nevertheless, citizens continued to employ the petitioning system, and some of them faced retaliation, including administrative punishment and criminal prosecution.

Recommendations

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

- Urge the Chinese government to unconditionally exonerate and lift any restrictions of liberty or eligibility to practice law on rights lawyers and advocates, including Wang Quanzhang, Li Yuhan, Yu Wensheng, Wu Gan, and Jiang Tianyong.
- Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse against them, and to ensure that those responsible are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.
- 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 leaders of the Chinese Communist Party and government to grant the judiciary true independence and warn them of the negative impact on the rule of law of involving the judiciary in political campaigns.
- Increase support for programs that promote dialogue between U.S. and Chinese legal experts regarding how China can structure and implement legal reforms. Concomitantly increase support for collaboration between U.S. and Chinese academic and non-governmental entities to help develop programs that enhance the Chinese legal system's capacity for protecting citizens' rights.

XINJIANG

Findings

- During the reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) reportedly arbitrarily detained Uyghurs, Kazakhs, Kyrgyz, Hui, and others from predominantly Muslim ethnic minority groups in extrajudicial facilities known as “political reeducation” centers or camps. Reports from international rights groups, scholars, and media organizations indicated that as many as 800,000 to 1.1 million individuals had been or remained detained at these facilities since around April 2017, after the XUAR People's Congress adopted the region's first anti-extremism regulations. U.S.-based scholar Rian Thum noted in August 2018 that initial estimates of over 1 million detainees were based on information observers obtained in early 2018, but Uyghurs, Kazakhs, and others “have continued to disappear,” and officials have continued to plan the construction of additional “political reeducation” facilities, making current figures potentially higher. Security personnel at these facilities reportedly subjected detainees to torture, medical neglect and maltreatment, and other forms of physical and psychological abuse.
- Security personnel reportedly detained people, in most cases indefinitely, in “political reeducation” centers based on factors such as praying in a certain way; engaging in “religious extremism”; having “politically incorrect” views; wanting to travel abroad; or having foreign connections, such as previous travel

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abroad or relatives living in another country. Regional government authorities reportedly ordered officials in some XUAR jurisdictions to meet quotas to detain a certain percentage or number of the local population in “political reeducation” camps. Elderly people, minors, and ill individuals were reportedly among those detained in the centers, and a number of detainees died due to ill health and poor conditions in the centers. XUAR authorities placed the children of individuals detained in “political reeducation” centers in orphanages in some jurisdictions in such high numbers that the orphanages became overcrowded, and in some instances officials responded by sending some children to facilities in provinces outside of the XUAR.

- In addition to “reeducation” facilities detaining inmates 24 hours a day, reports from rights groups and media documented other types of “reeducation” facilities and programs. In August 2018, Chinese Human Rights Defenders (CHRD) reported the findings of a survey it conducted with the organization Equal Rights Initiative (ERI) on “reeducation” programs in the XUAR, including information on both detention and forced attendance of “education sessions” during the day or evening. According to the report, county or municipal authorities administered “reeducation” camps, and township or village government officials administered day and evening “study sessions” or “open camps.” CHRD and ERI estimated that as of June 2018, authorities may have forced around 2.2 million XUAR residents to attend day or evening “education sessions.”

- A Western researcher and rights advocate presented a case that the severity and extent of “political reeducation” detentions and other rights abuses in the XUAR are consistent with “crimes against humanity,” as defined by the Rome Statute of the International Criminal Court. In a CNN opinion piece, the researcher argued that the situation in the XUAR “fits the textbook definition of crimes against humanity.” Article 7 of the Rome Statute provides a list of 11 acts that may constitute “crimes against humanity,” “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

- XUAR authorities detained dozens of XUAR-based family members of six U.S.-based Uyghur Radio Free Asia (RFA) journalists in “political reeducation” centers and other locations. In written testimony submitted at a July 2018 Commission hearing, RFA journalist Gulchehra Hoja stated, “more than two dozen of my relatives in China are missing.” XUAR authorities reportedly also detained dozens of family members of U.S.-based rights advocate Rebiya Kadeer, including her children and grandchildren.

- Analysis of Chinese government data that was published by CHRD in July 2018 showed that 21 percent of all criminal arrests in China in 2017 took place in the XUAR, which is home to only 1.5 percent of China’s population. CHRD reported that, according to the research it conducted with ERI, the number of criminal arrests in the XUAR increased by 731 percent in 2017 over 2016, coinciding with policies implemented by XUAR

Party Secretary Chen Quanguo to enhance regional security following his appointment to the XUAR in August 2016. These figures do not include detentions in “reeducation” camps, which are carried out extrajudicially, though authorities reportedly transferred some “reeducation” camp detainees to prison after a period of time.

- Central and regional government authorities implemented intense security measures throughout the XUAR, using security personnel, surveillance technology, mass detentions, and other methods to tighten state control over predominantly Muslim ethnic minority groups in the XUAR. Regional authorities reportedly increased their spending on security measures by nearly 93 percent in 2017 compared to 2016; a sample of 18 Chinese provinces and regions saw an average increase of just under 12 percent in 2017.

- XUAR authorities oversaw the mass, involuntary collection of DNA and other biometric information from XUAR residents; conducted widespread and frequent checks of residents’ cell phones and required residents to install monitoring applications on their cell phones; maintained checkpoints and facial recognition cameras in neighborhoods, on roads, and in train stations; operated “convenience police stations,” a form of street-level management that enhances authorities’ ability to closely surveil and police local communities; and installed cameras in and around mosques and homes, in order to monitor residents’ religious and private activities. XUAR authorities reportedly use a centralized system called the “Integrated Joint Operations Platform” to gather and analyze data from closed-circuit cameras, computers, smartphones, license plates, and identification cards, as well as individuals’ family planning, banking, and travel records. Authorities used such data to identify individuals they would later investigate and detain, including in “political reeducation” centers.

- Authorities in the XUAR imposed restrictions on the Quran, including through confiscation and prohibition on the study of the Quran. In early 2018, local officials in one township reportedly asked residents to sign a pledge stating that neither they nor their family members would study the Quran or learn Arabic. In September 2017, officials in locations throughout the XUAR reportedly confiscated Qurans, prayer mats, and other items of Islamic significance from local Uyghur, Kazakh, and Kyrgyz residents.

Recommendations

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

- Call on the Chinese government to end the mass, arbitrary detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in “political reeducation” centers, and release those currently detained. Call on Chinese officials to allow U.S. officials, diplomatic representatives of other countries, UN officials, humanitarian organizations, and international journalists to visit the XUAR and investigate reports of arbitrary detention. Coordi-

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nate with other governments and international non-governmental organizations to compile relevant information regarding specific XUAR officials responsible for the arbitrary mass detention and abuse of individuals in “political reeducation” centers, in preparation for possible sanctions under the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328).

- Call on the Chinese government to end the detention and persecution of the XUAR-based family members of U.S.-based Uyghur Radio Free Asia journalists and U.S.-based Uyghur rights advocate Rebiya Kadeer. Prioritize these cases in interactions with senior Chinese government and Communist Party officials, seek clarity as to the whereabouts and well-being of these individuals, and press for their release.

- Urge U.S. companies selling products, providing services, conducting business, or investing in development initiatives in the XUAR to ensure their products, services, and investment funds do not provide support for XUAR officials’ arbitrary detention of ethnic minority individuals or XUAR authorities’ use of technology to otherwise repress and control XUAR residents, rather than for legitimate law enforcement activities. Urge the Bureau of Industry and Security at the U.S. Department of Commerce to track the sale of equipment and technology used by Chinese security agencies and U.S. companies’ sale of surveillance and crime control technology to XUAR officials, and investigate the legality of such sales according to existing U.S. Export Administration Regulations.

- 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.

- 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 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.

TIBET

Findings

- There has been no formal dialogue between the Dalai Lama’s representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010. On November 23, 2017, the Dalai Lama reaffirmed the Middle Way Approach, stating that the Tibetan

people “are not seeking independence” and that they “want to stay with China.” The Chinese government continues to regard the Dalai Lama as a leader of “separatist forces.”

- The Chinese government maintains that only it has the right to decide the Dalai Lama’s successor. The current Dalai Lama reiterated his position on his reincarnation and underscored that it is not a matter for the Chinese government or Party to decide, but rather a matter reserved for himself, Tibetan Buddhist leaders, and the Tibetan people.
- The Party and government continued implementing repressive policies in Tibetan autonomous areas through the use of extensive and intrusive surveillance, strict regulations and rules to restrict Tibetans’ fundamental rights, and pervasive displays of police and military force. Domestic security spending in the Tibet Autonomous Region grew 404 percent between 2007 and 2016, while domestic security spending in two Tibetan prefectures in Sichuan province increased nearly 300 percent over the same time period.
- The Party and government continued to violate the right of religious freedom of Tibetan Buddhist monastics and laypersons through a system of pervasive controls and restrictions on religious practice. This past year, for example, the Chinese government imposed Party administration on the Larung Gar Buddhist Institute, the site of massive demolitions and expulsions that started in 2016. In submissions to the UN Human Rights Council for China’s upcoming Universal Periodic Review, advocacy groups have documented increasing security and militarization of Tibet in the name of countering “terrorism” and “separatism.”
- Self-immolations by Tibetans reportedly focusing on political and religious issues continued during this past year. As of August 13, 2018, there were three known self-immolations in Tibetan autonomous areas of China during the Commission’s 2018 reporting year, all of which were confirmed to be fatal, bringing the total number of such self-immolations by Tibetans living in China to 147 since 2009. As in the past, the self-immolators publicly called for the long life of the Dalai Lama, his return from exile, and freedom for Tibet.
- A court in Yushu (Yulshul) Tibetan Autonomous Prefecture, Qinghai province, convicted Tibetan language rights advocate Tashi Wangchug (Tashi Wangchuk) of “inciting separatism” and sentenced him to five years in prison on May 22, 2018. Tashi Wangchug stood trial on January 4, 2018, nearly two years after the New York Times interviewed him and published a short film about his advocacy for Tibetan language education.
- The restriction of information about a February 2018 fire at the 1,300-year-old Jokhang Temple in Lhasa municipality, Tibet Autonomous Region, has caused many Tibetans to fear that the damage is far worse than has been reported.
- Filmmaker Dondrub Wangchen (Dhondup Wangchen), who was kept under strict surveillance after his release from prison in June 2014, escaped from China in fall 2017 and reunited with his family in the United States.

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- Chinese authorities released four political prisoners, among them writer Drukar Gyal (pen name Shogjang) on March 19, 2018, and popular singer Gonpo Tenzin around August 2. All four political prisoners had been detained in contravention of international standards of freedom of expression.
- Environmental regulations, infrastructure projects, and tourism have displaced Tibetan nomads and contribute to the Chinese government's control of Tibetan areas.

Recommendations

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

- Encourage the Chinese government and Communist Party to respect, as a matter of the right of religious freedom and as recognized under Chinese and international law, that the decision regarding the Dalai Lama's succession or reincarnation must be reserved for the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people.
- Urge the Chinese government to recognize the role of restrictive Party policies and government measures, and the increasing securitization of Tibetan autonomous areas of China, in Tibetan self-immolations and protests. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and stress to the government the importance of respecting and protecting Tibetan culture and language—policy changes that would promote and protect social stability in Tibetan areas.
- Encourage the Chinese government to respect the right of Tibetans to travel domestically as well as internationally, and to allow access to the Tibetan autonomous areas of China to international journalists, representatives of the United Nations and non-governmental organizations, U.S. Government officials, and members of the Tibetan diaspora living around the world.
- Urge the Chinese government to withdraw the charges against Tibetan language rights advocate Tashi Wangchug and stress that peacefully advocating for genuine bilingual education—a right recognized under Chinese and international law—is not a crime.
- In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission's Political Prisoner Database—albeit an incomplete picture of the extent of Tibetan detentions and disappearances—provides a useful resource for such interactions with Chinese officials. Urge the Chinese government and its security forces to cease using arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans' peaceful exercise of their rights.
- Urge the Chinese government to take fully into account the views and preferences of Tibetans when planning infrastructure, natural resource development, settlement or resettlement projects, and tourist attractions in the Tibetan areas of China.

- Continue to request that the Chinese government invite an independent representative of an international organization to meet with Gedun Choekyi Nyima, the 11th Panchen Lama, whom the Dalai Lama recognized in 1995, and who has been held incommunicado, along with his parents, since May 17, 1995.

DEVELOPMENTS IN HONG KONG AND MACAU

Findings

- During its 2018 reporting year, the Commission observed a continued erosion of Hong Kong's autonomy, as guaranteed under the "one country, two systems" policy enshrined in the Basic Law in accordance with the principles of the 1984 Sino-British Joint Declaration.
- In March 2018, a Legislative Council (LegCo) by-election was held to replace legislative seats vacated by four out of six disqualified pro-democracy legislators. Candidates from both the pro-democracy and pro-establishment camps won two seats each. After the March by-election, the pro-democracy camp held a total of 16 seats in geographical constituencies, which is not enough to veto bills, while the pro-establishment camp maintained a majority of 17 seats. During the nomination period preceding the March by-election, the government of Hong Kong carried out what observers called "political screening" of prospective election candidates for the LegCo based on their political party or political beliefs.
- The Hong Kong government continued to pursue cases brought by the Hong Kong government against leaders and participants of the 2014 pro-democracy protests and activists from the political opposition. As of April 2018, the government reportedly brought a total of 40 court cases against 26 pro-democracy leaders since 2014, resulting in 13 convictions among the 22 concluded cases.
- In October 2017, authorities released on bail democracy activists and Nobel Peace Prize nominees Joshua Wong Chi-fung, Nathan Law Kwun-chung, and Alex Chow Yong-kang, after their imprisonment in August 2017, to appeal their prison sentences of six to eight months ordered by the Court of Appeal on charges related to "unlawful assembly." In February 2018, the Court of Final Appeal overturned Wong, Law, and Chow's sentences.
- Hong Kong and mainland Chinese officials moved forward on "co-location" plans for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link in West Kowloon despite opposition from activists, politicians, and lawyers. The plan allows the enforcement of mainland Chinese law by mainland officials in a designated "Mainland Port Area" within the West Kowloon Station. The Hong Kong Bar Association criticized the central government's approval of the co-location plan as a serious violation of the Basic Law, asserting that it undermines the rule of law and the "one country, two systems" framework in Hong Kong.

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- The Commission observed reports of restrictions on the freedom of expression and association in Hong Kong against academics and politicians who hold views the government deems unfavorable, including Chin Wan-kan, Johannes Chan, Benny Tai, Cheng Chung-tai, and Andy Chan. In advance of the UN Human Rights Council's review of China's compliance with the International Covenant on Civil and Political Rights (ICCPR), 53 Hong Kong non-governmental organizations raised concerns about the narrowing space for lawful dissent and expression in Hong Kong and the future of democratic development.
- Chinese authorities first released and then detained Swedish citizen Gui Minhai, one of the five Hong Kong booksellers abducted and brought to mainland China in late 2015. In October 2017, authorities reportedly released Gui from custody after two years of detention for an alleged "traffic offense." In January 2018, Gui was forcibly detained by plainclothes Chinese authorities while he was traveling with two Swedish diplomats to Beijing municipality, reportedly to seek medical examination for neurological symptoms. Gui has appeared in at least three televised confessions on mainland and Hong Kong news media outlets, which the international NGO Safeguard Defenders believes are typically extracted through threats and torture, and used for both domestic and overseas propaganda.
- The Commission did not observe progress in Macau toward "an electoral system based on universal and equal suffrage" in line with the ICCPR, as recommended by the UN Human Rights Committee. This past year, proposed legislative amendments, the suspension of a pro-democracy legislator, and the denial of entry to Macau of political figures and writers raised concerns regarding Macau's autonomy and rule of law.

Recommendations

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

- Consider enacting the Hong Kong Human Rights and Democracy Act (S. 417/H.R. 3856, 115th Cong., 1st Sess.) to monitor the state of Hong Kong's autonomy from mainland China and reaffirm U.S. support for democratization in Hong Kong.
- Emphasize in meetings with Chinese and Hong Kong officials that the continued erosion of Hong Kong's autonomy under the "one country, two systems" principle, and as guaranteed in the Sino-British Joint Declaration and the Basic Law, threatens the underpinnings of U.S. policy toward Hong Kong, particularly Hong Kong's separate treatment under U.S. law.
- Urge the Chinese and Hong Kong governments to restart the electoral reform process and work toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with Articles 45 and 68 of the Basic Law and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).
- Call on the Chinese and Macau governments to set a timeline for implementing elections in Macau for Chief Executive and the Legislative Assembly by universal suffrage, as re-

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quired under Article 25 of the ICCPR and repeatedly urged by the UN Human Rights Committee.

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 in 2011 by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, countries may impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the “rights or reputations of others” or protecting national security, public order, public health, or morals.⁴ An October 2009 UN Human Rights Council resolution declared 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

Reinforcing Party Control Over the Media

INSTITUTIONAL RESTRUCTURING OF PARTY AND GOVERNMENT AGENCIES

In March 2018, the Chinese Communist Party Central Committee issued a large-scale plan to restructure the functional authority and managerial responsibilities of Party entities and Chinese government agencies,⁷ provisions of which reinforced the Party’s ideological control of the press (including radio, television, and online platforms), publishing, and film.⁸ The plan, titled the “Plan for Deepening Reform of Party and Government Agencies” (Plan), placed the Party’s Central Propaganda Department (CPD) in a “leadership” role with direct management responsibilities for news media, publishing, and film.⁹ While the CPD and its lower level bureaus have long coordinated ideological messaging through media censorship and control,¹⁰ the CPD’s enhanced managerial role breaks with the “guiding hand” role that emerged in the post-Mao era during which the CPD was not to “engage in practical or administrative tasks.”¹¹ This break reflects Party efforts to rein in increasingly complex digital news, communications, and entertainment platforms¹² and its goals to disseminate a unified message about China within and outside of China,¹³ as well as to reduce bureaucratic barriers in the way of Party control.¹⁴ [For more information on the sweeping reorganization of Party and government institutions, see Section III—Institutions of Democratic Governance.] The Plan requires central-level institutional changes to be

completed by the end of 2018,¹⁵ including the following items that concern freedom of expression:¹⁶

- Disbanding the State Administration of Press, Publication, Radio, Film and Television, the government agency that had been in charge of managing the press, film, and television.¹⁷ With the CPD's direct management of press, publication, and film via two newly named entities located within the CPD, the National News and Publishing Administration (also known as the National Copyright Office) and National Film Bureau, the Plan also established a functionally leaner agency to manage radio and television, the State Administration of Radio and Television;¹⁸
- Bringing together the three major broadcast news entities—China Central Television, China National Radio, and China Radio International—under a newly formed “mega” agency called China Media Group,¹⁹ to be known as Voice of China internationally.²⁰ The merged broadcast agency will be classified as a “public institution” (*shiyè danwei*) under the State Council and directly subordinate to CPD “leadership”;²¹ and
- Elevating the Party's Central Cybersecurity and Informatization Leading Small Group to “Committee” status.²² According to experts associated with New America's DigiChina project, the upgrade represents an increase in power for this Party entity by adjusting a short-term policy mechanism (the leading small group) to a longer term “bureaucratic solution” (the committee) with centralized resources and authority over cyberspace and the digital economy.²³ The change may also serve to strengthen the Cyberspace Administration of China (CAC)—the government agency with oversight of cyberspace governance, including control of online news content.²⁴

MEDIA AS MOUTHPIECE: THE PARTY'S “VOICE”

The Party has historically ascribed a “mouthpiece” role to Chinese media,²⁵ and high-level official publications highlighted this obligation during the Commission's 2018 reporting year. In June 2018, the Central Propaganda Department issued the first collection of President and Party General Secretary Xi Jinping's talks about news media over the past five years,²⁶ including his February 2016 speech to state and Party news outlets that the media in China “are surnamed Party.”²⁷ The Plan to restructure Party and government agencies issued in March 2018 specified that the State Administration of Radio and Television shall “fully use broadcast news as the Party's mouthpiece”²⁸ and the combined broadcasting agency will “propagate the theories, political line, and policies of the Party.”²⁹ The official explanation for the new broadcasting agency's international name of Voice of China emphasized “telling China's story well” to international audiences.³⁰ International news reports juxtaposed the name Voice of China (*Zhongguo zhi sheng*) with the U.S. Government-funded broadcaster Voice of America (*Meiguo zhi yin*),³¹ though an unnamed source told Radio Free Asia that Voice of China likely is modeled on Russia's government-funded global broadcast platform RT in its authoritarian ambitions.³² The April 2018 appointment of Tuo Zhen, a Deputy Director of the Central Propaganda Department, as

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editor-in-chief of the Party “mouthpiece” People’s Daily³³ recalled a January 2013 incident in which Tuo substituted an editorial that extolled the Party for a reform-oriented one at Southern Weekend,³⁴ one of the leading investigative newspapers in China at the time.³⁵ Positive coverage of Xi Jinping saturated domestic news this past year,³⁶ but a series of three editorials from July 2018 in People’s Daily censured “boastful” news reporting,³⁷ which some experts linked to incipient criticism³⁸ in China of the nationalistic rhetoric associated with Xi Jinping³⁹ amid growing concerns about U.S.-China trade issues.⁴⁰

Freedom of the Press

Reporters Without Borders continued to rank China among the five worst countries in the world for press freedom in its annual Press Freedom Index.⁴¹ Press freedom assessments this past year from Freedom House,⁴² the International Federation of Journalists,⁴³ and the Committee to Protect Journalists⁴⁴ similarly criticized the lack of press freedom in China. In a 2018 survey, Hong Kong journalists identified the Chinese central government as a major reason for a decline in press freedom in Hong Kong.⁴⁵ Although freedom of speech and the press are guaranteed in China’s Constitution,⁴⁶ the legal parameters for the protection of the news media in gathering and reporting the news are not clearly defined in the absence of a national press law.⁴⁷ Yet complex regulatory provisions allow officials to exert arbitrary control over journalists and news coverage in China.⁴⁸

Reports on adverse events, including accidents and disasters, are not out of bounds for official media, but as a commentator has noted, “selected party news outlets or government organs are deftly using state-controlled and social media tools to take the lead in shaping the Chinese government’s own version of these events.”⁴⁹ The government and Party often suppress critical reporting while “advancing a positive narrative” to broaden public support for official policies.⁵⁰ For example, this past year, censorship instructions limited the manner and scope of media reports on a November 2017 fatal fire in Beijing municipality,⁵¹ framing the subsequent forced evictions of thousands of non-local residents and large-scale building demolition⁵² as public health and fire safety measures.⁵³ To mark the 10th anniversary of the earthquake in Wenchuan county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, state media praised the government’s rebuilding efforts and generosity to promote the Wenchuan government’s announcement of a day of “thanksgiving” rather than a day of mourning for the tens of thousands who died.⁵⁴ On the other hand, authorities have used official media as a “weapon” against government and Party critics, according to the international non-governmental organization Safeguard Defenders.⁵⁵ Safeguard Defenders highlighted the “active participation” of Chinese and Hong Kong media outlets involved in the broadcasts of televised—and likely coerced—“confessions” of wrongdoing by rights defenders, journalists, and Uyghurs, among others, which were aired between July 2013 and February 2018.⁵⁶

Ideological pressures, organizational changes, and financial concerns at news media outlets this past year contributed to the ongo-

ing decline of Chinese investigative journalism.⁵⁷ A December 2017 academic survey on investigative journalism in China⁵⁸ reported a 58-percent fall in the number of domestic investigative journalists from 2011 to 2017, and a decrease in the number of media outlets with journalists doing front-line reporting from 74 in 2011 to 44 in 2017.⁵⁹ Journalism experts have attributed the decline to multiple factors, including regulatory and legal obstacles,⁶⁰ low wages,⁶¹ market competition from new digital platforms,⁶² and alleged corruption and ethical lapses.⁶³ In one incident reported this past year, some 40 editors and journalists from Legal Evening News reportedly quit in connection with organizational changes at the newspaper, including the closure of the paper's well-known investigative unit.⁶⁴ In a different incident, in July 2018, officials in Hunan province detained freelance journalist Chen Jieren and several of his family members and associates on suspicion of extortion and illegal business activity apparently in connection with Chen's criticism of a local official.⁶⁵ Three official media outlets subsequently denounced Chen's online work as spurious "supervision by public opinion,"⁶⁶ a term Chinese authorities previously have used to signify the functions of "watchdog" or investigative journalism.⁶⁷

HARASSMENT OF DOMESTIC JOURNALISTS

The Chinese government continued to be one of the worst jailers of journalists in the world, with estimates of individuals in detention or imprisoned ranging from 41⁶⁸ to more than 50.⁶⁹ Among the journalists detained or imprisoned in China are citizen journalists and volunteers who worked outside of mainstream state or official media, many of whom are of Uyghur ethnicity.⁷⁰ Citizen journalism⁷¹ in China provides information on local news and incidents that the government restricts or censors in most media, such as information on labor protests,⁷² migrants' concerns,⁷³ petitioning the government for redress of grievances,⁷⁴ and rights defense activities.⁷⁵ A PEN America report on social media censorship observed that the government's prohibition on mainstream journalists from publishing "unverified" reports on social media highlights the government's awareness that it is not fully able to control content posted by citizen journalists.⁷⁶

Ongoing harassment and detention of citizen journalists continued this past year,⁷⁷ and is contemporaneous with the suppression of civil society groups and human rights lawyers and defenders.⁷⁸ On September 1, 2017, for example, public security authorities from Zhuhai municipality, Guangdong province, detained Zhen Jianghua, executive director of the website Human Rights Campaign in China⁷⁹ that is known for monitoring human rights violations, including the harassment and criminal prosecution of rights defenders.⁸⁰ Authorities formally arrested Zhen on March 30, 2018, on the charge of "inciting subversion of state power."⁸¹ On August 10, 2018, the Zhuhai Intermediate People's Court reportedly tried Zhen without informing either Zhen's defense lawyers or his family members.⁸² Authorities also continued to detain Liu Feiyue and Huang Qi, founders of the websites Civil Rights & Livelihood Watch and 64 Tianwang, respectively, as part of the crackdown on rights monitoring websites and their founders and volunteers.⁸³ Liu's case went to court on August 7, 2018, without an immediate

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court decision,⁸⁴ whereas authorities have postponed Huang's trial and refused him medical parole despite his deteriorating health.⁸⁵ Staff and volunteers from those two websites also remained in detention during this reporting year, including Ding Lingjie,⁸⁶ Jiang Chengfen,⁸⁷ Wang Jing,⁸⁸ Chen Tianmao,⁸⁹ and Yang Xiuqiong.⁹⁰

This past year, the Commission observed reports of censorship, disciplinary measures, dismissal, and detentions of mainstream journalists who covered financial or political issues, or whose reporting implied a lack of government action. Official media covered incidents of threats and a physical attack on reporters covering environmental pollution⁹¹ and an attack against another while reporting on hospital malfeasance.⁹² In February 2018, Southern Weekend, a market-driven newspaper based in Guangdong province, reportedly withdrew from publication two investigative reports about Hainan Airlines (HNA) Group—a private company with large debts, which the central government has placed under strict economic controls⁹³—and removed the magazine's editor-in-chief in connection to those reports.⁹⁴ On February 25, 2018, the English-language branch of state-run media agency Xinhua prematurely released the news about the proposed constitutional amendment to eliminate presidential term limits,⁹⁵ a change that effectively permits Xi Jinping to hold his leadership positions for life.⁹⁶ Senior officials reportedly considered the early announcement a “serious political error,” resulting in disciplinary measures for Xinhua staff.⁹⁷ Professional ramifications were not reported for the journalist whose unscripted “epic eye-roll”⁹⁸ in reaction to a lengthy question posed at a National People's Congress press conference in March 2018 received domestic and international coverage.⁹⁹ The Commission also observed reports of detentions of two journalists who reported on an absent dairy company executive¹⁰⁰ and a reporter who wrote about dozens of missing university students in Wuhan municipality, Hubei province.¹⁰¹

HARASSMENT OF FOREIGN MEDIA OUTLETS AND JOURNALISTS

According to the Foreign Correspondents' Club of China (FCCC) 2017 survey, working conditions for foreign reporters in China generally deteriorated in 2017. The FCCC supported this claim with accounts of official harassment of reporters, news assistants, and sources; attempts to interfere with the coverage of issues that authorities deemed “sensitive”; restrictions on travel to areas along China's border and ethnic minority autonomous regions; and visa renewal delays and denials.¹⁰² At two press conferences following the release of the FCCC survey results,¹⁰³ however, a Ministry of Foreign Affairs spokesperson rejected the FCCC's findings.¹⁰⁴ Additionally, in a July 2018 statement in response to Swedish media coverage of the case of Hong Kong bookseller Gui Minhai, the Chinese ambassador to Sweden referred to the “so called” FCCC as an “unregistered illegal organization” and stated that it “lacks all legitimacy . . . and the reports it released are totally unreliable.”¹⁰⁵ [For more information on Gui Minhai, see text box titled “Hong Kong Bookseller Gui Minhai Detained Again” in Section VI—Developments in Hong Kong and Macau.]

Additional instances of official harassment against foreign journalists continued in 2018, with reports of temporary detentions,¹⁰⁶

physical assaults,¹⁰⁷ and cancelling¹⁰⁸ or refusing to issue visas.¹⁰⁹ The government continued to block selected foreign media outlets' websites,¹¹⁰ and to obstruct some foreign media outlets from opening an office in China.¹¹¹ Chinese officials abroad reportedly visited headquarters of foreign media outlets to reprimand these outlets for reporting they deemed to be unfavorable to China.¹¹² Chinese authorities also detained China-based family members of journalists who report on China from abroad, acts that an American journalist described as aiming to “mute criticism of China across the world . . .”¹¹³ In September 2017, authorities in Guangzhou municipality, Guangdong province, reportedly took into custody Li Huaiping, wife of Chen Xiaoping—the editor-in-chief of a Chinese-language media outlet in New York—allegedly in connection with Chen's interviews with businessman Guo Wengui.¹¹⁴ Authorities in China also targeted six U.S.-based journalists who work for the Uyghur Service of Radio Free Asia (RFA), a news outlet in Washington, D.C., with the detention of more than two dozen of their family members who reside in the Xinjiang Uyghur Autonomous Region (XUAR).¹¹⁵ International advocacy groups and RFA linked the detentions in the XUAR to RFA Uyghur Service coverage of intensifying political control in the region.¹¹⁶ [For additional information on these detentions, see Section IV—Xinjiang.]

Sharpening Cyberspace Goals, Regulating Online News and Expression

Official statistics reported 772 million internet users in China as of December 2017, 97.5 percent of whom access the internet from mobile devices¹¹⁷ and use social media applications for communications, e-commerce, gaming, and video-streaming, among other functions.¹¹⁸ Senior government and Party officials linked control of cyberspace to social stability, national security, economic development, and global power ambitions.¹¹⁹ U.S.-based experts emphasized “the systems being put in place, . . . should be seen as a long-term effort to ensure that no online domain remains free from oversight.”¹²⁰ This past year, authorities continued to formulate new regulations¹²¹ to control and censor online news and media outlets, technology companies, and users of social media,¹²² and in the process, operationalize the PRC Cybersecurity Law.¹²³ A media expert in Hong Kong observed that new regulations to consolidate Party power over cyberspace and expand control over individual users of social media are “one of the most specific indications we have yet of the Party's atomization and personalization of censorship, of the way the relationship between propaganda and the public is being transformed by digital communications.”¹²⁴ Examples from these regulatory measures include the following:

- Under Article 4 of the Provisions on the Administration of Internet Public Account Information Services, both social media companies and individual users are responsible for a “correct orientation, promot[ing] socialist core values, actively cultivat[ing] healthy internet culture, and safeguard[ing] a wholesome internet environment.”¹²⁵
- The Provisions on the Administration of Internet Group Information Services stipulate in Article 9 that administrators

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and creators of social media groups are responsible for managing the group chat, particularly the content expressed by members of their respective chat groups.¹²⁶ [For information on “legal education classes” about these provisions held at Tibetan Buddhist monasteries, see Section V—Tibet.]

- The Measures for the Administration of Content Management Practitioners Working for Internet News Information Service Providers require 40 hours of government-run training on “socialist values,” with at least 10 hours of company-run training on “Marxist news values.”¹²⁷

Censored Content

Chinese authorities continued to censor a broad range of news, academic and other publications, and social media discussion of topics which the government and Party deem to be politically “sensitive.”¹²⁸ The Commission observed reports about censorship of topics relating to the ethnic minority autonomous areas of Tibet¹²⁹ and Xinjiang;¹³⁰ Taiwan¹³¹ and Hong Kong;¹³² the spiritual movement Falun Gong;¹³³ and anniversaries of past events and persons.¹³⁴ In November 2017, Radio Free Asia (RFA) reported on censorship directives instructing local media to first seek permission from provincial-level propaganda bureaus before publishing reports on topics such as elder care, healthcare, housing issues, education, and the stock market.¹³⁵ Political perspectives that veered from the Party’s ideological mainstream also were subject to censorship.¹³⁶ In May 2018, authorities shut down Utopia, a website that espoused political positions aligned with Maoist or extreme “leftist” nationalism.¹³⁷ Similarly, in July 2018, authorities ordered the closure of liberal think tank Unirule’s office in Beijing municipality,¹³⁸ and early in 2017 had shut down several websites and social media accounts linked to Unirule.¹³⁹ Nevertheless, an essay written by a Tsinghua University professor that not only criticized Xi Jinping but also urged rectification of the 1989 Tiananmen protests was posted in late July to Unirule Perspectives, a Unirule website only available through circumvention tools.¹⁴⁰

Censorship of the news and social media commentary on the news was particularly intense this reporting year in connection with two major political events—the 19th National Congress of the Chinese Communist Party (19th Party Congress) in October 2017¹⁴¹ and the annual meetings (Two Sessions) of the National People’s Congress and its advisory body, the Chinese People’s Political Consultative Conference, in March 2018.¹⁴² Official censorship of both events restricted coverage of a wide range of political issues concerning policy, personnel changes in senior Party and government leadership, and constitutional amendments.¹⁴³ The lack of in-depth domestic coverage or government transparency in China led one foreign journalist to proclaim the impossibility of “know[ing] anything about high-level Chinese politics.”¹⁴⁴ China Digital Times (CDT), a U.S.-based Web portal which provides translations of leaked censorship directives from the Central Propaganda Department and other government entities, observed a decrease in the number of directives it received from contacts within China in 2017.¹⁴⁵ One factor of the decline, according to CDT, was the po-

tential jeopardy media professionals with access to such information might encounter.¹⁴⁶

Citizens' Free Expression

PUBLIC OPINION PUSHES BACK

Social media platforms continued to be an everyday channel of expression for Chinese citizens, particularly a more socially and technically engaged younger generation,¹⁴⁷ to discuss concerns about a range of news events and public interest issues.¹⁴⁸ As China law scholar Eva Pils has argued, the Party's emphasis on control of expression through "persuasion, coercion and intimidation"¹⁴⁹ reflects, in part, the realization that it cannot entirely control public opinion.¹⁵⁰ This past year, social media users raised a broad range of concerns, such as sexual harassment on Chinese university campuses;¹⁵¹ racism on television;¹⁵² and the forced eviction of thousands of non-local residents from Beijing municipality.¹⁵³ Social media users objected to the removal of presidential term limits from China's Constitution, with many posts in protest of President and Party General Secretary Xi Jinping's consolidation of power.¹⁵⁴ In April 2018, Sina Weibo, a Twitter-like messaging platform, rescinded a plan¹⁵⁵ to censor LGBT content as part of an online "clean-up" campaign after drawing considerable public criticism online.¹⁵⁶ In contrast, following official censure of the humor shared among its users,¹⁵⁷ the technology company ByteDance shut down its popular application Neihan Duanzi,¹⁵⁸ and pledged to adhere to ideological values and regulatory standards.¹⁵⁹ [For more information on technology companies' compliance with censorship controls, see Section III—Commercial Rule of Law and Human Rights.]

PUNISHING FREEDOM OF EXPRESSION

The Commission observed a wide range of cases that illustrated the Chinese government and Communist Party's violations of international human rights standards and provisions in China's Constitution on the right to freedom of expression discussed earlier in this section. In addition to freedom of speech concerns, the following cases intersect, respectively, with violations of the right to freedom of movement;¹⁶⁰ the right to freedom of association, including online association;¹⁶¹ the right to enjoy the use of one's own ethnic minority language;¹⁶² and—in connection to yet another case in which a Chinese advocate died while "released" on medical parole¹⁶³—the right to medical treatment while in detention.¹⁶⁴

- **Restricted overseas travel.** Authorities reportedly prevented novelist Jia Pingwa from traveling to New York City in January 2018 to attend the Modern Language Association's (MLA) annual conference.¹⁶⁵ An interview with Jia and a conference panel featuring his literary work in translation, including his previously banned novel "Ruined City," had been scheduled for the MLA conference.¹⁶⁶
- **Detentions.** In April 2018, public security authorities from multiple locations in China criminally detained 8 administrators of the National Tourism Chat Group—a group of more

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than 100 members hosted on social media platform WeChat that reportedly organized humanitarian support for family members of political prisoners.¹⁶⁷ As of June 2018, authorities had formally arrested Guo Qingjun, one of the WeChat group's administrators.¹⁶⁸

• **Criminal sentence.** In May 2018, the Yushu (Yulshul) Intermediate People's Court in Yushu (Kyegudo) municipality, Yushu Tibetan Autonomous Prefecture, Qinghai province, sentenced Tashi Wangchug, a Tibetan language rights advocate, to five years in prison on the charge of "inciting separatism."¹⁶⁹ A New York Times video from November 2015 that portrayed his advocacy efforts reportedly was used in trial as evidence against him.¹⁷⁰ The Qinghai High People's Court in Xining municipality reportedly rejected Tashi Wangchug's appeal on August 13, 2018.¹⁷¹

• **Death while on medical parole.** Yang Tongyan (pen name: Yang Tianshui) died on November 5, 2017, of brain cancer while on medical parole.¹⁷² At the time of his death, Yang was nearing completion of a 12-year prison sentence on the charge of "subversion of state power" in connection to his writing and democracy activities.¹⁷³ Yang reportedly did not receive adequate medical care during his years in detention.¹⁷⁴ Like Liu Xiaobo,¹⁷⁵ authorities cremated Yang's body and buried him at sea.¹⁷⁶

DETENTIONS IN THE AFTERMATH OF LIU XIAOBO'S DEATH

The July 2017 death of writer and Nobel Peace Prize laureate Liu Xiaobo—while serving an 11-year prison sentence¹⁷⁷—continued to reverberate in the detentions of his widow Liu Xia and persons who attempted to honor his life. Liu Xia, an artist and poet, remained under forced confinement at home¹⁷⁸ until July 10, 2018, when she left China and traveled to Germany.¹⁷⁹ Numerous reports documented the worsening of Liu Xia's physical and emotional health¹⁸⁰ during the nearly eight years authorities held her in arbitrary, extrajudicial detention.¹⁸¹ While welcoming her release, rights advocates nevertheless expressed concern that Liu's freedom of speech outside of China might be compromised because the Chinese government did not allow her brother Liu Hui to leave China with her.¹⁸² In the months after Liu Xiaobo's death, authorities detained at least 14 persons who participated in "sea memorials" in memory of Liu Xiaobo¹⁸³ in Guangdong,¹⁸⁴ Fujian,¹⁸⁵ and Liaoning provinces.¹⁸⁶ Authorities also detained others who paid tribute to Liu Xiaobo, including poet Wu Mingliang¹⁸⁷ and his associate Peng Heping;¹⁸⁸ songwriters Xu Lin and Liu Sifang;¹⁸⁹ and artist and French citizen Hu Jiamin.¹⁹⁰

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) on 10 December 48, art. 19.

²United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights (ICCPR), last visited 13 July 18. China signed the ICCPR on October 5, 1998.

³State Council Information Office, “National Human Rights Action Plan (2016–2020),” 29 September 16, sec. V; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 13 July 18.

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, A/HRC/RES/12/16, 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.

⁷“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18.

⁸Chris Buckley, “China Gives Communist Party More Control Over Policy and Media,” New York Times, 21 March 18; Pei Li and Christian Shepherd, “China Tightens Grip on Media With Regulator Reshuffle,” Reuters, 21 March 18; “China’s Communist Party Takes (Even More) Control of the Media,” Asia Society, ChinaFile, 11 April 18.

⁹“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 1(11)–(12); “Major Reshuffle at SAPPRFT, Tight Unification Under Central Propaganda Department” [Zhongguo guangbo dianshi da xipai zhongxuanbu yanmi da yitong], Radio Free Asia, 21 March 18; David Bandurski, “When Reform Means Tighter Controls,” University of Hong Kong, Journalism & Media Studies Centre, China Media Project, 22 March 18.

¹⁰Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham, MD: Rowman & Littlefield, 2008), 13–15, 19, 24–25; David Shambaugh, “China’s Propaganda System: Institutions, Processes and Efficiency,” *China Journal*, No. 57 (January 2007), 25, 28–29.

¹¹Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham, MD: Rowman & Littlefield, 2008), 14–16.

¹²“China’s Communist Party Takes (Even More) Control of the Media,” Asia Society, ChinaFile, 11 April 18.

¹³*Ibid.* See also Xia Kangjian, “Three Outlets Merging Into One Consistent With Broadcasting Trends” [San tai hebing shunying chuanbo guilu], *People’s Daily*, Central Kitchen, 27 March 18.

¹⁴“Major Reshuffle at SAPPRFT, Tight Unification Under Central Propaganda Department” [Zhongguo guangbo dianshi da xipai zhongxuanbu yanmi da yitong], Radio Free Asia, 21 March 18; Rogier Creemers et al., “China’s Cyberspace Authorities Set To Gain Clout in Reorganization,” *New America*, DigiChina (blog), 26 March 18.

¹⁵“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 8.

¹⁶Bill Ide and Brian Kopezynski, “China’s Communist Party Tightens Grip on Media, Message,” *Voice of America*, 29 March 18; “China’s Communist Party Takes (Even More) Control of the Media,” Asia Society, ChinaFile, 11 April 18.

¹⁷“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(35).

¹⁸*Ibid.*; “Major Reshuffle at SAPPRFT, Tight Unification Under Central Propaganda Department” [Zhongguo guangbo dianshi da xipai zhongxuanbu yanmi da yitong], Radio Free Asia, 21 March 18.

¹⁹“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(36); “Actually, ‘Central Radio and Television Network’s Official English Name Is This!’” [Yuanlai, “zhongyang guangbo dianshi zongtai” de guanfang yingwen ming shi zhege!], 16 April 18; “Major Reshuffle at SAPPRFT, Tight Unification Under Central Propaganda Department” [Zhongguo guangbo dianshi da xipai zhongxuanbu yanmi da yitong], Radio Free Asia, 21 March 18; “Creation of Comprehensive Central Broadcast Agency, Removing Central TV and Radio Organizational Structures” [Zujian zhongyang guangbo dianshi zongtai, chexiao yangshi, yangguang deng jianzhi], Xinhua, reprinted in *The Paper*, 21 March 18.

²⁰“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(36); “China Creates World’s Largest Propaganda Apparatus ‘Voice of China’” [Zhongguo dazao quanqiu zui da xuanchuan jiqi “zhongguo zhi sheng”], Radio Free Asia, 21 March 18; Keith Zhai, “China Approves Giant Propaganda Machine To Improve Global Image,” *Bloomberg*, 20 March 18; Emily Feng, “China To Create Global Broadcast Champion,” *Financial Times*, 21 March 18.

²¹“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(36).

²²*Ibid.*, sec. 1(4); Zheng Yanzhi, “‘Small Groups’ Become ‘Commissions,’ It’s Transcendence as Much as Status Elevation!” [“Xiaozu” bian “weiyuanhui,” jishi shengge, gengshi shenghua!], People’s Daily, 29 March 18.

²³Rogier Creemers et al., “China’s Cyberspace Authorities Set To Gain Clout in Reorganization: ‘Leading Group’ for Cybersecurity and Informatization Upgraded to ‘Commission,’” New America, DigiChina (blog), 26 March 18. See also Paul Triolo et al., “Xi Jinping Puts ‘Indigenous Innovation’ and ‘Core Technologies’ at the Center of Development Priorities,” New America, DigiChina (blog), 1 May 18.

²⁴Rogier Creemers et al., “China’s Cyberspace Authorities Set To Gain Clout in Reorganization: ‘Leading Group’ for Cybersecurity and Informatization Upgraded to ‘Commission,’” New America, DigiChina (blog), 26 March 18. For more information about the Cyberspace Administration of China, see CECC, Annual Report 2016, 6 October 16, 66–67.

²⁵“Party Media Is Surnamed Party and Politicians Run Newspapers, Xi Jinping’s News Thought Fully Baked” [Dangmei xing dang yu zhengzhijia banbao xi jinning xinwen sixiang chulu], Duowei, 14 June 18; David Bandurski, “Mirror, Mirror on the Wall,” University of Hong Kong, Journalism & Media Studies Centre, China Media Project, 22 February 16; Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham, MD: Rowman & Littlefield, 2008), 46. According to Bandurski, 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,” illustrate the Party’s expectation that the media serve as its “mouthpiece” and shaper of public opinion. Brady, moreover, notes that in the wake of the violent suppression of the 1989 Tiananmen protests, newly appointed Central Propaganda Department head Li Ruihuan repeated the mandate that “politicians run newspapers.” See also Luwei Rose Luqiu, “How To Be a Journalist in China: A Personal Reflection,” University of Nottingham, Asia Research Institute, Asia Dialogue, 2 May 17.

²⁶“Xi Jinping’s Talks on the Media (2018 Edition) Published and Released” [“Xi jinning xinwen sixiang jiangyi (2018 nian ban)” chuban faxing], Xinhua, 14 June 18.

²⁷“Party Media Surnamed Party and Politicians Run Newspapers, Xi Jinping’s News Thought Fully Baked” [Dangmei xing dang yu zhengzhijia banbao xi jinning xinwen sixiang chulu], Duowei, 14 June 18. See also CECC, 2016 Annual Report, 6 October 16, 61.

²⁸“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(36).

²⁹*Ibid.*, sec. 3(36). For an unofficial translation of the media-related items, see David Bandurski, “When Reform Means Tighter Controls,” University of Hong Kong, Journalism & Media Studies Centre, China Media Project, 22 March 18.

³⁰“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(36); Zhang Tianpei, “Three Platforms Combine Into One, Emitting an Even Stronger ‘Voice of China’” [San tai heyi, fachu geng qiang “zhongguo zhi sheng”], People’s Daily, 2 April 18.

³¹“China Creates World’s Largest Propaganda Apparatus ‘Voice of China’” [Zhongguo dazao quanqiu zui da xuanchuan jiqi “zhongguo zhi sheng”], Radio Free Asia, 21 March 18; Keith Zhai, “China Approves Giant Propaganda Machine To Improve Global Image,” Bloomberg, 20 March 18; Emily Feng, “China To Create Global Broadcast Champion,” Financial Times, 21 March 18.

³²“China Creates World’s Largest Propaganda Apparatus ‘Voice of China’” [Zhongguo dazao quanqiu zui da xuanchuan jiqi “zhongguo zhi sheng”], Radio Free Asia, 21 March 18.

³³“News Tyrant’ Tuo Zhen Appointed ‘People’s Daily’ Editor-in Chief” [“Meiti baojun” tuo zhen shengren “renmin ribao” zongbian], Radio Free Asia, 4 April 18; “Tuo Zhen: New People’s Daily Editor-in-Chief Made His Name by Rectifying the Media” [Tuo zhen: yi zhengdun meiti wenming de renmin ribao xin zongbian], BBC, 4 April 18.

³⁴Freedom House, “Special Feature: The ‘Southern Weekly’ Controversy,” 18 January 13; Maria Repnikova and Kecheng Fang, “Behind the Fall of China’s Greatest Newspaper,” Foreign Policy, Tea Leaf Nation (blog), 29 January 15; Gloria Wong, “Censorship Meets Rare Defiance as Journalists Strike in China,” Global Voices, 8 January 13.

³⁵Helen Gao, “The Demise of Watchdog Journalism in China,” New York Times, 27 April 18.

³⁶Graeme Smith, “The Thought and Messaging of Xi Jinping,” Lowy Institute, The Interpreter, 8 August 17; Zheping Huang, “Today’s Front Pages in China Are All the Same,” Quartz, 26 October 17; “Discourse Climate Report: April 2018,” University of Hong Kong, Journalism & Media Studies Centre, China Media Project, 2 May 18; David Bandurski, “Discourse Climate Report: June 2018,” University of Hong Kong, Journalism & Media Studies Centre, China Media Project, 24 July 18. See also Qian Gang, “Qian Gang Exclusive: Report on Discourse in 2017, Part 1: The System of ‘Xi’s Discourse’ Is Established” [Qian gang zhuanwen: 2017 yuxiang baogao yi “xi yu” tixi quel], Storm Media, 6 January 18.

³⁷Lin Feng, “People’s Daily Three Critiques of Hyperbolic and Boastful Writing, Number 1: Don’t You Know How To Write an Essay?” [Renmin wang san ping fukua zida wenfeng zhi yi: wenzhang buhui xie le ma?], People’s Daily, 2 July 18; You Guan, “People’s Daily Three Critiques of Hyperbolic and Boastful Writing, Number 2: Do the Chinese Lack Self-Confidence?” [Renmin wang san ping fukua zida wenfeng zhi er: zhongguo ren bu zixin le ma?], People’s Daily, 3 July 18; Ai Wu, “People’s Daily Three Critiques of Hyperbolic and Boastful Writing, Number 3: Is Style a Trivial Matter?” [Renmin wang san ping fukua zida wenfeng zhi san: wenfeng shi xiao shi ma?], People’s Daily, 4 July 18. For unofficial translations of and commentary on the three People’s Daily articles, see Geremie R. Barmé “Mendacious, Hyperbolic

& Fatuous—An Ill Wind From People's Daily," China Heritage, *Watching China Watching*, 10 July 18.

³⁸Chris Buckley, "As China's Woes Mount, Xi Jinping Faces Rare Rebuke at Home," *New York Times*, 31 July 18; Nectar Gan, "China Names Former Internet Tsar Xu Lin as New International Propaganda Chief," *South China Morning Post*, 21 August 18.

³⁹Chris Buckley, "China Enshrines 'Xi Jinping Thought,' Elevating Leader to Mao-Like Status," *New York Times*, 24 October 17.

⁴⁰Geremie R. Barmé, "Mendacious, Hyperbolic & Fatuous—An Ill Wind From People's Daily," China Heritage, *Watching China Watching*, 10 July 18; Nectar Gan, "China Names Former Internet Tsar Xu Lin as New International Propaganda Chief," *South China Morning Post*, 21 August 18.

⁴¹Reporters Without Borders, "World Press Freedom Index," last visited 26 April 18, Index details—China; Reporters Without Borders, "RSF Index 2018: Asia-Pacific Democracies Threatened by China's Media Control Model," 25 April 18.

⁴²Freedom House, "Freedom in the World 2018—China," last visited 14 July 18, sec. D1.

⁴³International Federation of Journalists, "China Press Freedom Report 2017 Ten-Year Edition: A Decade of Decline," February 2018.

⁴⁴Committee to Protect Journalists, "41 Journalists Imprisoned in China in 2017," last visited 26 April 18.

⁴⁵Hong Kong Journalists Association, "Public Evaluation of Hong Kong Press Freedom Drops to New Low," 11 April 18. The survey was conducted in January and February 2018.

⁴⁶PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 35.

⁴⁷Zhang Jingjing, "Why Don't We Have a 'National Press Law'?—Thoughts on China's News Broadcasting Legislative Research" [Women wei shenme mei you "xinwen fa"?—fanshi woguo xinwen chuanbo lifa yanjiu], Shandong Institute of Politics and Law, *Journal of Political Science and Law*, No. 1 (2014).

⁴⁸Luwei Rose Luqiu, "How To Be a Journalist in China: A Personal Reflection," University of Nottingham, Asia Research Institute, *Asia Dialogue*, 2 May 17.

⁴⁹Verna Yu, "China's New Media Strategy: The Case of Liu Xiaobo," *The Diplomat*, 28 July 17; Matt Schrader, "Pre-suasion: How the PRC Controls the Message on a Sino-US Trade War," Jamestown Foundation, *China Brief*, Vol. 18, Issue 6, 9 April 18, 1–3. See also UN Human Rights Council (HRC), 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). In the UN HRC's Tenth Anniversary Joint Declaration on freedom of expression, international experts cautioned that media serving "as government mouthpieces instead of as independent bodies operating in the public interest" are a major challenge to free expression.

⁵⁰Matt Schrader, "Pre-suasion: How the PRC Controls the Message on a Sino-US Trade War," Jamestown Foundation, *China Brief*, Vol. 18, Issue 6, 9 April 18, 1.

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WORKER RIGHTS

Trade Unions

China's laws and practices continue to contravene international worker rights standards and violate rights provided for in China's Constitution, including the right to create or join independent trade unions.¹ The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.² In January 2018, the state-run news agency Xinhua reported that the ACFTU had 303 million members in 2017, of whom 140 million were agricultural members.³ The U.S. Government and international observers noted that the ACFTU typically prioritized Chinese Communist Party interests over the interests of workers and did not effectively represent workers.⁴ During the Commission's 2018 reporting year, the ACFTU's top official held concurrent positions in the Chinese government and the Chinese Communist Party.⁵ In March 2018, the ACFTU Executive Committee selected Wang Dongming—a member of the 19th Party Central Committee⁶—to be ACFTU Chairman,⁷ and the National People's Congress (NPC) selected Wang as Vice Chairman of the NPC Standing Committee.⁸ At the enterprise level, union representatives often side with management interests.⁹ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),¹⁰ Universal Declaration of Human Rights,¹¹ International Covenant on Civil and Political Rights,¹² and International Covenant on Economic, Social and Cultural Rights.¹³

Collective Bargaining

This past year, workers' right to collective bargaining remained limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹⁴ but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹⁵ In addition to curbing union representation,¹⁶ authorities have also restricted the ability of Chinese labor non-governmental organizations (NGOs) to train workers in collective bargaining.¹⁷ As a member of the ILO, China is obligated to respect workers' right to collective bargaining.¹⁸

Civil Society

Chinese authorities continued to severely restrict the ability of civil society organizations to work on labor issues, including domestic organizations that received foreign funding and international civil society organizations. Labor NGOs have existed in China since the early 1990s,¹⁹ offering legal aid, helping workers seek redress for workplace injuries and unpaid wages, educating workers about their legal rights, and providing a variety of social services to workers.²⁰ Some labor NGOs have also trained workers in collective bargaining.²¹ The situation for labor advocates and NGOs, however, has not improved since a crackdown on labor NGOs began in December 2015,²² and deteriorated further with the implementation

of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China that took effect in January 2017.²³ Chinese labor NGOs have long relied on overseas funding.²⁴ Two labor scholars at Australian National University observed that NGOs have responded to the shrinking space for their work by downsizing or working as individuals instead of in groups, cooperating less with other NGOs that continue to work on labor rights issues, and doing work perceived to be less politically sensitive, such as promoting cultural activities.²⁵ Under Xi Jinping, the scholars concluded, Chinese authorities have dismissed the contributions of labor NGOs and made it more difficult for them to operate, noting that these repressive developments "threaten the very existence of labor NGOs in China."²⁶ The government's suspicion of foreign NGOs working on labor issues, moreover, appears to have intensified in recent years, as highlighted by the content of an April 2018 cartoon jointly disseminated by several Chinese government agencies.²⁷ The cartoon featured a foreign NGO worker who apparently cooperates with a local Chinese partner to hold trainings on how to defend worker rights, organize a union, and go on strike.²⁸ One of the agencies that released the cartoon reportedly said the cartoon is "meant to teach workers how to detect and report foreign spies and espionage activities, and raise their awareness of State security."²⁹

Many of the labor advocates whom authorities detained in the 2015 crackdown remain under restrictions imposed by the suspended sentences they received, including Zeng Feiyang, Zhu Xiaomei, and Tang Jian.³⁰ Therefore, while they are not physically held at detention centers or prisons, they are at risk of having to serve their sentences in full if they resume their advocacy work.³¹ [For more information on civil society in China, see Section II—Civil Society.]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions.³² The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media,³³ documented 1,257 strikes in 2017.³⁴ According to CLB, the overall number of strikes in 2017 was likely comparable to that of 2016, although they documented fewer strikes than in 2016 and 2015 due to changes in their collection methods and a decrease in independent reporting.³⁵ The CLB communications director estimated that CLB was able to document between 5 and 10 percent of the total number of worker actions in China between 2013 and 2017.³⁶ The case of blogger and citizen journalist Lu Yuyu highlights the dangers that citizens face in circulating independent information on worker actions.³⁷ In connection with his work documenting labor strikes across China, Lu continued to serve a four-year prison sentence on the charge of "picking quarrels and provoking trouble."³⁸ The Dali Municipal Intermediate People's Court in Dali Bai Autonomous Prefecture, Yunnan province, upheld this sentence on appeal in September 2017.³⁹

Worker Rights

PERCENTAGE OF WORKER STRIKES AND PROTESTS BY SECTOR ⁴⁰

Year	Manufacturing	Construction	Transportation	Services	Other	Total Number Reported
2017	19.7% (267)	38.1% (518)	8.6% (117)	15.2% (207)	10.8% (148)	1,257
2016	23.0% (612)	40.6% (1,081)	12.4% (330)	11.0% (292)	13.1% (349)	2,664
2015	32.1% (891)	35.9% (995)	9.8% (271)	8.2% (227)	14.1% (390)	2,774
2014	41.0% (557)	19.1% (259)	18.9% (257)	8.2% (112)	12.7% (173)	1,358

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

In 2017, CLB documented a higher percentage of strikes in private companies compared to state-owned enterprises (SOEs), although there were also major strikes at SOEs reportedly centering around lower pay for those employed through subcontracting agencies compared to formal employees.⁴¹ CLB also highlighted a trend in which strikes appeared to be increasing in inland provinces such as Shaanxi, Henan, and Anhui, with a decreasing number of strikes in Guangdong province.⁴² Chinese law does not protect workers' right to strike,⁴³ contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.⁴⁴

Examples of worker actions this past year included the following:

- **Guangzhou municipality, Guangdong.** From March 5 to 13, 2018, approximately 1,000 workers, predominantly women, went on strike at a Chinese factory of Simone Holdings, a South Korean conglomerate that reportedly manufactures 30 percent of the luxury handbags sold in the United States, including the Michael Kors label.⁴⁵ The workers protested the company's failure to provide legally required benefits, including social security contributions and housing funds.⁴⁶ On March 14, the workers reportedly returned to work after Simone Holdings agreed to their demands.⁴⁷
- **Changning district, Shanghai municipality.** Beginning on March 26, 2018, an estimated 3,000 sanitation workers went on strike to protest cuts to their wages and benefits.⁴⁸ On March 1, 2018, Shanghai municipal authorities reportedly increased the minimum monthly salary from 2,300 yuan (approximately US\$370) to 2,420 yuan (approximately US\$390) per month.⁴⁹ After the new minimum salary went into effect, however, the sanitation companies in Changning responded by cutting benefits by approximately an equivalent amount to the increase in pay.⁵⁰ Although the strike reportedly disrupted trash collection for hundreds of thousands of Shanghai residents and images were widely shared on social media, internet censors reportedly quickly deleted strike-related content.⁵¹ The strike reportedly ended after authorities detained and subsequently released some of the protesting workers and the sanitation companies restored some of the benefits.⁵²

- **Zhuhai municipality, Guangdong.** Beginning on March 29, 2018, 6,000 workers at five factories of a Chinese subsidiary of Flex Ltd. reportedly protested for three weeks over a plan to sell the factories.⁵³ According to CLB, the workers were not only concerned that they would lose their jobs, but also that the company would not pay workers' severance compensation and social insurance benefits as required by law.⁵⁴ During the protests, local union officials reportedly did not assist the protesters, but instead focused on "maintaining social stability."⁵⁵ The workers reportedly returned to work without any of their concerns addressed.⁵⁶
- **Nationwide.** In April 2018, crane operators in at least 27 cities in 19 provinces across China reportedly staged demonstrations over low pay and hazardous working conditions.⁵⁷ According to a Chinese labor scholar, "This is the first instance of such a large-scale, nationwide, collective action by industrial workers in China, and may in fact be the first instance of its kind ever."⁵⁸ Subsequently, in June 2018, truck drivers in at least 12 provinces in China protested low pay, high fuel costs, and other industry-wide concerns.⁵⁹ CLB reported in June that since late April 2018, food delivery workers and van drivers protested in a number of different locations.⁶⁰
- **Shenzhen municipality, Guangdong.** In July 2018, after workers at the Jasic Technology Company factory in Shenzhen, Guangdong, were laid off for trying to form an independent trade union, their supporters organized protests at the factory.⁶¹ On July 27, authorities reportedly detained 30 protesters, and held them under suspicion of "picking quarrels and provoking trouble."⁶² According to a Financial Times report based on CLB data, this was the largest detention of labor advocates since the December 2015 crackdown in Guangzhou,⁶³ and students from 11 universities reportedly circulated petitions with over 1,600 signatures calling for the release of the detained individuals.⁶⁴

Wage Arrears

Against the backdrop of the ongoing, and in some sectors worsening, problem of wage arrears, this past year, central authorities reiterated goals from 2016 to resolve the problem of migrant worker wage arrears. Between January and November 2017, Chinese authorities reportedly participated in the settlement process in 128,000 cases, a year-on-year decrease of 38 percent, involving 22.4 billion yuan (approximately US\$3.6 billion) in wage arrears for 2.81 million workers.⁶⁵ In December 2017, the State Council General Office released new measures on wage arrears,⁶⁶ reiterating the goal of a 2016 State Council opinion to resolve the problem of migrant worker wage arrears.⁶⁷ In December 2017, the Ministry of Human Resources and Social Security (MOHRSS) announced that companies that did not pay wages would be placed on a national blacklist,⁶⁸ and in January 2018, new MOHRSS measures on a wage arrears blacklist took effect.⁶⁹ In March 2018, Supreme People's Court President Zhou Qiang highlighted the role of courts in 2017 in helping recover 29.4 billion yuan (approximately US\$4.7 billion) in wage arrears for migrant workers.⁷⁰ As an example of

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detentions related to wage arrears protests, in January 2018, public security authorities detained Zhang Chengyi and 12 other migrant construction workers who were petitioning over 1.2 million yuan (approximately US\$190,000) in wage arrears in Guanghe county, Linxia Hui Autonomous Prefecture, Gansu province.⁷¹ In February 2018, the international NGO Rights Defense Network reported that the workers were no longer in detention and had received their wages.⁷²

Social Insurance

During this reporting year, workers' rates of social insurance coverage showed some improvement, but overall remained low.⁷³ According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁷⁴ Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.⁷⁵ According to MOHRSS and the National Bureau of Statistics of China, from 2016 to 2017, the work-related injury insurance coverage rates increased slightly overall from 28.2 to 29.3 percent,⁷⁶ and also increased slightly for migrant workers from 26.7 to 27.3 percent.⁷⁷ Employment-based pension insurance coverage rates increased from 48.9 to 51.9 percent for all workers,⁷⁸ and increased from 21.1 to 21.6 percent for migrant workers.⁷⁹ In 2017, employer-based health insurance coverage rates remained below 40 percent for all workers.⁸⁰ Unemployment and maternity insurance coverage remained below 25 percent for all workers.⁸¹ Many migrant workers continued to face bureaucratic obstacles when transferring their social insurance benefits to new jurisdictions, because local governments manage insurance funds.⁸² On December 18, 2017, MOHRSS and the Ministry of Finance issued Measures for Enterprise Annuities, a new pension scheme that may help to supplement pension payments to retirees.⁸³

Employment Relationships

This past year, several categories of workers were unable to benefit fully from the protections provided under Chinese law. The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.⁸⁴

DISPATCH LABOR

The Commission continued to observe reports of dispatch labor (*laowu paiqian*) abuses during this reporting year, in violation of domestic laws and regulations.⁸⁵ Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs.⁸⁶ The PRC Labor Contract Law stipulates that dispatch workers shall be paid the same as full-time workers doing similar work, and may only perform work on a temporary, auxiliary, or substitute basis.⁸⁷

In November 2016, several hundreds of the more than 3,000 dispatch workers at a joint-venture FAW-Volkswagen automobile manufacturing plant filed a complaint with the All-China Federation of Trade Unions for equal compensation as provided for in the PRC Labor Contract Law.⁸⁸ Over 1,000 workers participated in legal action, many of whom also demonstrated outside the factory.⁸⁹ The dispatch workers, however, were unable to reach an agreement with management, and in May 2017, public security officials detained three worker representatives, Fu Tianbo, Wang Shuai, and Ai Zhenyu.⁹⁰ In August 2017, Volkswagen issued two statements: one claiming the company “is making every effort to find a mutually acceptable solution,”⁹¹ and another noting it was a minority shareholder in the joint-venture and therefore had “limited responsibility in the dispute.”⁹² As of January 2018, Fu remained in detention without trial, although Wang and Ai were released on bail seven days after detention.⁹³

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged internships.⁹⁴ In November 2017, the Financial Times reported that a group of 3,000 vocational school students were being forced by their school to work up to 11 hours per day for three months at a Foxconn factory in Zhengzhou municipality, Henan province, that manufactures Apple phones.⁹⁵ In January 2018, Sixth Tone, a Chinese state-funded media publication, reported that Liaocheng University in Shandong province had ended its internship program after hundreds of students complained that they were being forced to work long hours for low pay in order to graduate.⁹⁶ The students, some of whom claimed that they were being forced by their school to complete the internship, performed overtime work in violation of national regulations.⁹⁷ Existing regulations prohibit interns from working overtime and require internships to be relevant to students’ plans of study.⁹⁸

WORKERS ABOVE THE RETIREMENT AGE

During this reporting year, Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law. China’s working age population has reportedly declined since 2012,⁹⁹ and the United Nations has estimated that the portion of population over 65 in China will increase from approximately 9.7 percent in 2015 to 26.3 percent in 2050.¹⁰⁰ Chinese academics have developed a number of policy proposals to raise China’s retirement age,¹⁰¹ but during this reporting year, China’s retirement ages in general for female employees remained between 50 and 55 years old, depending on the type of employment, and 60 years old for male employees.¹⁰² According to the PRC Labor Contract Law and the law’s implementing regulations, once workers reach retirement age or receive pensions, their labor contracts are terminated by operation of law.¹⁰³ The inability of workers over the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in case of work-related injuries, unpaid overtime, or other labor issues.¹⁰⁴

Child Labor

While the Chinese government did not publish statistics on child labor and did not share data on child labor with the International Labour Organization (ILO),¹⁰⁵ the Commission continued to observe reports on the use of child labor in China.¹⁰⁶ In January 2018, internet users in China widely shared an image of a seven-year-old who was delivering packages by himself.¹⁰⁷ In January 2018, the Worker's Daily reported on litigation against an enterprise filed by the father of a child laborer after his son was injured during illegal employment.¹⁰⁸ This case illustrates that the "problem of the illegal use of child labor still exists," according to Shi Fumao, the executive director of Beijing Zhicheng Migrant Workers' Legal Aid and Research Center.¹⁰⁹ Following passage of a duty of vigilance law in France, in January 2018, two French NGOs sued Samsung in France over alleged child labor and other labor abuses in China.¹¹⁰ Domestic Chinese laws generally prohibit the employment of minors under 16,¹¹¹ and China has ratified the two fundamental ILO conventions on the elimination of child labor.¹¹²

Work Safety and Occupational Health

During this reporting year, government data showed a continued decline in workplace deaths. According to the National Bureau of Statistics of China (NBS), a total of 37,852 people died in workplace accidents in 2017,¹¹³ compared to 43,062 deaths in 2016¹¹⁴ and 66,182 deaths in 2015.¹¹⁵ In 2016, the NBS, however, began excluding "non-production accidents" from their totals, and in 2018 China Labour Bulletin (CLB) described the calculation method as "opaque."¹¹⁶ According to CLB, coal mine deaths have declined steadily and significantly over the past 15 years, down to 375 in 2017, compared to 7,000 in 2002.¹¹⁷ Coal mines continued to be dangerous: In August 2018, for example, 13 workers at a coal mine in Guizhou province died as a result of an explosion.¹¹⁸ Despite the decline in the total number of workplace accidents in China, according to CLB, the number of accidents for workers in the service industry is increasing, especially for delivery drivers.¹¹⁹ Many delivery drivers do not have a formal employment relationship and lack workers' compensation insurance.¹²⁰

During the reporting year, CLB raised concerns about changes in the government institution overseeing work safety issues. In March 2018, as part of a sweeping reorganization of Party and government institutions,¹²¹ central authorities announced plans to dismantle the State Administration of Work Safety, transferring responsibility for work safety to a new Ministry of Emergency Management.¹²² CLB criticized the bureaucratic changes as highlighting how "the Chinese government is more concerned with disaster management and control rather than in preventing workplace accidents in the first place."¹²³

The government reported an increase in cases of occupational disease, and labor investigators continued to document hazardous conditions in Chinese factories. In December 2017, the former National Health and Family Planning Commission reported that there were 31,789 cases of occupational disease recorded in 2016, up from 29,180 cases of occupational disease in 2015.¹²⁴ Of the total, 28,088

cases were pneumoconiosis and other respiratory diseases; 1,276 were ear, nose, throat, and oral diseases; 1,212 were chemical poisonings; and 1,213 were other diseases.¹²⁵ Many pneumoconiosis victims reportedly face significant difficulties in obtaining official recognition that their illness is work related, and thus are ineligible for compensation.¹²⁶ In March 2018, a National People's Congress delegate reportedly recommended that access to pneumoconiosis treatment be improved.¹²⁷ In June 2018, domestic and international media, however, reported that authorities in Guizhou province had detained three doctors for over seven months, after the doctors had allegedly misdiagnosed several hundred people with pneumoconiosis who did not actually have the disease, resulting in a loss of 30 million yuan (approximately US\$4.4 million) in public funds for compensation.¹²⁸ Three hundred of the doctors' colleagues signed a petition requesting that authorities "respect science and respect medicine, and safeguard doctors' legal rights" and release the detained doctors.¹²⁹ The legal department director of the Chinese Medical Doctor Association also reportedly warned that "[i]f the accusation that they have cost the medical insurance fund money is upheld, every pneumoconiosis doctor in the county is likely to be found to have committed a crime."¹³⁰

The U.S.-based NGO China Labor Watch (CLW) published investigative reports in November 2017, January 2018, and June 2018 documenting the hazardous conditions in some Chinese factories.

- **Toy factories.** In November 2017, CLW published a report on the hazardous working conditions at four toy factories in China, finding that, "For workers who are exposed to toxic chemicals, the factory does not provide them with adequate protective equipment."¹³¹
- **Electronics Factories.** After identifying in 2014 many labor violations at Catcher Technology—a supplier to IBM, HP, Dell, Sony, and Apple—in January 2018, CLW published a separate investigation on the continuing hazardous conditions at three of Catcher's factories in Suqian municipality, Jiangsu province.¹³² CLW's investigator reported developing respiratory problems and also suffered eye injuries while working at the factory for four weeks.¹³³ In June 2018, CLW published a report on a Foxconn factory in Hengyang municipality, Hunan province, that makes products for Amazon, including the Kindle and Echo Dot, which documented a lack of protective equipment, fire safety concerns, and inadequate safety training.¹³⁴

Notes to Section II—Worker Rights

¹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4); International Covenant on Civil and Political Rights (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 13 July 18. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55; PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 35; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; European Commission, “Commission Staff Working Document: On Significant Distortions in the Economy of the People’s Republic of China for the Purposes of Trade Defence Investigations,” 20 December 17, 332-35; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 56.

²PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 9-11; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; European Commission, “Commission Staff Working Document: On Significant Distortions in the Economy of the People’s Republic of China for the Purposes of Trade Defence Investigations,” 20 December 17, 333; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 56.

³Fan Xi, “ACFTU: Total Number of Employees in China Reaches 391 Million” [Quanzong: woguo zhihong zongshu da 3.91 yi ren], Xinhua, 17 January 18. See also Chen Xiaoyan, “Increasing Use of Big Data To Strengthen the Work of Trade Unions” [Tigao yunyong da shuju nengli gaijin gonghui gongzuo], *Workers’ Daily*, 12 June 18.

⁴Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2017—China (Includes Tibet, Hong Kong, and Macau),” 20 April 18; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 147; Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18; China Labour Bulletin, “China’s Trade Unions Need To Stop Making Excuses and Start Looking for Solutions,” 23 October 17; China Labour Bulletin, “Construction Site Accident Highlights Need for Effective Trade Union Presence in the Workplace,” 10 October 17; Patricia Chen and Mary Gallagher, “Mobilization Without Movement: How the Chinese State ‘Fixed’ Labor Insurgency,” *ILR Review*, 20 February 18, 6.

⁵“Wang Dongming Elected China’s Trade Union Chief,” Xinhua, 23 March 18; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 21.

⁶Introduction to Vice-Chairpersons, Secretary-General of 13th NPC Standing Committee,” Xinhua, 18 March 18.

⁷“Wang Dongming Elected China’s Trade Union Chief,” Xinhua, 23 March 18.

⁸Introduction to Vice-Chairpersons, Secretary-General of 13th NPC Standing Committee,” Xinhua, 18 March 18.

⁹China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18. See also Wang Jiansong, “A Six-Day Strike in Shanghai Caused by a \$110 Pay Cut—Collective Action by Sanitation Workers in China’s ‘New Era’ of Stability Maintenance,” *China Change*, 13 April 18.

¹⁰International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, paras. 3, 16-17, 54, 57.

¹¹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4).

¹²International 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 13 July 18. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

¹³International 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 13 July 18. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55; China Labour Bulletin, “China Trade Unions Need To Stop Making Excuses and Start Looking for Solutions,” 23 October 17.

¹⁴PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, amended and effective 27 August 09, arts. 16-35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 51-56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 6, 20.

¹⁵ PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, amended and effective 27 August 09, 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 3 April 92, amended and effective 27 October 01, arts. 6, 20; China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18. Article 33 of the PRC Labor Law notes that “In an enterprise that has not yet set up a trade union, such contracts shall be signed by and between representatives recommended by workers and the enterprise.”

¹⁶ China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18; China Labour Bulletin, “Release Worker Representative Fu Tianbo and Resume Collective Bargaining at FAW-Volkswagen,” 13 November 17.

¹⁷ Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 57. See also Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 9, 12.

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 13 July 18. China became a member of the ILO in 1919.

¹⁹ See, e.g., Jude Howell, “Shall We Dance? Welfarist Incorporation and the Politics of State-Labor NGO Relations,” *China Quarterly*, Vol. 223 (September 2015), 709; Anthony J. Spires et al., “Societal Support for China’s Grass-Roots NGOs: Evidence From Yunnan, Guangdong and Beijing,” *China Journal*, Vol. 71 (2014), 66–67. Spires et al. note that grassroots NGOs have “emerged largely only over the past decade.”

²⁰ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 2, 15; Anita Chan et al., “Interpreting Chinese Labour: Informalisation or Empowerment?” in *Made in China Yearbook 2016: Disturbances in Heaven*, eds. Ivan Franceschini et al. (Canberra: Australian National University Press, February 2017), 37; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 506–07; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, Asia Research Institute, Asia Dialogue, 17 October 16.

²¹ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 9, 12; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 57.

²² Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18, sec. E3; Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 121.

²³ 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; Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 2.

²⁴ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 3–5, 7, 8, 15; J Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 115. See also Kenneth Roth, “The Great Civil Society Choke-Out,” *Foreign Policy*, 27 January 16.

²⁵ Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 127.

²⁶ *Ibid.*, 119.

²⁷ Zhao Yusha, “China Urges Workers in Defense-Related Field To Watch Out for Foreign Spies,” *Global Times*, 15 April 18; “Government Cartoon Portrays ‘Foreign NGOs’ as National Security Concern,” *Asia Society, ChinaFile, China NGO Project*, 18 April 18.

²⁸ Zhao Yusha, “China Urges Workers in Defense-Related Field To Watch Out for Foreign Spies,” *Global Times*, 15 April 18; “Government Cartoon Portrays ‘Foreign NGOs’ as National Security Concern,” *Asia Society, ChinaFile, China NGO Project*, 18 April 18.

²⁹ Zhao Yusha, “China Urges Workers in Defense-Related Field To Watch Out for Foreign Spies,” *Global Times*, 15 April 18.

³⁰ Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 121; “Zeng Feiyang One of 3 Labor Figures Released With Suspended Sentences” [Zeng feiyang deng 3 laogong renshi bei pan huanxing huoshi], *Radio Free Asia*, 26 September 16. See also “Guangdong Authorities Arrest Labor Rights Advocates,” *Congressional-Executive Commission on China*, 21 January 16. For more information, see the Commission’s Political Prisoner Database records 2014-00026 on Meng Han, 2015-00427 on Zeng Feiyang, 2015-00428 on Zhu Xiaomei, and 2016-00017 on Tang Jian.

³¹ Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 121; “Zeng Feiyang One of 3 Labor Figures Released

With Suspended Sentences” [Zeng feiyang deng 3 laogong renshi bei pan huanxing huoshi], Radio Free Asia, 26 September 16.

³²Manfred Elfstrom, “Counting Contention,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 64–67; Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18, sec. E3.

³³China Labour Bulletin changed their methodology beginning in 2017. China Labour Bulletin, “Strike Map Applies New Fixed Sampling Method in 2017,” 17 February 17. For information on China Labour Bulletin’s methodology through the end of 2016, see China Labour Bulletin, “An Introduction to China Labour Bulletin’s Strike Map,” 29 March 16.

³⁴China Labour Bulletin, “CLB Strike Map,” last visited 13 July 18; China Labour Bulletin, “Economic Recovery Means More Bad Jobs for China’s Workers,” 18 January 18. See also Harvey Thomlison, “China’s Communist Party Is Abandoning Workers,” *New York Times*, 2 April 18.

³⁵China Labour Bulletin, “Economic Recovery Means More Bad Jobs for China’s Workers,” 18 January 18; Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18, sec. E3. Freedom House noted that “Lu Yuyu, the blogger and researcher sentenced in August, had worked with his partner Li Tingyu to contribute strike data to the China Labour Bulletin until their detention in June 2016.”

³⁶Geoffrey Crothall, “China’s Labour Movement in Transition,” *Made in China Journal*, Vol. 3, Issue 2 (April–June 2018), 28, 94. Crothall is CLB’s Communications Director.

³⁷Catherine Lai, “How China’s Multi-Pronged Crackdown on Dissent Took Aim at Citizen Journalists and Rights Defence Websites,” *Hong Kong Free Press*, 16 February 18. See also Wu Qiang, “What Do Lu Yuyu’s Statistics of Protest Tell Us About the Chinese Society Today?” *China Change*, 6 July 16; CECC, 2017 Annual Report, 5 October 17, 70, 86–87. For more information, see the Commission’s Political Prisoner Database records 2016-00177 on Lu Yuyu and 2016-00190 on Li Tingyu.

³⁸“Award-Winning Chinese Civil Rights Blogger Handed 4 Years in Jail for ‘Picking Quarrels and Provoking Trouble,’” *Agence France-Presse*, reprinted in *Hong Kong Free Press*, 5 August 17.

³⁹Catherine Lai, “Chinese Court Upholds 4-Year Jail Term for Press Freedom Prize Winner Lu Yuyu,” *Hong Kong Free Press*, 28 September 17.

⁴⁰China Labour Bulletin, “CLB Strike Map,” last visited 13 July 18.

⁴¹*Ibid.*; China Labour Bulletin, “Economic Recovery Means More Bad Jobs for China’s Workers,” 18 January 18.

⁴²China Labour Bulletin, “CLB Strike Map,” last visited 13 July 18. China Labour Bulletin, “Economic Recovery Means More Bad Jobs for China’s Workers,” 18 January 18.

⁴³China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 5.

⁴⁴International 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(d); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 13 July 18. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, paras. 54, 56–57.

⁴⁵China Labour Bulletin, “Guangdong Workers Show Once Again How Collective Bargaining Should Be Done,” 14 March 18; Jane Li, “Eight-Day Strike at China Factory Making Michael Kors Bags Ends as Workers’ Pension and Wage Demands Met,” *South China Morning Post*, 18 March 18.

⁴⁶China Labour Bulletin, “Guangdong Workers Show Once Again How Collective Bargaining Should Be Done,” 14 March 18; Jane Li, “Eight-Day Strike at China Factory Making Michael Kors Bags Ends as Workers’ Pension and Wage Demands Met,” *South China Morning Post*, 18 March 18.

⁴⁷China Labour Bulletin, “Guangdong Workers Show Once Again How Collective Bargaining Should Be Done,” 14 March 18. See also Jane Li, “Eight-Day Strike at China Factory Making Michael Kors Bags Ends as Workers’ Pension and Wage Demands Met,” *South China Morning Post*, 18 March 18.

⁴⁸Wang Jiagsong, “A Six-Day Strike in Shanghai Caused by a \$110 Pay Cut—Collective Action by Sanitation Workers in China’s ‘New Era’ of Stability Maintenance,” *China Change*, 13 April 18; China Labour Bulletin, “Sanitation Workers Are Out on Strike Again in China,” 6 April 18; Mandy Zuo, “A Rare Protest in China’s Financial Hub,” *Inkstone*, 3 April 18.

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⁵¹*Ibid.*; China Labour Bulletin, “Sanitation Workers Are Out on Strike Again in China,” 6 April 18; Mandy Zuo, “A Rare Protest in China’s Financial Hub,” *Inkstone*, 3 April 18.

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CRIMINAL JUSTICE

Arbitrary Detention

Authorities continued to use various forms of arbitrary detention to deprive individuals of their liberty, contravening international human rights standards.¹ The UN Working Group on Arbitrary Detention classifies detention as “arbitrary” when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, or when non-observance of international fair trial norms is particularly serious.² Descriptions of selected forms of arbitrary detention follow. [For information on arbitrary detention in “political reeducation” centers, see Section IV—Xinjiang.]

BLACK JAILS

Authorities continued to hold individuals in “black jails,” extralegal detention sites that operate outside of China’s judicial and administrative detention systems.³ In some cases, authorities held petitioners (those who use the petitioning system, or *xinfang*, to report grievances to authorities) in “black jails” in connection to “stability maintenance” efforts during or near the 19th National Congress of the Chinese Communist Party in October 2017 and annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2018.⁴ Examples include petitioners Wei Qin, held in Chongming district, Shanghai municipality;⁵ Cai Xiaomin,⁶ held in Pudong district, Shanghai;⁷ Liu Yu,⁸ held in Qionglai city, Chengdu municipality, Sichuan province;⁹ and at least 14 petitioners in Wuhan municipality, Hubei province.¹⁰ Authorities reportedly beat Cai and Liu.¹¹

PSYCHIATRIC FACILITIES

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as “*bei jingshenbing*”—to punish rights advocacy, despite protections in the PRC Mental Health Law¹² and related regulations.¹³ [For more information, see Section II—Public Health.] For example, in February 2018, friends of rights advocate Zhang Qi found her—reportedly without signs of mental illness—forcibly committed at a psychiatric facility in Guangzhou municipality, Guangdong province, after authorities held her incommunicado for months.¹⁴ In another case, in January 2018, a friend of petitioner Ma Shengfen¹⁵ confirmed authorities forcibly committed Ma to a psychiatric hospital in Tongren municipality, Guizhou province, in late 2016, after authorities detained her in connection to petitioning.¹⁶

EDUCATIONAL PLACEMENT

In March 2018, the Dui Hua Foundation reported that it found the first known case of “educational placement” (*anzhi jiaoyu*), an indefinite form of arbitrary detention for terrorism and extremism cases that can extend beyond completion of a criminal sentence.¹⁷ The PRC Counterterrorism Law gives intermediate people’s courts authority to approve the transfer of a prisoner into educational placement upon completion of a criminal sentence, as well as ap-

prove release from educational placement, based on official evaluations of the individual's "danger to society."¹⁸ In August 2017, the Urumqi Municipal Intermediate People's Court in Urumqi municipality, Xinjiang Uyghur Autonomous Region, reportedly approved educational placement for Uyghur Ismaili Rozi (Yisimayili Ruze) less than a month before he would have completed a 10-year sentence for "inciting separatism,"¹⁹ raising concerns about the timespan for educational placement, application beyond cases of terrorism and extremism, evaluation process, and ethnic minorities'—including Uyghurs'—heightened likelihood of serving educational placement.²⁰

Administrative Detention

Authorities continued to use extrajudicial, administrative forms of detention, granting officials discretion in the treatment of detainees without judicial oversight or protections for detainees' rights under the PRC Criminal Procedure Law (CPL). For example, authorities continued to operate compulsory drug detoxification centers²¹ where officials can hold detainees for up to two years.²² As of January 31, 2018, authorities reportedly held Falun Gong practitioner Zhu Xuemei in a drug detoxification center in Guizhou province, after she refused to renounce her belief in Falun Gong.²³ This past year, Zhu Zhengfu—a member of the Chinese People's Political Consultative Conference and Vice President of the All China Lawyers Association—called for the abolition of "custody and education" (*shourong jiaoyu*),²⁴ in which public security officials can detain those accused of prostitution and their clients for six months to two years without judicial oversight.²⁵ Zhu compared the practice to reeducation through labor—abolished in 2013²⁶—for allowing administrative authorities to impose lengthy deprivation of liberty.²⁷ The Commission did not observe reports detailing specific cases of "custody and education" this past year, but international observers expressed concerns about crackdowns on prostitution, abuse of authority by "custody and education" center officials, emphasis on punishment over rehabilitation, and high recidivism rates among "custody and education" detainees.²⁸

“Confinement” (*Liuzhi*) Under the PRC Supervision Law

In March 2018, the National People’s Congress passed the PRC Supervision Law (Supervision Law),²⁹ authorizing the newly established National Supervisory Commission (NSC) to investigate suspected official misconduct³⁰ using methods including “confinement” (*liuzhi*),³¹ an extrajudicial form of detention that allows NSC officials to hold individuals without a guarantee of access to counsel.³² A March 2018 amendment to China’s Constitution³³ gives the NSC parallel status to that of the Supreme People’s Court and Supreme People’s Procuratorate,³⁴ and NSC officials may place individuals in “confinement” (*liuzhi*) when “the circumstances are particularly grave or complex” or authorities deem the detainee at risk of flight, suicide, tampering with evidence, or otherwise obstructing the investigation.³⁵ According to experts, the Supervision Law appears to allow the NSC to place in “confinement” anyone suspected of involvement in bribery or official misconduct,³⁶ which exceeds its general supervisory jurisdiction.³⁷ The Supervision Law also grants exceptions to the requirement that authorities notify the employment unit and family of those in “confinement,” when certain factors could possibly obstruct an investigation.³⁸ “Confinement” can last up to three months, and in “special circumstances”—which the Supervision Law does not define—may be extended by an additional three months with NSC approval.³⁹

Official sources stated that “confinement” would replace “double designation” (*shuanggui*)⁴⁰—an extrajudicial investigative process for Communist Party members⁴¹—and observers expressed concern that “confinement” would perpetuate abuses that reportedly have occurred under “double designation,” such as torture, coerced confessions, and denial of access to counsel, and extend the use of such methods beyond Party members.⁴²

On May 5, 2018, supervisory authorities in Jianyang district, Nanping municipality, Fujian province, notified the family of Chen Yong—the former driver for a local official—that Chen died during “confinement,” reportedly the first such case.⁴³ Chen’s body reportedly showed signs of abuse.⁴⁴ Authorities reportedly told Chen’s family that he “collapsed” during interrogation but did not specify a cause of death.⁴⁵ NSC officials also reportedly refused Chen’s family access to interrogation recordings.⁴⁶

Use of Criminal Law To Punish Rights Advocates

This past year, authorities continued to detain individuals under broad provisions in the PRC Criminal Law to suppress rights advocacy and other activities protected under international human rights standards.⁴⁷ Selected examples follow.

- **Inciting subversion of state power.** The PRC Criminal Law classifies certain actions as “crimes of endangering state security,” which can carry multi-year sentences or the death penalty.⁴⁸ On November 21, 2017, the Changsha Municipal Intermediate People’s Court in Hunan province sentenced Jiang Tianyong⁴⁹—a lawyer disbarred in 2009⁵⁰—to two years in prison for “inciting subversion of state power”⁵¹ in apparent connection to his human rights work.⁵² Associates of Jiang said

he confessed under duress,⁵³ and UN experts expressed concern that Jiang was at risk of torture while in custody.⁵⁴ On April 17, 2018, the Tianjin Municipal High People's Court upheld on appeal an eight-year sentence for Wu Gan⁵⁵ for activities including "inciting subversion of state power"⁵⁶ in connection to posting "subversive" language online and accepting interviews with foreign media.⁵⁷ On September 2, 2017, public security officials from Zhuhai municipality, Guangdong province, criminally detained human rights non-governmental organization executive director Zhen Jianghua⁵⁸ on suspicion of inciting subversion.⁵⁹ On August 10, 2018, the Zhuhai Intermediate People's Court reportedly tried Zhen without informing either Zhen's defense lawyers or his family members.⁶⁰

- **Picking quarrels and provoking trouble.** In October 2017, public security officials in Xuancheng municipality, Anhui province, reportedly detained driver Wu Kemu⁶¹ on suspicion of "picking quarrels and provoking trouble."⁶² Associates of Wu reportedly did not know the reason for his detention, although authorities reportedly detained Wu twice previously after he posted online videos about official misconduct.⁶³ Authorities in Xiqing district, Tianjin municipality, reportedly criminally detained petitioner Yao Lijuan⁶⁴ on suspicion of "picking quarrels and provoking trouble" after—while under home confinement—she filmed officials in or near her home and uploaded the video to the social media platform WeChat.⁶⁵ Other examples of authorities detaining individuals on this charge include petitioner Peng Miaolin,⁶⁶ rights advocate Xu Qin,⁶⁷ and rights lawyer Li Yuhan,⁶⁸ whose case is discussed below.

- **Using a cult organization to undermine implementation of the law.** Authorities continued to charge members of religious communities and spiritual movements, including Falun Gong, with "using a cult organization to undermine implementation of the law" (Article 300).⁶⁹ The Dui Hua Foundation reported finding approximately 800 new cases of Article 300 convictions in 2017 from official sources—and 900 from unofficial sources—including cases of Falun Gong practitioners, followers of the Church of Almighty God sect, and others.⁷⁰ On January 5, 2018, the Shenzhen Intermediate People's Court, in Shenzhen municipality, Guangdong province, upheld the sentences on appeal of Miew Cheu Siang⁷¹ (one year and six months)—a Malaysian citizen—and his wife Yu Linglan⁷² (five years) under Article 300 in connection to possession and distribution of Falun Gong materials.⁷³ [For more information, see Section II—Freedom of Religion.]

- **Other criminal law provisions.** Authorities accused rights advocates and others of other criminal offenses, including "illegal business activity,"⁷⁴ "gathering a crowd to disturb traffic order,"⁷⁵ "gathering a crowd to disturb public order,"⁷⁶ and "extortion and blackmail."⁷⁷

Ongoing Challenges in the Implementation of the Criminal Procedure Law

This past year, authorities took steps to change legislation affecting the rights of prisoners and detainees. In addition, the Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)⁷⁸ and international human rights standards.⁷⁹ Selected issues and examples are described below.

LEGISLATIVE DEVELOPMENTS

Authorities took steps to change national legislation affecting the rights of prisoners and detainees. In April 2018, a draft CPL amendment was submitted to the National People's Congress Standing Committee for deliberation.⁸⁰ The draft amendment specifies procedures for transferring cases for prosecution from the National Supervisory Commission (NSC) to procuratorial authorities, as well as transferring individuals in "confinement" (*liuzhi*) to procuratorial authorities for detention.⁸¹ If implemented as written, the amendment would allow courts to try defendants in absentia in corruption cases,⁸² violating international fair trial standards.⁸³ It would also allow for lenient sentencing if the defendant admits to a crime, does not dispute the facts of the case, and willingly accepts punishment.⁸⁴ Further, it would allow for expedited sentencing when a defendant facing a maximum three-year sentence in a basic people's court has confessed and accepted punishment,⁸⁵ raising concerns about the reliance on confessions—sometimes coerced—in China's criminal justice system.⁸⁶

COERCED CONFESSIONS

Authorities continued to coerce detainees to confess guilt to crimes, in violation of the CPL,⁸⁷ in some cases coercing detainees to recite apparently scripted remarks in court or on camera.⁸⁸ For example, in February 2018, Swedish citizen Gui Minhai⁸⁹—co-owner of a company that sold books critical of Chinese leaders, and whom authorities detained in January 2018 as he was en route to Beijing municipality with Swedish diplomats for a medical exam⁹⁰—gave a televised confession for allegedly cooperating with Swedish authorities to attempt to leave China.⁹¹ This reportedly was his third televised confession in custody.⁹² In another case, on September 11, 2017, Taiwan college employee and non-governmental organization volunteer Lee Ming-cheh⁹³ reportedly confessed in court to "subversion of state power."⁹⁴ A Chinese Human Rights Defenders researcher reportedly said that Lee "had already 'confessed' before the trial . . . There is a strong likelihood that he was tortured to force a confession."⁹⁵ Before the trial, Lee's wife indicated he would only confess involuntarily.⁹⁶

PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond limits allowed in the CPL⁹⁷ and international human rights standards.⁹⁸ For example, observers reportedly were unable to contact rights lawyer Wang Quanzhang⁹⁹ since authorities detained him on July 10, 2015, amid a widespread crackdown on rights law-

yers and advocates.¹⁰⁰ On July 13, 2018, Wang’s wife reported that a friend told her another lawyer reported seeing Wang at the Tianjin No. 1 Municipal Detention Center.¹⁰¹ On February 14, 2017, the Tianjin No. 2 Municipal People’s Procuratorate reportedly indicted Wang for subversion,¹⁰² but the Commission did not observe reports of Wang’s case reaching trial. In another case, authorities reportedly postponed the June 20, 2018, trial of 64 Tianwang website founder Huang Qi,¹⁰³ whom authorities detained on November 28, 2016,¹⁰⁴ and approved his arrest on the charge of “illegally providing state secrets and intelligence for overseas entities.”¹⁰⁵ According to an August 18, 2018, Radio Free Asia report, authorities had not set a new trial date.¹⁰⁶

ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers, particularly in cases involving rights advocates. Chinese law grants suspects and defendants the right to hire¹⁰⁷ and meet with defense counsel,¹⁰⁸ but it restricts meetings in cases of endangering state security, terrorism, or significant bribes,¹⁰⁹ as well in cases of residential surveillance,¹¹⁰ contravening international standards.¹¹¹ On or after October 17, 2017, public security officials in Shijingshan district, Beijing municipality, denied defense lawyer Ren Quanniu’s request for a meeting with his client, human rights website editor Ding Lingjie,¹¹² whom authorities detained in September 2017 in likely connection to the detention of the website’s founder, Liu Feiyue.¹¹³ In another case, in July 2018, public security officials from Chenzhou municipality, Hunan province, placed internet commentator Chen Jieren¹¹⁴ under “residential surveillance at a designated location” on suspicion of “extortion” and “illegal business activity” after he posted online about alleged official misconduct—also detaining Chen’s wife, two brothers, and two assistants.¹¹⁵ NSC officials reportedly instructed public security officials to deny Chen meetings with his lawyer.¹¹⁶

In early 2018, Ministry of Justice (MOJ) officials indicated authorities would expand a pilot program, established jointly with the Supreme People’s Court in October 2017 in select locations, to increase access to criminal defense counsel.¹¹⁷ According to an MOJ official, the percentage of legal aid cases involving a defense lawyer in three municipalities in Zhejiang province increased after the pilot program began.¹¹⁸ The effect of the planned expansion remained unclear, and authorities’ continuing efforts to punish human rights lawyers for their work appeared at odds with the program’s stated goals.¹¹⁹ [For more information on access to counsel and the harassment and prosecution of rights lawyers, see Section III—Access to Justice.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in “residential surveillance at a designated location” (RSDL),¹²⁰ a form of incommunicado detention that can last up to six months,¹²¹ restricts access to counsel,¹²² and places detainees at risk of abuse by authorities.¹²³ In January 2018, public security officials in Tongshan district, Xuzhou municipality, Jiangsu province, placed lawyer Yu Wensheng¹²⁴ under RSDL on suspicion of inciting sub-

version in connection to comments he posted on Twitter advocating for constitutional reform.¹²⁵ In October 2017, public security officials in Fengtai district, Beijing municipality, reportedly placed environmental petitioner Ji Shulong¹²⁶ under RSDL in connection to the 19th Party Congress.¹²⁷

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees in some cases,¹²⁸ violating protections in the PRC Criminal Procedure Law¹²⁹ and international standards.¹³⁰ For example, officials at the Shenyang No. 1 Municipal Public Security Bureau (PSB) Detention Center in Shenyang municipality, Liaoning province, reportedly abused rights lawyer Li Yuhan,¹³¹ whom authorities detained on October 9, 2017, in apparent connection to the 19th Party Congress and Li's previous representation of rights lawyer Wang Yu.¹³² Public security officials reportedly instructed other detainees to harass and abuse Li, including by throwing her food on the bathroom floor, urinating on her food, and throwing cold water on her and then allowing her to shiver until she lost consciousness.¹³³ In another case, public security officials in Yu county, Zhangjiakou municipality, Hebei province, reportedly took lawyer Wu Quan¹³⁴ into custody on December 16, 2017, in connection to his reporting of alleged corruption by a local official.¹³⁵ Authorities reportedly placed a hood over him and took him to a basement; bound him to an interrogation chair for 48 hours; and deprived him of water, sleep, and sufficient clothing for the first 24 hours.¹³⁶

Medical Care in Custody

Authorities continued to deny or fail to provide adequate medical care to some detainees,¹³⁷ which violates international human rights standards¹³⁸ and may amount to torture.¹³⁹ For example, 60-year-old Li Yuhan—discussed above—suffers from conditions including heart disease, hypertension, and hyperthyroidism;¹⁴⁰ staff at the Shenyang No. 1 PSB Detention Center reportedly refused to give her medication other than aspirin unless she cooperated with authorities.¹⁴¹ In another case, in August 2017, authorities criminally detained petitioner Li Yanxiang¹⁴² at the Qingdao No. 2 Municipal PSB Detention Center, in Shandong province, in connection to her petitioning.¹⁴³ While detained, Li reportedly experienced vomiting, loss of appetite, abdominal pain, and insomnia, but was unable to receive medical treatment because detainees were required to pay for their own medical expenses,¹⁴⁴ violating international standards.¹⁴⁵ In another case, in February 2018, citizen journalist Sun Lin reported that authorities at the Nanjing Municipal PSB Detention Center, in Nanjing municipality, Jiangsu province, made him take medicine against his will during his detention.¹⁴⁶ In June 2018, the wife of Jiang Tianyong, whose case is discussed above, reported that authorities force-fed him medication daily, and that his memory had deteriorated severely.¹⁴⁷ Authorities also denied requests for medical parole to some prisoners, in some cases repeat requests.¹⁴⁸ Examples include Huang Qi—discussed above¹⁴⁹—and Pastor Li Guozhi.¹⁵⁰

Wrongful Conviction

During the Commission's 2018 reporting year, authorities drew high-level attention to the issue of wrongful convictions,¹⁵¹ with some Chinese legal experts expressing concern about abusive practices that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.¹⁵² A February 2018 Xinhua report stated that, over the previous five years, authorities overturned 39 "major cases" of wrongful convictions involving 78 people nationwide.¹⁵³

The Commission observed reports of wrongful convictions overturned this year, some of which highlighted the challenge of lengthy waiting periods. For example, in April 2018, the Jilin Province High People's Court found Liu Zhonglin—who had already completed a 25-year sentence for murder—not guilty, due to "unclear facts" and "insufficient evidence" in the original trial in 1994.¹⁵⁴ In another case, in May 2018, the Supreme People's Court found business executive Zhang Wenzhong—whose conviction of various financial crimes was upheld on appeal by the Hebei Province High People's Court in 2009—not guilty.¹⁵⁵

Policing

This past year, authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data—raising concerns about privacy and public security officials' capacity to crack down on rights advocates and other targeted persons.¹⁵⁶ Collection of personal information, including biometric data, appeared to violate privacy protections in international human rights instruments,¹⁵⁷ and the Commission did not observe efforts by authorities to bring the collection or use of such information in line with international standards.¹⁵⁸ Examples of such technology include "smart" glasses that could scan facial features or vehicle license plates for comparison against a "blacklist" in a centralized database,¹⁵⁹ security cameras with scanning capabilities,¹⁶⁰ devices that could forcibly collect information from mobile phones and other network devices,¹⁶¹ and voice recognition technology.¹⁶² Authorities reportedly could connect voice samples to information on individuals' "ethnicity, home address, and . . . hotel records."¹⁶³ While such technologies could aid criminal investigations, some official sources noted their potential applications in contexts of "stability maintenance" and surveillance of "key persons" (*zhongdian ren yuan*, i.e., persons of "key" interest to security authorities).¹⁶⁴

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) implemented large-scale—sometimes involuntary—collection of residents' personal information to predict perceived threats to public security.¹⁶⁵ In some cases, officials visited local households to collect personal information, including indications of political or cultural views deemed threatening.¹⁶⁶ Such efforts coincided with authorities' collection of DNA samples and other biometric data from XUAR residents, presented to participants as a free public health program.¹⁶⁷ [For more information, see Section II—Public Health.] Authorities reportedly used the Integrated Joint Oper-

ations Platform (IJOP) to integrate various forms of information collected, including, for example, unpaid bills, religious activity, and foreign travel activity.¹⁶⁸ The Commission did not observe reports linking specific detentions to the IJOP, but current and former XUAR residents reportedly claimed the IJOP contributed to arbitrary, preemptive detentions in “political reeducation” centers, facilities in the XUAR used to carry out arbitrary mass detentions.¹⁶⁹ [For more information, see Section IV—Xinjiang.]

Death Penalty

The Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders,¹⁷⁰ while Amnesty International estimated that China carried out more executions than all other countries combined.¹⁷¹ The Chinese government continued to classify statistics on its use of the death penalty as a state secret,¹⁷² and the Commission did not observe official reports on overall death penalty numbers. Legal experts noted that defense lawyers continued to face hurdles to effective representation in death penalty cases, and that the joint Ministry of Justice and Supreme People’s Court criminal defense pilot project described above did not provide for the right to legal representation in death penalty review cases.¹⁷³

In December 2017, authorities in Lufeng city, Shanwei municipality, Guangdong province, sentenced to death 10 people variously for murder, robbery, and drug-related crimes—in a public trial in a stadium—and then immediately executed them.¹⁷⁴ The Lufeng Municipal People’s Court and Shanwei Intermediate People’s Court issued a notice inviting the public to attend the public sentencing.¹⁷⁵ Chinese law prohibits public executions,¹⁷⁶ and the Commission did not observe reports that the defendants had the opportunity to appeal or that the ruling was sent to a higher court for review, as required by law.¹⁷⁷ In another case, in March 2018, the Linfen Municipal Intermediate People’s Court in Shanxi province sentenced a former vice mayor of Luliang municipality, Shanxi, to death for accepting large sums of bribes.¹⁷⁸ A South China Morning Post report noted the sentence was “unusually harsh” for an economic crime, even in the context of President and Communist Party General Secretary Xi Jinping’s crackdown on corruption.¹⁷⁹

This year, the Commission did not observe any rulemaking efforts to ban harvesting organs from executed prisoners.¹⁸⁰ At a trafficking conference at the Vatican in 2018, Wang Haibo, head of the China Organ Transplant Response System,¹⁸¹ reported that authorities made 220 arrests over the previous 10 years in connection to illegal organ transplants and noted that authorities continued to combat the practice.¹⁸²

Notes to Section II—Criminal Justice

¹Universal 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 (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1). China has signed and stated its intent to ratify the ICCPR. See United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 23 July 18. China signed the ICCPR on October 5, 1998; State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in State Council, May 2013; Permanent Mission of the People’s Republic of China to the UN, “Aide Memoire,” reprinted in United Nations, 13 April 06; 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. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to “further protect civil and political rights,” although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated 5 June 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, 6 June 13, A/68/90.

²UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention, Fact Sheet No. 26, May 2000, sec. IV(B).

³Harry 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), 3–4; Amnesty International, “China: Submission to the United Nations Committee against Torture 56th Session, 9 November–9 December 2015,” October 2015, 16; Chinese Human Rights Defenders, “We Can Beat You to Death With Impunity’: Secret Detention and Abuse of Women in China’s ‘Black Jails,’” October 2014, 6. 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.

⁴See, e.g., “Chinese Police Detain, ‘Disappear’ Dozens of Rights Activists, Petitioners,” Radio Free Asia, 19 October 17; Christian Shepherd and Ben Blanchard, “Leaving Nothing to Chance, China Increases Security, Social Control Before Congress,” Reuters, 28 September 17; Tom Phillips, “China’s ‘Stability Maintenance’ Agents Move To Silence Critics Before Party Congress,” Guardian, 16 October 17; “On First Day of Party’s ‘Two Sessions,’ Petitioners Squeeze Into State Bureau for Letters and Calls” [Zhonggong “lianghui” shouri, fangmin jibao guojia xinfang ju], Renmin Bao, 11 March 18.

⁵Rights Defense Network, “Shanghai Black Jail Case No. 9: Shanghai Rights Defender Exposes Black Jail and Calls for an ‘End to One-Party Dictatorship’” [Shanghai hei jianyu anli zhi jiu: shanghai weiquan renshi wei qin jielu hei jianyu bing huhan “zhongjie yi dang zhuanzheng”], 13 November 17.

⁶For more information on Cai Xiaomin, see the Commission’s Political Prisoner Database record 2018-00280.

⁷Rights Defense Network, “Shanghai Black Jail Case No. 16: Shanghai Rights Advocate Cai Xiaomin Reveals Black Jail” [Shanghai hei jianyu anli zhi 16: shanghai weiquan renshi cai xiaomin jielu hei jianyu], 31 March 18.

⁸For more information on Liu Yu, see the Commission’s Political Prisoner Database record 2018-00281.

⁹Rights Defense Network, “The Accusations of Sichuan Petitioner Liu Yu, Held in a Black Jail for 32 Days Because of the ‘Two Sessions’ in Beijing” [Yin beijing “lianghui” bei guan hei jianyu 32 tian de sichuan fangmin liu yu de kongsu], 5 April 18.

¹⁰“China Overrun With Black Jails, Over Ten Petitioners Illegally Held Captive in Wuhan” [Zhongguo hei jianyu fanlan, wuhan shi duo fangmin bei feifa qiujin], Radio Free Asia, 12 April 18. For more information on the 14 petitioners, see the following records in the Commission’s Political Prisoner Database: 2016-00481 on Peng Min, 2018-00283 on Zou Guilian, 2018-00285 on Yang Mingzhu, 2018-00286 on Liu Moxiang, 2018-00287 on Ren Chunhua, 2018-00289 on Cai Miao, 2018-00291 on Wan Shaohua, and 2018-00292 on Liu Yunfei.

¹¹Rights Defense Network, “Shanghai Black Jail Case No. 16: Shanghai Rights Advocate Cai Xiaomin Reveals Black Jail” [Shanghai hei jianyu anli zhi 16: shanghai weiquan renshi cai xiaomin jielu hei jianyu], 31 March 18; Rights Defense Network, “The Accusations of Sichuan Petitioner Liu Yu, Held in a Black Jail for 32 Days Because of the ‘Two Sessions’ in Beijing” [Yin beijing “lianghui” bei guan hei jianyu 32 tian de sichuan fangmin liu yu de kongsu], 5 April 18.

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

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

¹⁴“Liang Songji: The Aggrieved Zhang Qi of Guangzhou Treated as Mental Patient, Forcibly Detained in Baiyun District Mental Health Rehabilitation Hospital” [Liang songji: guangzhou yuanmin zhang qi bei dangzuo jingshenbing ren qiangzhi guanya zai baiyun qu jingshenbing kangfu yiyuan], Radio Free Asia, 15 February 18; “Activist in China’s Guangdong Confined in Psychiatric Hospital With ‘No Sign of Illness,’” Radio Free Asia, 19 February 18. For more information on Zhang Qi, see the Commission’s Political Prisoner Database record 2018-00293.

¹⁵For more information on Ma Shengfen, see the Commission’s Political Prisoner Database record 2018-00078.

¹⁶Civil Rights & Livelihood Watch, “Friend Scouts Around Everywhere, Learns Ma Shengfen Forcibly Committed to Psychiatric Hospital” [Youren duofang datan dezhi ma shengfen bei guan jingshenbing yuan], 9 February 18.

¹⁷Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, amended 27 April 18, art. 30; UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention, Fact Sheet No. 26, May 2000, sec. IV(B).

¹⁸PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, amended 27 April 18, art. 30.

¹⁹Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; 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, 4 November 17, art. 103.

²⁰Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; 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, 4 November 17, art. 103.

²¹See, e.g., Qinghai Province Detoxification Administration, “Provincial Justice Department Head Liu Tianhai Arrives at the Golmud Compulsory Drug Detoxification Center To Inspect the Center’s Safety and Stability Work” [Sheng sifa ting liu tianhai tingzhang dao ge’ermu qiangzhi jiedu suo jiancha changsuo anquan wending gongzuo], 9 April 18; Wang Jian, “Visiting the Shaanxi Women’s Compulsory Isolation Drug Detoxification Center: Women Constitute 80 Percent of Police, Say They Are ‘Tough as Cement’” [Tanfang shaanxi nu qiangzhi geli jiedu suo: nu ganjing zhan ba cheng, zicheng “shuini” zuo de], The Paper, 8 March 18; “Walking Into Yunnan Province Women’s Compulsory Isolation Drug Detoxification Center” [Zoujin yunnan sheng nuzi qiangzhi geli jiedu suo], Xinhua, 7 March 18. See also State Council, Regulations on Drug Detoxification [Jiedu tiaoli], issued and effective 22 June 11, art. 4; Ministry of Public Security, Measures on the Management of Public Security Organ Compulsory Isolation and Drug Detoxification Centers [Gong’an jiguan qiangzhi geli jiedu suo guanli banfa], issued and effective 19 September 11, arts. 1–2.

²²PRC Drug Prohibition Law [Zhonghua renmin gongheguo jindu fa], issued 27 December 07, effective 1 June 08, art. 47; State Council, Regulations on Drug Detoxification [Jiedu tiaoli], issued and effective 22 June 11, art. 27.

²³Rights Defense Network, “Monthly Report on People Detained and Not Sentenced or Forcibly Disappeared in Mainland China (January 31, 2018) No. 28 (298 People) (Part Two)” [Zhongguo dalu jiya wei pan ji qiangpo shizong renyuan yuedu baogao (2018 nian 1 yue 31 ri) di ershiba qi (gong 298 ren) (xia)], 31 January 18.

²⁴Wang Xiuzhong, “Exclusive! CPPCC Delegate Zhu Zhengfu Recommends Constitutional Review of Compulsory Custody and Education for [Crime of] Prostitution” [Dujia! Quanguo zhengxie weiyuan zhu zhengfu jianyi dui maiyin piaochang qiangzhi shourong jiaoyu jinxing hexianxing shencha], Southern Metropolitan Daily, 25 February 18; Gao Yuyang et al., “Three Lawyers’ Key Words for the Two Sessions” [San wei lushi de lianghui guanjianci], Beijing Youth Daily, 10 March 18.

²⁵State Council, Measures on Custody and Education for Sex Workers and Their Clients [Maiyin piaochang renyuan shourong jiaoyu banfa], issued and effective 4 September 93, amended 8 January 11, arts. 2, 3, 9. For more information on “custody and education,” see Tingting Shen and Joanna Csete, “HIV, Sex Work, and Law Enforcement in China,” Health and Human Rights Journal, Vol. 19, No. 2 (December 2017); Asia Catalyst, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013.

²⁶National People’s Congress Standing Committee, Decision on Abolishing Reeducation Through Labor Regulations [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jueding], issued and effective 28 December 13.

²⁷Wang Xiaodong, “Exclusive! Chinese People’s Political Consultative Conference Member Zhu Zhengfu Recommends Constitutional Review of Compulsory Custody and Education for [Crime of] Prostitution” [Dujia! Quanguo zhengxie weiyuan zhu zhengfu jianyi dui maiyin piaochang qiangzhi shourong jiaoyu jinxing hexianxing shencha], Southern Metropolitan Daily, 25 February 18.

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⁴⁰“Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era” [Xi jingping: juesheng quanmian jiancheng xiaokang shehui duoque xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17; Zhu Jichai and Qi Leijie, “What Does It Mean for Confinement To Replace ‘Double Designation’?—Decoding the State Supervision System Reform” [Yong liuzhi qudai “lianggui” yiweizhe shenme?—jiedu guojia jiancha tizhi gage], Xinhua, 23 October 17. The Commission did not observe any reports confirming that authorities officially abolished “double designation” (*shuanggui*).

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¹³⁰Convention 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; Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva

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¹⁷⁹Jane Cai, “Death Penalty for ‘Godfather’ of Chinese Coal Mining Town Over US\$160 Million in Bribes,” South China Morning Post, 29 March 18.

¹⁸⁰Although the Chinese government has promulgated rules to regulate the sourcing of organs, it has not outlawed sourcing organs from executed prisoners. PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 234–1. The PRC Criminal Law prohibits organized trading of organs, the removal of organs without consent, and the inducement of another to donate organs by fraud or coercion. State Council, Regulations on Human Organ Transplants [Renti qiguan yizhi tiaoli], issued 31 March 07, effective 1 May 07, arts. 7, 21. The State Council’s Regulations on Human Organ Transplants prohibit medical facilities from charging a fee for the transplanted organ. Ministry of Health, Certain Provisions on Standardizing Live Organ Transplantation [Weishengbu guanyu guifan huoti qiguan yizhi de ruogan guiding], issued and effective 28 December 09. In general, the Ministry of Health’s Certain Provisions on Standardizing Live Organ Transplantation implement the State Council’s Regulations on Human Organ Transplants. National Health and Family Planning Commission, Regulations on Administering Procurement and Distribution of Human Organ Donations (Trial) [Renti juanxian qiguan huoku yu fenpei guanli guiding (shixing)], issued 13 August 13, effective 1 September 13, arts. 5, 6. The trial Regulations on Administering Procurement and Distribution of Human Organ Donations create organ procurement organizations in every provincial-level administrative jurisdiction and require them to register procured organs in a national registry. For background information on organ harvesting from executed prisoners and organ harvesting in China generally, see China Organ Harvest Research Center, “Transplant Abuse in China Continues Despite Claims of Reform,” July 2018.

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¹⁸¹“‘Chinese Model’ for Managing Organ Transplants Receives Approval” [Qiguan yizhi guanli “zhongguo moshi” huo kending], Xinhua, 15 March 18.

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FREEDOM OF RELIGION

International and Chinese Law on Religious Freedom

Both Chinese and international law provide guarantees of religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of the principles of religious freedom during the 2018 reporting year, as Chinese authorities exercised broad discretion over religious practice.

Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religions—which cannot be restricted—and the right to outwardly manifest those beliefs—which can be limited for certain, specific justifications.¹ These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).² China has signed³ and stated its intent to ratify⁴ the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty’s purpose.⁵

Article 36 of China’s Constitution guarantees citizens “freedom of religious belief” and protection for “normal religious activities.”⁶ With essential terms such as “normal” undefined, it is unclear whether China’s Constitution protects the same range of belief and outward manifestation that is recognized under international law.⁷ In other ways, however, China’s Constitution and other legal provisions⁸ join the ICCPR in prohibiting discrimination based on religion⁹ and loosely parallel the ICCPR’s prohibition on coercion¹⁰ by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.¹¹

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

Policies and Regulations Pertaining to Religious Freedom

The importance of “religious work”¹⁴ to the Chinese Communist Party agenda has undergone an “unprecedented increase” with “major innovations” under Party General Secretary Xi Jinping, according to an article published a few weeks before the October 2017 19th Party Congress¹⁵ in the major Party journal *Seeking Truth (Qiushi)*. Party and government officials emphasized several key policy principles in religious affairs during this past year:

- **“Actively guiding religions to adapt to socialist society.”**¹⁶ As explained by Party and government sources, this means “guiding” religious groups to support Party leadership and the political system.¹⁷ The State Council Information Office stated in an April 2018 white paper that this principle also includes ensuring that religious believers are “subordinate to and serve the overall interests of the nation and the Chinese people.”¹⁸

- **“Sinicization.”** Party and government officials continued to develop and promote policies aimed at shaping religious practice in China to promote and assimilate to a Chinese cultural identity.¹⁹ One policy document from the State Administration for Religious Affairs called for interpreting religious teachings and doctrines in ways that conform to “China’s outstanding traditional culture,” promoting patriotic education and activities within religious communities, and impelling the religious communities to exhibit Chinese “characteristics” and “style” in religious thinking, institutions, rituals, behavior, and architecture, among other aspects.²⁰ Party and government officials also continued to develop policies to resist the perceived threat of foreign forces that use religion to “infiltrate” Chinese society.²¹ According to international experts on Chinese religion, officials view Christianity, Islam, and Tibetan Buddhism as retaining undue foreign influence while considering Chinese Buddhism and Taoism to be integrated with Chinese culture.²² Official pronouncements also identified “extremism” as a particular problem that officials should address within Islam.²³

- **Promoting religion as an instrument for implementing official policy objectives.** Party and government policy encouraged use of religious groups to facilitate communication and connection with other countries, particularly those hosting Belt and Road Initiative projects.²⁴ Policy plans included cooperation with Russia and Central Asian countries on “anti-extremism” efforts.²⁵ In addition, Party and government policy documents directed officials to encourage religious groups to provide social services to complement central government poverty alleviation efforts.²⁶

The increased attention to religious affairs under Party General Secretary Xi Jinping is part of a “hardline turn” in the Party’s “united front work,” according to an Australian scholar specializing in Chinese political institutions.²⁷ Led through the Party’s United Front Work Department (UFD), “united front work” involves bringing elements of society outside of the Party under its control with the aim of preventing the independent organization of civil society.²⁸ The Party under Xi has viewed “united front work” with renewed urgency given the increased complexity of society and the growth of new groups such as religious communities²⁹ in the decades since China’s economic marketization.³⁰ A Hong Kong-based scholar notes, for example, that Party officials have concerns about the growing number of Christian believers in China and the level of organization within the community.³¹

In March 2018, the Party’s sweeping reorganization plan for Party and government institutions included a provision directing the Party’s UFD to take over the government agency responsible for religious affairs at the national level, making the national-level UFD directly responsible for administering policies pertaining to religion in China.³² The UFD would continue to use the government agency’s name—the State Administration for Religious Affairs—when interacting with outside entities.³³ The stated rationale for the restructuring was to unify and strengthen the Party’s control over “religious work.”³⁴ Even prior to the change, the UFD, under the Party’s Central Committee, had been responsible

for developing Party policies on religion and connecting with religious groups and leaders on behalf of the Party.³⁵ At a July 2018 meeting involving key leaders of the UFWD and state-sanctioned religious groups, the latter issued a proposal for religious venues to fly the Chinese flag and organize activities involving the flag to encourage religious believers to “strengthen their identification with the Party and the nation in politics, thought, and feeling.”³⁶

As of September 2018, the Commission did not observe reports of changes in responsibility for religious affairs administration at the local level, where local government bureaus have been responsible for managing religious affairs.³⁷ These religious affairs agencies have effective authority over the state-sanctioned “patriotic” religious associations that act as liaisons between the government and practitioners of the five “main” religions in China,³⁸ while the UFWD vets the association leaders.³⁹ Public security bureaus are generally responsible for enforcement of laws against religious activity authorities deem illegal.⁴⁰

The Chinese government’s regulatory framework for religion imposed increased restrictions on religious freedom after revisions to the Regulations on Religious Affairs took effect on February 1, 2018.⁴¹ The revisions increased official control and scrutiny over religious activity, including newly explicit prohibitions on groups, schools, and venues from engaging in or hosting religious activities unless they have been officially designated as religious (Article 41) and on clergy acting as religious professionals without official certification (Article 36).⁴² The revisions also established new legal responsibilities and penalties for violations of the regulations, including fining those who “provide the conditions” for unauthorized religious activities (Article 71).⁴³ Religious believers⁴⁴ and academic experts⁴⁵ predicted that the restrictions would increase official pressure on religious groups, particularly those not registered with the government—many groups refuse to register because registration requires submitting to the direction of a state-sanctioned patriotic religious association.⁴⁶ In contrast, some registered religious groups may be able to operate more independently of patriotic religious associations due to the revisions allowing registered religious groups to apply for status as legal persons, according to one U.S.-based scholar of Chinese religion and society—without separate legal identities, registered groups have relied on their affiliated patriotic religious association to open bank accounts and sign contracts on their behalf.⁴⁷ In addition, one expert on Chinese religion opined about the potential for increased control over the religious gatherings of non-Chinese citizens in China after the State Administration for Religious Affairs released a draft revision to the provisions regulating such activities in May 2018.⁴⁸ The proposed revisions would restrict foreign citizens’ religious freedom by, for example, requiring their religious activities to be approved and facilitated by state-sanctioned religious organizations and registered with local religious affairs administrators if they involve more than 50 people; the revisions would also prohibit Chinese citizens from participating excepting those chosen by state-sanctioned religious organizations to jointly administer such activities.⁴⁹

Other laws and Party policies also continued to restrict citizens’ freedom to hold religious beliefs and practice religion. For example,

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Article 300 of the PRC Criminal Law criminalizes “organizing and using a cult to undermine implementation of the law,”⁵⁰ and the PRC National Security Law prohibits “the use of religion to conduct illegal criminal activities that threaten state security.”⁵¹ The latter also contains mandates to “maintain the order of normal religious activities,” “oppose the interference of foreign influence into domestic religious affairs,” and “suppress cult organizations.”⁵² State media declared the importance of adhering to the long-standing⁵³ ban on religious belief for Party members,⁵⁴ warning that religious beliefs had been implicated in many Party discipline cases in recent years.⁵⁵ Local-level Party organizations issued notices warning Party members and their families that they would face sanctions for participating in any event related to Christmas Eve or other activities associated with “Western religions,”⁵⁶ with prohibitions reportedly extending to state-owned enterprise employees.⁵⁷ One international law expert has noted that because Party membership to a large degree determines the extent to which citizens may participate in public life, the ban constitutes discrimination against religious believers and a violation of freedom of religious belief.⁵⁸

Buddhism (Non-Tibetan) and Taoism

Government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression—both are considered to be relatively compliant with Party and government leadership, and compatible with the official promotion of traditional Chinese culture.⁵⁹ A large number of Chinese citizens engage in Buddhist and Taoist practices, with estimates of around 244 million Buddhists as of 2010,⁶⁰ and 173 million citizens engaging in some Taoist practices as of 2007.⁶¹ [For information on Tibetan Buddhism, see Section V—Tibet.] Chinese Buddhist and Taoist communities are subject to extensive regulation and control by officials: government authorities connected with local religious affairs bureaus are involved with the administration of officially sanctioned temples; all candidates for the clergy must obtain the approval of the local patriotic association and religious affairs bureau for ordination;⁶² and Buddhist ordinations themselves are restricted by the state-run patriotic associations.⁶³ The head of the Buddhist Association of China (BAC), the national-level patriotic association for Buddhists, Shi Xuecheng, resigned in August 2018 after two female supervisory chancellors released a report documenting claims that he had sexually harassed female disciples.⁶⁴ The State Administration for Religious Affairs directed the BAC to subject Xuecheng to severe disciplinary sanctions after verifying some of the harassment claims and announced that local authorities would continue to investigate other allegations of illegal building construction, mismanagement of funds, and sexual assault.⁶⁵ International media reported that official control over ordinations and resources for religious institutions has created disparities between different Buddhist traditions driven by official political priorities, noting that Theravada Buddhist temples and schools in particular are under-resourced and lacking in clergy.⁶⁶

Official regulations also included restrictions that may violate state neutrality with regard to religion—in November 2017, the

State Administration for Religious Affairs and 11 other central Party and government departments issued a joint opinion on combating commercialization in Buddhism and Taoism to avoid negative effects on “the healthy development of [the two religions] dissemination.”⁶⁷ The opinion outlined a series of measures such as prohibitions on commercial investment in religious venues, construction of large outdoor statues, and local government promotion of religious sites for tourism and economic development purposes.⁶⁸ Overseas observers noted that the campaign against commercialization in religion demonstrates shifting government priorities under Xi Jinping away from economic development⁶⁹ and toward bolstering the credibility of Buddhism and Taoism so that indigenous religions embodying Chinese culture and values may serve as a bulwark against “infiltration” of other values via religions perceived as foreign.⁷⁰ One human rights expert has noted that when a state distinguishes between proper and improper conduct in order to uphold religious standards or to enhance the legitimacy of particular religions as against others, it violates the state neutrality necessary to maintain the free exercise of religious freedom.⁷¹

Christianity—Catholicism

The number of Catholics is estimated to be around 10.5 million,⁷² with the State Council Information Office reporting in 2018 that 6 million Catholics were part of officially sanctioned congregations.⁷³ Chinese officials impede the freedom under international standards⁷⁴ for Chinese Catholic congregations to be led by clergy who are selected and who conduct their ministry as called for by Catholic religious beliefs. Officials continued to insist that bishops be “self-selected and self-ordained”⁷⁵—that is, selected through patriotic religious organizations in consultation with government and Party officials, and then ordained by Chinese bishops.⁷⁶ Many Chinese Catholics, sometimes known as “underground Catholics,” avoid the ministry of such bishops because they believe legitimate ecclesiastical authority can be conferred only by the Pope’s mandate,⁷⁷ and they also object to affiliation with the patriotic religious association for Chinese Catholics, the Catholic Patriotic Association (CPA).⁷⁸ The Holy See has declared the CPA “incompatible with Catholic doctrine” because it claims authority over Chinese bishops and their church communities while being backed by the Chinese government and maintaining independence from the Holy See.⁷⁹ Foreign media reported that local officials pressured underground Catholic leaders to join the CPA in Fujian, Gansu, Hebei, and Zhejiang provinces, in some cases by holding bishops in official custody for periods ranging from one to seven months.⁸⁰

The Chinese government and the Holy See continued⁸¹ negotiations regarding control over the system of bishop appointments. In September 2018, the Wall Street Journal reported that an agreement was imminent.⁸² Under the deal, Chinese authorities would nominate future Chinese bishops that the Holy See would be able to veto.⁸³ The Holy See would also recognize seven “illegitimate bishops” approved by the state;⁸⁴ the Holy See had directed two underground bishops to step down to make way for two of these state-backed bishops in December 2017.⁸⁵ Both sides reportedly agreed not to publish the agreement after its signing.⁸⁶ As of mid-

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September the deal was not yet finalized, but Chinese Catholics had expressed concerns in reaction to earlier reports of an impending agreement that the Holy See would make concessions that would weaken and further divide the Chinese Catholic community.⁸⁷

Authorities in some locales took repressive actions against state-sanctioned Catholic communities. In June 2018, religious affairs officials recommended that the diocese for Shijiazhuang municipality, Hebei province, disqualify a priest for leading a pilgrimage, citing the government's "sinicization" campaign and the revised Regulations on Religious Affairs' prohibition on "unauthorized religious activities."⁸⁸ In June through August, officials dismantled a popular pilgrimage site in Henan province⁸⁹ and demolished two Catholic churches in Jinan municipality, Shandong province.⁹⁰ At the national level, the two state-sanctioned national religious organizations for Catholics issued instructions to all local dioceses under their purview to report on local plans for implementation of the five-year plan passed in May 2018 to "sinicize" Catholicism in China.⁹¹ The "sinicization" of Catholicism has been described by one top government official as adapting interpretations of Catholic doctrine to what is required by Chinese development and traditional culture.⁹²

Christianity—Protestantism

Party and government officials maintained restrictions on the religious activities of Chinese Protestants, estimated to number around 60 to 80 million,⁹³ with some believers facing harassment, surveillance, detention, imprisonment, and other abuse because of their religious activities. A U.S.-based organization that advocates for religious freedom, ChinaAid Association, reported that both instances of official persecution and the number of believers affected had increased in 2017 from the prior year.⁹⁴ Academic experts on Chinese religion and society stated that the continued escalation of repression was due in part to concern by Party officials that Christian communities pose a challenge to the Party's monopoly on political power.⁹⁵

Under the "sinicization" campaign promoted by Chinese Communist Party General Secretary Xi Jinping, officials have sought to bring Protestant communities into alignment with Party interests and ideology by tightening control over registered, state-sanctioned Protestant groups and using harsh measures to pressure unregistered groups into submitting to government scrutiny and regulation. Measures implemented that have increased official control over officially sanctioned Protestant churches in some local areas included the installation of surveillance cameras,⁹⁶ ordering cross removals from church buildings,⁹⁷ and the establishment of official village-level groups to monitor religious activities.⁹⁸ Under Xi's leadership, officials planned to extend further influence over religious affairs and activities of registered Protestant communities.⁹⁹ In March 2018, for example, the two state-sanctioned national religious organizations for Protestants released a joint five-year plan to promote the "sinicization" of Protestantism that included developing theological interpretations of the Bible compatible with the Chinese political system and training "politically reliable" and

“morally convincing” religious leaders.¹⁰⁰ In a move affecting both Catholic and Protestant Christian believers, Chinese officials reportedly issued a notification to large online retailers prohibiting sales of the Bible beginning March 30, 2018.¹⁰¹ A number of leaders of officially sanctioned Protestant groups who had been prosecuted and sentenced after protesting official measures against their churches in the past remained in prison.¹⁰²

Unregistered church communities (commonly referred to as “house churches”) faced additional persecution as officials sought to pressure them into registering under the auspices of a patriotic religious association.¹⁰³ As in previous years,¹⁰⁴ Protestant house churches continued to face raids during church gatherings¹⁰⁵ and eviction from meeting spaces.¹⁰⁶ In January 2018, authorities in Shanxi province demolished the Golden Lampstand Church, with a congregation of 50,000.¹⁰⁷ In Henan province, authorities reportedly banned at least 100 house churches from meeting after the revised Regulations on Religious Affairs went into effect in February 2018, and also destroyed religious iconography in believers’ homes.¹⁰⁸ In July 2018, the Beijing municipal government reportedly issued an order for lower-level governments to conduct investigations of Protestant churches with the cooperation of local public security officials.¹⁰⁹ Authorities also reportedly subjected some believers to harassment¹¹⁰ and detention.¹¹¹ Also in July, officials in Xinyu municipality, Jiangxi province, reportedly ordered house churches to remove crosses and hang the national flag or portraits of Xi Jinping within their buildings, while also banning minors from attending church.¹¹² In one major incident in May 2018, local authorities detained more than 200 members of Early Rain Covenant Church in Chengdu municipality, Sichuan province, prior to a planned memorial service for the victims of the 2008 Wenchuan earthquake in Wenchuan county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan.¹¹³

In several instances, authorities in Yunnan province continued¹¹⁴ to detain and prosecute house church members on charges of “organizing and using a cult to undermine implementation of the law,” under Article 300 of the PRC Criminal Law. Since October 2016, around 200 people reportedly have been detained, six of whom were sentenced in December 2017.¹¹⁵ In a report directed at the Yunnan province-level group responsible for Party discipline inspection, one county-level Party committee described cult prevention activities as one of several measures aimed at “rectifying the inadequate implementation of the ideological work responsibility system.”¹¹⁶ Other measures in the same category included a “clean-up campaign aimed at foreign non-governmental organizations (NGOs) and foundations.”¹¹⁷ In May 2018, the provincial state-sanctioned religious organizations for Protestants in Zhejiang province issued a statement banning one house church for promoting an “illegal” religion.¹¹⁸

Falun Gong

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment.¹¹⁹ Due to government suppression, it is difficult to determine the number of Falun Gong practitioners in China.¹²⁰ Authorities commonly pros-

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ecute Falun Gong practitioners under Article 300 of the PRC Criminal Law; the U.S.-based NGO Dui Hua Foundation noted that Falun Gong practitioners made up the majority of the 800 people convicted under the provision in cases from 2017 available in judicial databases.¹²¹ Human rights organizations¹²² and Falun Gong practitioners documented coercive and violent practices against practitioners during custody, including physical violence,¹²³ forced drug administration,¹²⁴ sleep deprivation,¹²⁵ and other forms of torture.¹²⁶ In December 2017, the Epoch Times, a U.S.-based news organization affiliated with Falun Gong, reported 29 confirmed deaths of Falun Gong practitioners in 2017 due to abuse by officials.¹²⁷

Several international organizations expressed concern over reports that numerous organ transplants in China have used the organs of detained prisoners, including Falun Gong practitioners.¹²⁸ Medical professionals and international advocacy organizations disputed Chinese health officials' claims that organ procurement systems have been reformed in compliance with international standards, citing ethical concerns about organ sourcing raised by short wait times for organ transplants and discrepancies in data on organ transplants.¹²⁹

Islam

This past year, official restrictions on the religious freedom of the 10.5 million¹³⁰ Hui Muslim believers increased.¹³¹ In a speech before the Chinese People's Political Consultative Conference, the head of the China Islamic Association (IAC),¹³² the patriotic religious association for Chinese Muslims,¹³³ stressed the importance of "sinicizing" Islam, which he described as adapting Islamic religious practice to support patriotism and the realization of the "great rejuvenation of Chinese civilization" and the "Chinese dream" while rejecting extremism.¹³⁴ In Yinchuan municipality, the capital of Ningxia Hui Autonomous Region, a region with a high concentration of Hui Muslim believers, the local government reportedly launched a "rectification campaign" that has included the removal of "Arabic style" domes and décor from mosques and other buildings, prohibitions on calls to prayer, removal of the Quran and books on Islam from retail shops, and the closure of schools teaching Arabic.¹³⁵ In Linxia Hui Autonomous Prefecture, Gansu province, local officials signed a pledge to prevent individuals or groups that would otherwise "support, permit, organise or guide minors towards entering mosques for Koranic study or religious activities"; local Hui Muslim believers expressed distress that their religious traditions might not be passed on to future generations because of the prohibition.¹³⁶ A local county government in Gansu also banned children in a heavily Muslim area from attending religious events, reading scripture in classes, or entering religious venues over the winter holiday, and instructed students and teachers to "strengthen political ideology and propaganda."¹³⁷ The Dui Hua Foundation reported in March 2018 that 14 online judgments it had discovered showed that Hui Muslim believers in the Xinjiang Uyghur Autonomous Region had been sentenced for "cult" or other offenses for "privately preaching the Quran."¹³⁸ [For more information on Uyghur, Kazakh, Kyrgyz, Hui, and other Muslim

believers, see Section IV—Xinjiang. For more information on Hui Muslim believers, see Section II—Ethnic Minority Rights.]

Ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their political reliability. To be officially certified, imams and other religious personnel must be educated at one of 10 state-sanctioned Islamic schools or otherwise obtain equivalent education,¹³⁹ and be vetted by the local religious affairs bureau and the IAC.¹⁴⁰ After certification, religious leaders are required to continue attending political training sessions.¹⁴¹ An official media outlet reported in August 2018 that Chinese Muslims seeking to carry out the Hajj pilgrimage would take patriotic education classes required by Chinese regulations in order to “enhance their awareness about safeguarding national unity and resisting separatism and religious extremism.”¹⁴² According to an official media report, around 11,500 Chinese Muslim believers made the Hajj pilgrimage in 2018, of whom around 3,300 participants received GPS tracking devices as part of a pilot program allowing IAC organizers to monitor their location in real time throughout the pilgrimage.¹⁴³ According to the manufacturer, the device was jointly designed by the State Administration for Religious Affairs and the IAC.¹⁴⁴

Other Religious Communities

Religious communities outside of the five religions that are the main objects of official regulation¹⁴⁵ continued to exist in China, with some continuing to enjoy tacit recognition and support. For example, the government acknowledged in a 2018 report on freedom of religious belief that “large numbers” of Chinese citizens hold folk beliefs,¹⁴⁶ and some local governments have taken measures to recognize folk religious sites.¹⁴⁷ Eastern Orthodox Christian communities have also been recognized to varying degrees at the local government level.¹⁴⁸ Other religious groups, such as The Church of the Almighty God, faced suppression from authorities—in July 2018, a local court in Heilongjiang province tried an unknown number of believers from this group for “organizing and using a cult to undermine implementation of the law.”¹⁴⁹

Notes to Section II—Freedom of Religion

¹ Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 19, 24, 203–04.

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

³ International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 29 June 18. China has signed but not ratified the ICCPR.

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

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

⁶ PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 36.

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

⁸ PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 36; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, amended 14 June 17, effective 1 February 18, art. 2; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 12.

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

¹⁰ *Ibid.*, art. 18(2).

¹¹ PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 36; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, amended 14 June 17, effective 1 February 18, art. 2.

¹² PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 36.

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

¹⁴ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], Seeking Truth, 15 September 17. See also Ray Wang and Gerry Groot, "Who Represents? Xi Jinping's Grand United Front Work, Legitimation, Participation and Consultative Democracy," *Journal of Contemporary China*, Vol. 27, Issue 112 (2018). The term "religious work" refers to the Communist Party's united front work targeting religious groups. "United front work" is the Party's term for activities aimed at facilitating the controlled participation of different social groups to promote Party goals.

¹⁵ "Enthusiastic Congratulations to the Chinese Communist Party for the Victorious Commencement of the 19th Party Congress" [Relie zhuhe zhonggong shijuda shengli zhakail], *People's Daily*, 20 October 17.

¹⁶ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], Seeking Truth, 15 September 17; State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," 3 April 18, sec. I.

¹⁷ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], Seeking Truth, 15 September 17; State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," 3 April 18.

¹⁸ State Council Information Office, "China's Policies and Practices on Protecting Freedom of Religious Belief," 3 April 18.

¹⁹ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], Seeking Truth, 15 September 17; State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18. See also Yao Songshu, "China Religious Studies Expert Professor Zhang Zhigang Discusses: The Three Questions of Sincization of Religion" [Zhongguo zongjiaoxue zhuanjia zhang zhigang jiaoshou tan: zongjiao zhongguohua de san ge wenti], *Christian Times*, 6 November 17; Gerry

Groot, "The Rise and Rise of the United Front Work Department Under Xi," Jamestown Foundation, *China Brief*, Vol. 18, Issue 7, 24 April 18.

²⁰ State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18.

²¹ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], *Seeking Truth*, 15 September 17; State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18.

²² Cyrille Pluyette, "En Chine, le Pouvoir Renforce son Contrôle sur les Religions," *Le Figaro*, updated 12 December 17, translated in Marc Alves, "In China's Crackdown on Religions, Buddhism Gets a Pass," *Worldcrunch*, 5 February 18; Eleanor Albert, Council on Foreign Relations, "Religion in China," 15 March 18.

²³ State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18; "CPPCC Member Yang Faming: Maintain China's Sincicization of Islam" [Yang faming weiyuan: jianchi woguo zhongguohua fangxiang], *Xinhua*, 10 March 18.

²⁴ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], *Seeking Truth*, 15 September 17; State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18.

²⁵ State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18.

²⁶ Party Organization, Theory Study Center Group, State Administration for Religious Affairs, "Innovations in Religious Work Theory and Practice Since the 18th Party Congress" [Dang de shibada yilai zongjiao gongzuo lilun he shijian chuangxin], *Seeking Truth*, 15 September 17; State Administration for Religious Affairs, "State Administration for Religious Affairs 2018 Work Objectives" [Guojia zongjiao shiwu ju 2018 nian gongzuo yaodian], 14 February 18.

²⁷ Gerry Groot, "The Rise and Rise of the United Front Work Department Under Xi," Jamestown Foundation, *China Brief*, Vol. 18, Issue 7, 24 April 18.

²⁸ *Ibid.*

²⁹ Ian Johnson, "How the Top-Heavy Catholic Church Is Losing the Ground Game in China," *America*, 18 September 17; Eleanor Albert, Council on Foreign Relations, "Religion in China," updated 15 March 18.

³⁰ Gerry Groot, "The Rise and Rise of the United Front Work Department Under Xi," Jamestown Foundation, *China Brief*, Vol. 18, Issue 7, 24 April 18.

³¹ Cyrille Pluyette, "En Chine, le Pouvoir Renforce son Contrôle sur les Religions," *Le Figaro*, updated 12 December 17, translated in Marc Alves, "In China's Crackdown on Religions, Buddhism Gets a Pass," *Worldcrunch*, 5 February 18.

³² "Chinese Communist Party Central Committee Issues 'Plan for Deepening Reform of Party and Government Agencies'" [Zhonggong zhongyang yinfu "shenhua dang he guojia jigou gaige fang'an"], *Xinhua*, 21 March 18, sec. 1(14).

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 2016, 38–39; Carsten T. Vala, "Protestant Christianity and Civil Society in Authoritarian China," *China Perspectives*, No. 2012/3, 1 October 12, 46.

³⁶ United Front Work Department, "National Religious Organizations Jointly Propose Raising the National Flag at Religious Venues" [Quanguoxing zongjiao tuanti gongtong changyi zai zongjiao huodong changsuo shengguo guoqi], 31 July 18.

³⁷ China Human Rights Lawyers Concern Group, "Report on Religious Freedom in Mainland China (2016)," 2016, 38–39.

³⁸ Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 153–54, 330. The "patriotic" religious associations are state-controlled institutions that represent the five "main" religions of China: the Buddhist Association of China, the China Islamic Association, the China Taoist Association, the Chinese Catholic Patriotic Association, the National Conference of Bishops (an organization led by Catholic clergy), the Three-Self (for "self-governing, self-financing, and self-expanding") Patriotic Movement, and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). According to Goossaert and Palmer, although "nominally independent," the "patriotic" religious associations are effectively under the authority of the State Council's agency for religious affairs.

³⁹ *Ibid.*, 154.

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¹⁴⁴Eva Dou, “Chinese Surveillance Expands to Muslims Making Mecca Pilgrimage,” Wall Street Journal, 31 July 18.

¹⁴⁵State Council Information Office, “China’s Policies and Practices on Protecting Freedom of Religious Belief,” 4 April 18. The central government has referred to the five religions as China’s “major religions,” stating that the religions citizens “mainly” follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. See, e.g., Henan Province People’s Congress Standing Committee, Henan Province Regulations on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2; Shaanxi Province People’s Congress Standing Committee, Shaanxi Province Regulations on Religious Affairs [Shaanxi sheng zongjiao shiwu tiaoli], issued 23 September 00, amended 30 July 08, effective 1 October 08, art. 2. Some local regulations on religious affairs define “religion” to mean only these five religions.

¹⁴⁶State Council Information Office, “China’s Policies and Practices on Protecting Freedom of Religious Belief,” 4 April 18.

¹⁴⁷Ibid. 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 Municipal Ethnic and Religious Affairs Bureau, Circular Concerning the 2016 Launch of Registration Work for Venues for Folk Belief Activity [Guanyu kaizhan 2016 minjian xinyang huodong changsuo dengji bianhao gongzuo de tongzhi], issued 13 April 16; Hunan Province People’s Government, 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 24 August 09; Shaoxing Municipal Ethnic and Religious Affairs Bureau, Shaoxing Municipal 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.

¹⁴⁸See, e.g., Harbin Municipal Measures for the Management of Venues for Religious Activity [Ha’erbin shi zongjiao huodong changsuo guanli banfa], issued 30 July 09, effective 10 September 09, reprinted in State Administration for Religious Affairs, 5 April 17, 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.

¹⁴⁹“Harmful Religious Doctrines Poison, Harm Society—Exposing the Truth Behind the ‘Church of the Almighty God’” [Xieshuo guhuo qianghai shehui—jiekai “quanneng shen” xiejiao zhen mianmu], Xinhua, 12 August 18.

ETHNIC MINORITY RIGHTS

Introduction

During the Commission's 2018 reporting year, Chinese Communist Party and government authorities promoted policies and regulations restricting rights guaranteed to ethnic minority groups under Chinese and international law.¹ The UN Special Rapporteur on Minority Issues requested to visit China multiple times beginning in 2009, but as of August 20, 2018, the Chinese government had not allowed the visit.² The Chinese government has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which prohibits racial discrimination and guarantees the right of everyone to equal treatment before the law, including "freedom of thought, conscience and religion."³ International human rights organizations submitted statements⁴ for consideration at an August 2018 review of China's compliance with ICERD by the UN Committee on the Elimination of Racial Discrimination that raised concerns over issues such as arbitrary detentions in the Xinjiang Uyghur Autonomous Region (XUAR);⁵ religious repression in the Tibet Autonomous Region;⁶ and the resettlement of Mongol nomads in the Inner Mongolia Autonomous Region (IMAR).⁷

State Minority Policy

At the March 2018 meetings of the National People's Congress and the Chinese People's Political Consultative Conference in Beijing (Two Sessions), Party and government authorities changed the mechanisms they use to implement policies toward ethnic minorities, as the Party's United Front Work Department (UFWD) assumed control of the work of the government departments overseeing ethnic affairs (the State Ethnic Affairs Commission) and religion (the State Administration for Religious Affairs).⁸ A number of observers expressed the view that the UFWD's newly expanded powers represented an official move toward tighter Party control over ethnic affairs and policies promoting ethnic assimilation over ethnic pluralism.⁹ In line with such policies, the government and Party under President and Party General Secretary Xi Jinping continued to emphasize the importance of "sinicizing" ethnic and religious minorities.¹⁰ [See Section II—Freedom of Religion for additional information on the "sinicization" of religious minorities.]

Policies Affecting Hui Islamic Communities

Policies and restrictions that targeted Hui communities and restricted Hui Muslims' religious practices this past year illustrate ways in which authorities have promoted the "sinicization" of ethnic and religious minorities. Chinese officials have historically allowed Hui Muslims more freedom to engage in religious practices than Uyghur Muslims, but in recent years authorities have reportedly increased religious controls among Hui communities.¹¹ During the Two Sessions in 2018, Yang Faming, Chairman of the China Islamic Association, stressed that Muslims in China should incorporate Chinese characteristics into Islamic religious rituals, culture, and architecture, avoid the expansion of the concept of "halal"

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into secular life, and adhere to “socialist core values.”¹² According to an American historian, Yang’s speech reflected a formal declaration of a policy trend that officials had begun implementing in regions with significant Hui populations beginning in fall 2016, and it gave “a justification for what, until March [2018], had been informal and patchwork implementation of restrictions on mosque construction, mosque design, private or semi-official Islamic schooling, and ‘Islamic’ customs among the Hui.”¹³ In an interview with the Party-run media outlet *Global Times* that was conducted during the Two Sessions, Yang Yuanzhong, the Party Secretary of Linxia Hui Autonomous Prefecture (HAP), Gansu province, also warned against the expansion of the concept of “halal,” linking this effort to the promotion of ethnic unity and social stability.¹⁴ In January, education officials in Guanghe county, Linxia city, and Linxia county, all located within Linxia HAP, issued notices restricting local school-age children from entering religious buildings during their winter break and other similar measures.¹⁵ Hui residents of Linxia city and Guanghe county reportedly expressed apprehension over the impact tightened government restrictions could have on their lives.¹⁶ [For more information on freedom of religion for Muslims in China, see Section II—Freedom of Religion.]

Language Policy

During this reporting year, government and Party officials implemented policies limiting ethnic minorities’ freedom to engage in cultural practices and speak or learn their languages.¹⁷ In a report published in January 2018, the Dui Hua Foundation documented how authorities in some prisons located in provinces with large ethnic minority populations restricted the use of ethnic minority languages, including during family visits.¹⁸ In December 2017, international media and rights advocates reported that under a policy implemented in September, XUAR education authorities had ended the use of Mongolian as a language of instruction in elementary and lower middle schools in Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, XUAR.¹⁹ Local Mongol parents reportedly protested the change on social media, in connection with the corresponding end of the use of a Mongolian-centered curriculum at the last secondary school in the prefecture to offer such a course of study.²⁰ Authorities and educators in the XUAR and Tibetan autonomous areas continued to promote a Mandarin-centered curriculum at the expense of Uyghur, Tibetan, and other languages spoken by ethnic minority groups, as part of what is officially referred to as “bilingual education.”²¹ [For additional information on language policy and education in these areas, see Section IV—Xinjiang and Section V—Tibet.]

Grassland Protests in Inner Mongolia

During this reporting year, Mongol herders in the IMAR demonstrated and petitioned authorities over the government’s role in the loss of their traditional grazing lands, the harmful ecological effect of state development on grassland and livestock,²² and the government’s failure to provide herders with adequate compensation

for their land.²³ As in past reporting years,²⁴ authorities detained some of the Mongol herders who peacefully protested.²⁵

Representative examples of protests by Mongol herders included the following:

- Beginning on **December 24, 2017**, in Ongniud (Wengniute) Banner, Chifeng municipality, IMAR, around 200 herders protested against Ongniud Banner authorities over the state-owned COFCO pig farm's pollution of their grazing lands and the continued detention of two fellow herders beginning seven months earlier.²⁶ Security personnel reportedly beat some of the herders and detained eight of the herders overnight.²⁷ On December 25, more than 200 herders in Damao Banner, Baotou municipality, IMAR, also protested against COFCO's pollution of their grazing lands, and asked for compensation from officials for the loss of grazing lands and the demolition of their homes.²⁸
- In **February 2018**, before and after the lunar New Year holiday, Bao Yu, a herder from Urad (Wulate) Middle Banner, Bayannur (Bayanna'er) municipality, IMAR, traveled to Hohhot municipality, IMAR, the regional capital, to protest against the air and water pollution in her village caused by a gold mining company.²⁹ Bao said local residents had repeatedly called upon government officials to take action over the pollution, but officials had not acted.³⁰

THIRTY-FIVE HERDERS SENTENCED AT JOINT TRIAL

On December 27, 2017, the Zaruud (Zalute) Banner People's Court in Zaruud Banner, Tongliao municipality, IMAR, reportedly sentenced 35 Mongol herders to prison terms on charges of "picking quarrels and provoking trouble" and "assembling crowds to attack state agencies," in what local herders described as an unjust trial.³¹ Nine of the herders received sentences of between one and five years in prison.³² The court sentenced the other 26 to six months in prison, releasing them for time served while in detention.³³ Authorities alleged that the defendants took part in events in May 2017, including blocking traffic during a protest and staging an illegal demonstration in front of a police dispatch station.³⁴ In a written statement they sent to a U.S.-based rights organization, local herders reportedly said they had protested against a construction company belonging to a Han Chinese family that had "illegally occupied" their grazing lands.³⁵ Relatives of the nine imprisoned herders reportedly said authorities had not permitted them to visit the herders, whose whereabouts were unknown.³⁶

Notes to Section II—Ethnic Minority Rights

¹PRC 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. International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 27. The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of these “nationalities,” in addition to a system of regional autonomy in designated areas. 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.

²UN Office of the High Commissioner for Human Rights, “Country Visits,” last visited 20 August 18; Human Rights in China, “Country Visits by Special Procedures,” last visited 20 August 18; Human Rights Watch, “The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms,” September 2017.

³International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 65, entry into force 4 January 69, in accordance with Article 19, art. 5(a), (d)(vii); United Nations Treaty Collection, Chapter IV, Human Rights International Convention on the Elimination of All Forms of Racial Discrimination, last visited 19 July 18. The Chinese government acceded to the Convention on December 29, 1981.

⁴UN Office of the High Commissioner for Human Rights, “Committee on the Elimination of Racial Discrimination Discusses Situation in Latvia and China With Civil Society,” 7 August 18.

⁵See, e.g., Human Rights Watch, “Submission to the CERD Review of China,” 21 June 18.

⁶See, e.g., International Campaign for Tibet, “Convention on the Elimination of Racial Discrimination (CERD) Consideration of the State Report by the People’s Republic of China,” August 2018, 4, 6, 11–13.

⁷Southern Mongolian Human Rights Information Center, “Submission to the Committee on the Elimination of Racial Discrimination (CERD) for the Consideration of the Review of the People’s Republic of China During the 96th Session,” 4 July 18, 6–8, 14.

⁸Gerry Groot, “The Rise and Rise of the United Front Work Department Under Xi,” Jamestown Foundation, China Brief, Vol. 18, Issue 7, 24 April 18; “Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfu “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18.

⁹Gerry Groot, “The Rise and Rise of the United Front Work Department Under Xi,” Jamestown Foundation, China Brief, Vol. 18, Issue 7, 24 April 18; Teddy Ng and Mimi Lau, “Fears About Chinese Influence Grow as More Powers Given to Shadowy Agency,” South China Morning Post, 22 March 18; “CCP’s United Front Work Department Expands Its Powers, Overseas Infiltration Leads to Concerns of Outside World,” Voice of America, 22 March 18.

¹⁰Cristina Maza, “Communist China President Xi Jinping Now Wants To Control Religion Too,” Newsweek, 24 October 17; “Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era” [Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duoque xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17; Gerry Groot, “The Rise and Rise of the United Front Work Department Under Xi,” Jamestown Foundation, China Brief, Vol. 18, Issue 7, 24 April 18; Olivia Enos, “Growing Religious Persecution in China a Symptom of Xi’s Consolidation of Power,” Forbes, 28 March 18; Sandra Jolley and Tenzin Dorjee, “President Trump: Support Religious Freedom in China,” The Diplomat, 1 November 17; “Xi Jinping: Comprehensively Improve Religious Work Standards Under the New Situation” [Xi Jinping: quanmian tigao xin xingshi xia zongjiao gongzuo shuiping], Xinhua, 23 April 16; CECC, 2017 Annual Report, 5 October 17, 129.

¹¹See, e.g., Michael Martina, “China’s Hui Muslims Fearful Chinese New Year Education Ban a Sign of Curbs To Come,” Reuters, 16 February 18; Viola Zhou, “Why China’s Hui Muslims Fear They’re Next To Face Crackdown on Religion,” South China Morning Post, 11 March 17; Kiyo Dörner, “The Hui—China’s Preferred Muslims?” Deutsche Welle, 9 December 16.

¹²“Yang Faming: Rooted in the Fertile Soil of Chinese Civilization: Uphold the Sincicization of Our Country’s Islam” [Yang faming: zhagen zhonghua wenhua wotu jianchi woguo yisilan jiao zhongguohua fangxiang], Xinhua, 10 March 18. See also the following unofficial translation: Yang Faming, “Rooted in the Fertile Soil of Chinese Civilization: Uphold the Chinafication of Our Country’s Islam,” 10 March 18, translated in Academia.edu, last visited 27 July 18, 2–3; Liu Caiyu, “Muslims Must Practice Islam With Chinese Characteristics To Avoid Societal Division,” Global Times, 11 March 18; “Chinese Official Warns Against Creeping Islamisation,” Reuters, 10 March 18; Yu Xiaojie and Shi Jingnan, “Committee Member Yang Faming: Uphold the Sincicization of Islam in China” [Yang faming weiyuan: jianchi woguo yisilan jiao zhongguohua fangxiang], Xinhua, 10 March 18. See also Nectar Gan, “How China Is Trying To Impose Islam With Chinese Characteristics in the Hui Muslim Heartland,” South China Morning Post, 14 May 18.

¹³“Yang Faming: Rooted in the Fertile Soil of Chinese Civilization: Uphold the Sincicization of Our Country’s Islam” [Yang faming: zhagen zhonghua wenhua wotu jianchi woguo yisilan jiao zhongguohua fangxiang], Xinhua, 10 March 18. See also the following unofficial translation: Yang Faming, “Rooted in the Fertile Soil of Chinese Civilization: Uphold the Chinafication of Our Country’s Islam,” 10 March 18, translated in Academia.edu, last visited 27 July 18, 1.

¹⁴Li Ruohan, “Linxia Vows To Fight Against Pan-Halal Tendency To Safeguard Ethnic Unity,” Global Times, 7 March 18.

¹⁵Michael Martina, “China’s Hui Muslims Fearful Chinese New Year Education Ban a Sign of Curbs To Come,” Reuters, 16 February 18; Christian Shepherd, “Muslim County in China

Bans Children From Religious Events Over Break,” Reuters, 17 January 18; “Guanghe, Gansu, Issues Prohibition on Students Entering Religious Venues During Winter Break” [Gansu guanghe fawen yaociu jinzhi xuesheng hanjia jinru zongjiao changsuo], Radio Free Asia, 19 January 18. The majority of the residents in Linxia HAP are ethnic Hui. Li Ruohan, “Linxia Vows To Fight Against Pan-Halal Tendency To Safeguard Ethnic Unity,” Global Times, 7 March 18.

¹⁶ Michael Martina, “China’s Hui Muslims Fearful Chinese New Year Education Ban a Sign of Curbs To Come,” Reuters, 16 February 18.

¹⁷ See, e.g., Unrepresented Nations and Peoples Organization and Southern Mongolian Human Rights Information Center, “Submission to the UN Office of the High Commissioner for Human Rights for the Consideration of the 3rd Universal Periodic Review of the People’s Republic of China During the 31st Session,” 29 March 18; UN Office of the High Commissioner for Human Rights, “China: UN Experts Denounce the Criminalization of Linguistic and Cultural Rights Advocacy,” 21 February 18; ChinaAid, “[Authorities in] Ili, Hotan, and Other Locations in Xinjiang Seize Ethnic Minority-Language Textbooks” [Xinjiang yili, hetian deng di shoujiao minzu yuyan jiaoke shu], 2 April 18.

¹⁸ Dui Hua Foundation, “‘Mandarin Only’ Visitation Rules,” Dui Hua Human Rights Journal, 10 January 18.

¹⁹ Southern Mongolian Human Rights Information Center, “Mongolian Language Banned in Schools, Internet Posts Removed,” 22 December 17; “China Ends Mongolian-Medium Teaching in Xinjiang High School,” Radio Free Asia, 22 December 17; “Xinjiang Bayinguoleng Mongol Autonomous Prefecture Mongol School’s Name Revoked, Eliciting Protest From Mongolians at Home and Abroad” [Xinjiang bazhou menggu zu xuexiao bei zhaipai yinfa hai nei wai menggu ren kangyi], Radio Free Asia, 16 January 18.

²⁰ “China Ends Mongolian-Medium Teaching in Xinjiang High School,” Radio Free Asia, 22 December 17; Southern Mongolian Human Rights Information Center, “Mongolian Language Banned in Schools, Internet Posts Removed,” 22 December 17; “Xinjiang Bayinguoleng Mongol Autonomous Prefecture Mongol School’s Name Revoked, Eliciting Protest From Mongolians at Home and Abroad” [Xinjiang bazhou menggu zu xuexiao bei zhaipai yinfa hai nei wai menggu ren kangyi], Radio Free Asia, 16 January 18.

²¹ Gerry Groot, “The Rise and Rise of the United Front Work Department Under Xi,” Jamestown Foundation, China Brief, Vol. 18, Issue 7, 24 April 18; Nikhil Sonnad, “Taiwan’s Laws on Language Are Showing China What It Means To Be a Modern, Inclusive Country,” Quartz, 9 May 18; Cao Siqi, “Xinjiang University Calls for Promoting Putonghua,” Global Times, 9 October 17; Jiang Fu’er, “Xinjiang: Expanding Inclusive Kindergarten Coverage This Year” [Xinjiang: jinmian jiang kuoda puhui xing you’eryuan fugaimian], China Education Daily, 2 April 18.

²² Southern Mongolian Human Rights Information Center, “Mongolian Herders’ Land Grabbed, Livestock Robbed,” 4 December 17; “Inner Mongolian Herders Petition for Grasslands Compensation, New Overseas Book Reveals Genocide of Inner Mongolians” [Neimeng mumin qingyuan taoyao caochang butie haiwai xinshu jie neimeng zhongzu miejue], Radio Free Asia, 11 December 17; “Ethnic Mongolian Herder Protests Mining Pollution of Grasslands,” Radio Free Asia, 23 February 18.

²³ “Inner Mongolian Herders Petition for Grasslands Compensation, New Overseas Book Reveals Genocide of Inner Mongolians” [Neimeng mumin qingyuan taoyao caochang butie haiwai xinshu jie neimeng zhongzu miejue], Radio Free Asia, 11 December 17; Southern Mongolian Human Rights Information Center, “Testimonies of Mongolian Victims of Chinese Land Grab (1): Cases of Four Jailed Herders,” 9 March 18; “China Detains Ethnic Mongolian Herders Who Petitioned in Beijing,” Radio Free Asia, 29 March 18; Unrepresented Nations and Peoples Organization and Southern Mongolian Human Rights Information Center, Submission to the UN Office of the High Commissioner for Human Rights for the Consideration of the 3rd Universal Periodic Review of the People’s Republic of China During the 31st Session,” 29 March 18.

²⁴ See, e.g., CECC, 2017 Annual Report, 5 October 17, 148–49; CECC, 2016 Annual Report, 6 October 16, 143–44.

²⁵ See, e.g., “Two Mongol Female Herders in Inner Mongolia Detained for Petitioning” [Nei menggu liang menggu zu nu mumin qingyuan bei ju], Radio Free Asia, 8 December 17; “Hundreds of Herders Petition in Ongniud and Damao Banners in Inner Mongolia, Many Are Detained” [Nei menggu wengniute ji damaoqi shu bai mumin qingyuan duoren bei zhua], Radio Free Asia, 26 December 17.

²⁶ “Hundreds of Herders Petition in Ongniud and Damao Banners in Inner Mongolia, Many Are Detained” [Nei menggu wengniute ji damaoqi shu bai mumin qingyuan duoren bei zhua], Radio Free Asia, 26 December 17.

²⁷ Ibid. COFCO is the acronym for China National Cereals, Oils and Foodstuffs Corporation.

²⁸ Ibid.

²⁹ “Ethnic Mongolian Herder Protests Mining Pollution of Grasslands,” Radio Free Asia, 23 February 18; “Herders From Urad Middle Banner Petition in Hohhot After Lunar New Year,” [Nei menggu wulate zhongqi mumin nongli nian hou hu shi shangfang], Radio Free Asia, 22 February 18.

³⁰ “Ethnic Mongolian Herder Protests Mining Pollution of Grasslands,” Radio Free Asia, 23 February 18; “Herders From Urad Middle Banner Petition in Hohhot After Lunar New Year,” [Nei menggu wulate zhongqi mumin nongli nian hou hu shi shangfang], Radio Free Asia, 22 February 18.

³¹ Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinshan de menggu zu mumin bei panxing], Radio Free Asia, 24 January 18.

³² Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinshan de menggu zu mumin bei panxing], Radio Free Asia, 24 January 18.

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³³Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinzhan de menggu zu mumín bei pánxíng], Radio Free Asia, 24 January 18.

³⁴Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinzhan de menggu zu mumín bei pánxíng], Radio Free Asia, 24 January 18.

³⁵Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinzhan de menggu zu mumín bei pánxíng], Radio Free Asia, 24 January 18.

³⁶Southern Mongolian Human Rights Information Center, “35 Mongolian Herders Tried, Long Sentences Handed Down,” 24 January 18; “35 Ethnic Mongol Herders Who Protested Han People’s Occupation of Their Grassland Sentenced” [35 ming kangyi caochang bei hanren qinzhan de menggu zu mumín bei pánxíng], Radio Free Asia, 24 January 18.

POPULATION CONTROL

International Standards and China's Coercive Population Policies

During the Commission's 2018 reporting year, Chinese authorities continued to implement coercive population control policies that violate international standards. The Chinese Communist Party and government authorities implemented for the third year in 2018 the "universal two-child policy" that allows all married couples to have two children.¹ The amended PRC Population and Family Planning Law and provincial-level regulations continued to limit couples' freedom to build their families as they see fit, and include provisions that require couples to be married to have children and limit them to bearing two children.² Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province, including some exceptions for ethnic minorities,³ remarried couples, and couples who have children with disabilities.⁴ Officials reportedly continued to enforce compliance with family planning policies using methods including heavy fines,⁵ job termination,⁶ detention,⁷ and abortion.⁸

Coercive controls imposed on Chinese women and their families, and additional abuses engendered by China's population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development.⁹ China was a state participant in the negotiation and adoption of both.¹⁰ Acts of official coercion committed in the implementation of population control policies contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹¹ which China has ratified.¹²

Implementation of the Universal Two-Child Policy and Institutional Developments

The Chinese Communist Party and government implemented the "universal two-child policy" for a third consecutive year in 2018,¹³ and government statistics showed that the policy was not effective in spurring population growth. In 2016, the National Health and Family Planning Commission (NHFPC) predicted that the universal two-child policy would result in population growth,¹⁴ with an additional 3 million children born per year¹⁵ and an estimated total of 17.5 to 21 million children born per year during the 13th Five-Year Plan period (2016–2020).¹⁶ According to data released by the National Bureau of Statistics of China (NBS) in January 2018, the number of total births in 2017 was 17.23 million, showing a decline of 630,000 births in comparison to the 2016 figure of 17.86 million.¹⁷

Population experts warned that the decline in births would continue and expected a 300,000 to 800,000 annual drop in the newborn population over the next 10 years,¹⁸ a trend that could pose a long-term threat to China's development and may generate a heavier burden on social services due to an aging population and shrinking workforce.¹⁹ Some experts attributed the decline in births to the shrinking number of women of childbearing age and the reluctance on the part of many married couples to have chil-

dren.²⁰ Concerns that discouraged couples from having children reportedly included the high cost of rearing a child,²¹ lack of adequate child care and education options,²² lack of time and energy to look after children,²³ and disruption to career development.²⁴ Population experts and National People's Congress delegates urged the Chinese government to further relax the existing policy by adopting a three-child policy or ending all birth restrictions, abolish "social compensation fees," and offer incentives or supporting policies, such as tax breaks and subsidies, to encourage couples to have more children.²⁵

During this reporting year, central Party and government officials pledged to strengthen supporting policies that facilitate implementation of family planning policies, and stressed the need for research into population development and evaluation of the universal two-child policy. At the 19th National Congress of the Chinese Communist Party held in October 2017, Party General Secretary Xi Jinping promoted the "dovetailing of family planning policies with relevant economic and social supporting policies" and "strengthening strategic research into population development."²⁶ Xi also emphasized in his speech the need to "proactively deal with the aging population."²⁷ In a detailed January 2018 response to Xi's speech, Li Bin, then director of the National Health and Family Planning Commission (NHFPC), pledged to "improve population policies to promote balanced population development Continue to implement well the universal two-child policy to achieve [its] policy effectiveness Dovetail family planning policies with social and economic supporting policies in taxation, housing, employment, . . . [and] childcare services Strengthen strategic research into population development by conducting fertility surveys and evaluation of the universal two-child policy, in order to scientifically judge the demographic situation."²⁸ This past year, some local governments introduced supporting policies—including longer paid maternity leave, financial incentives and subsidies, and other benefits—to encourage couples to have a second child.²⁹

At the annual meetings of the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) in March 2018, central authorities issued a plan to restructure Party and government agencies, including merging the NHFPC and several other agencies to create a new National Health Commission (NHC) under the State Council.³⁰ According to the restructuring plan, the NHC will assume oversight of responsibilities related to family planning management and services, in addition to managing an aging population and other health-related matters.³¹ Some observers suggested that the restructuring plan indicates the central authorities have deemphasized birth control in favor of actively tackling the demographic issue of an aging population.³² Other observers saw it as an indication that authorities plan to eventually eliminate birth limit policies.³³ This past year, domestic and international news media reported that experts from academic institutions affiliated with the Party and government, as well as a Shaanxi provincial government report on population development, have called for ending the birth limit policies.³⁴ The NHC reportedly stated that authorities were considering ending the two-child birth limit.³⁵

According to a May 2018 Bloomberg News report, central government authorities were considering and may have reached a decision to end birth limit policies due to demographic concerns of a declining birth rate, an aging population, and a shrinking workforce.³⁶ The report also cited international criticism of the policies as a factor in the decision.³⁷ Chinese authorities reportedly may replace the existing birth limit policies with one of “independent fertility,” allowing couples to decide for themselves the number of children to have.³⁸ According to the report, a decision may be announced toward the end of 2018 or in 2019.³⁹ Demographic experts and other observers, however, commented that a decision to lift all birth limits comes too late and would do little to reverse demographic trends that could have adverse effects on China’s economic development.⁴⁰ One American human rights advocate expressed concern that authorities could still coerce unwed mothers to pay large fines or undergo abortions, even if the birth limit policies are abolished.⁴¹ [For more information on the demographic consequences of China’s population control policies, see Demographic Consequences of Population Control Policies later in this section.]

Coercive Implementation

Abuses committed during the implementation of family planning policies continued during the Commission’s 2018 reporting year. The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies.⁴² Some provincial-level population planning regulations and local government authorities, however, continued to explicitly instruct officials to carry out abortions, often referred to as “remedial measures” (*bujiu cuoshi*), for illegal pregnancies.⁴³

OFFICIAL CAMPAIGNS

During this reporting year, official speeches and government reports from provinces across China—including Anhui,⁴⁴ Fujian,⁴⁵ Guangdong,⁴⁶ Hubei,⁴⁷ Hunan,⁴⁸ and Sichuan⁴⁹—continued to promote implementation of harsh and invasive family planning measures. Some local government authorities placed an emphasis on birth limits and adherence to family planning as a “basic national policy”⁵⁰ and stressed the need to “maintain a low birth level.”⁵¹ Other official reports emphasized the need to strictly control and punish illegal births⁵² and implement “remedial measures” to address illegal pregnancies.⁵³ Some local authorities imposed targets,⁵⁴ instructed family planning officials to carry out the invasive “three inspections” (intrauterine device (IUD), pregnancy, and health inspections)⁵⁵ and “four procedures” (IUD insertion, first-trimester abortion, mid- to late-term abortion, and sterilization),⁵⁶ and demanded the collection of “social compensation fees” (*shehui fuyang fei*).⁵⁷ In one example, a government report from Longhui county, Shaoyang municipality, Hunan, indicated that as of December 6, 2017, county authorities had carried out 290 “birth-control” operations during the winter of 2017—204 IUD insertions, 19 sterilizations, and 67 abortions.⁵⁸ County authorities also collected

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nearly 2.76 million yuan (approximately US\$437,000) in “social compensation fees.”⁵⁹

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,⁶⁰ local regulations and governments have directed officials to punish non-compliance through heavy fines, termed “social compensation fees,” which reportedly compel women to choose between undergoing an unwanted abortion and incurring a fine⁶¹ often much greater than the average annual income in localities across China.⁶² This past year, Chinese citizens continued to file administrative lawsuits against family planning agencies pertaining to the collection of “social compensation fees” from married couples who gave birth to a second child in violation of previous family planning policies and birth limits.⁶³ In recent years, population experts and observers have repeatedly called on government authorities to abolish “social compensation fees.”⁶⁴

In addition to fines, officials imposed or threatened other punishments for family planning violations. These punishments included job termination,⁶⁵ detention,⁶⁶ and forced abortion.⁶⁷ The PRC Population and Family Planning Law prohibits, and provides punishments for, officials' infringement on citizens' personal, property, and other rights while implementing family planning policies.⁶⁸

Cases of Coercion

- **Xinjiang Uyghur Autonomous Region (XUAR).** According to two February 2018 ChinaAid Association (ChinaAid) reports, on January 5, 2018, family planning authorities in Burultoqay (Fuhai) county, Altay (Aletai) district, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, detained ethnic Kazakh woman Kuliziya Mogudong for bearing a child in excess of birth quotas and forced her to undergo an abortion at a local hospital.⁶⁹ Authorities subsequently released Mogudong after the procedure and confiscated her passport and other legal documents.⁷⁰ A week later, Mogudong returned to the hospital due to physical weakness and nervousness.⁷¹ After about 10 days, Mogudong asked to be released, but authorities denied her request, saying she had tuberculosis.⁷² According to a May 2018 ChinaAid report, Mogudong remained in “soft detention” at her home until May 8, when authorities permitted Mogudong to leave for Kazakhstan to reunite with her husband Oman Anshakhan.⁷³ Local public security officials also detained Mogudong’s two older brothers—including Tursun, a local imam, on January 27—at unknown locations.⁷⁴ As of May 2018, Mogudong’s brothers remained in detention.⁷⁵ Anshakhan, a naturalized citizen of Kazakhstan, said he and Mogudong had not violated China’s family planning policies.⁷⁶
- **Guangdong province.** According to December 2017 reports by state-funded news media The Paper and Party-run media Global Times, authorities in Guangzhou municipality, Guangdong, determined that a local government official surnamed Xiong had violated family planning policies and threatened to expel him from the Chinese Communist Party and terminate his job.⁷⁷ In November 2015, Xiong’s wife gave birth to their second child in the United States, before the universal two-child policy became effective in January 2016.⁷⁸ The couple reported the birth of the second child to their respective employers after they had returned to China in 2016.⁷⁹ Xiong’s employer referred the case to the Guangzhou Municipal Health and Family Planning Commission, which determined in January and September 2017 that the second child was born in violation of family planning laws and policies.⁸⁰ The Guangzhou Municipal Discipline Inspection Commission further determined that Xiong should be expelled from the Party and be dismissed from his job, in accordance with national and provincial provisions.⁸¹ As of December 11, 2017, Xiong was still waiting for a final decision to be issued regarding this case.⁸² In response to concerns that some local provisions mandating job termination for excess births violated national laws, the Legislative Affairs Commission of the National People’s Congress Standing Committee issued a statement in September 2017 urging seven provinces, including Guangdong, to amend their local family planning regulations.⁸³ As of April 2018, some provincial authorities had amended their family planning regulations accordingly, while others indicated that they had plans to do so.⁸⁴

Cases of Coercion—Continued

• **Hebei province.** According to an April 2018 Wall Street Journal report, in or around March 2018, a high school teacher surnamed Sun—who had discovered that she was pregnant with a third child in March—in Tangshan municipality, Hebei, contacted the local family planning agency to inquire whether a third child was allowed in light of the central Party and government authorities’ March 2018 restructuring plan to create the new National Health Commission.⁸⁵ The local family planning agency reportedly indicated that a third child was still not allowed, and as a government worker, Sun would be fined and probably be dismissed from her job for violating family planning policies.⁸⁶ A few days after the phone call, Sun reportedly terminated the pregnancy by swallowing a pill.⁸⁷

Demographic Consequences of Population Control Policies

Decades of population control policies have exacerbated China’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China’s total fertility rate has dropped from approximately 3 births per woman in the late 1970s⁸⁸ to an estimated 1.6 births per woman in 2017, below the replacement rate of 2.1 births per woman necessary to maintain a stable population.⁸⁹ A U.S.-based Chinese demographer estimated that the 2017 fertility rate may have been as low as 1.24 births per woman.⁹⁰ The fertility rate is even lower in some major cities, such as Shanghai municipality, which has had a fertility rate of approximately 0.7 births per woman for several years, reportedly one of the lowest in the world.⁹¹

China’s low fertility rate has contributed to a rapidly aging population and a shrinking workforce. According to the National Bureau of Statistics of China (NBS), from 2016 to 2017, China’s working-age population (persons between the ages of 16 and 59) declined by 5.48 million people to 901.99 million, continuing a downward trend for a sixth consecutive year.⁹² During the same period, the elderly population (persons aged 60 or older) increased by 10.04 million in 2017 to 240.90 million people, or 17.3 percent of the total population.⁹³ According to the State Council National Population Development Plan (2016–2030), China’s working-age population is expected to decline rapidly from 2021 to 2030, while the elderly population will increase markedly during the same period and is predicted to reach a quarter of the population by 2030.⁹⁴ Some observers suggested that the elderly population would account for approximately one-third of China’s total population by 2050.⁹⁵ These demographic trends reportedly may burden China’s health care, social services, and pension systems,⁹⁶ and weaken China’s economy.⁹⁷

The Chinese government’s restrictive family planning policies also have exacerbated China’s sex ratio imbalance. Although Chinese authorities continued to implement a ban on “non-medically necessary sex determination and sex-selective abortion,”⁹⁸ some people reportedly continued the practice in keeping with a tradi-

tional cultural preference for sons.⁹⁹ According to a January 2018 NBS report, China's overall sex ratio in 2017 was 104.81 males to 100 females, and there were approximately 32.66 million more males than females in China (711.37 million males to 678.71 million females).¹⁰⁰ The NBS reported that the sex ratio at birth (SRB) in 2015 was 113.51 males to 100 females,¹⁰¹ but it did not provide statistics on the SRB for 2016 and 2017 during which the universal two-child policy was implemented.¹⁰² Demographic experts have expressed concerns that the sex ratio imbalance in China could lead to "violent crime,"¹⁰³ "sex crimes," "trafficking of women,"¹⁰⁴ and "social instability."¹⁰⁵ This past year, international media reports continued to suggest a link between China's sex ratio imbalance and the trafficking of foreign women—from countries including Burma (Myanmar),¹⁰⁶ Cambodia,¹⁰⁷ North Korea,¹⁰⁸ and Vietnam¹⁰⁹—into China for forced marriage or commercial sexual exploitation. [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Reports also indicate that decades of birth limits under China's population control policies combined with a traditional preference for sons may have encouraged a black market for illegal adoptions.¹¹⁰ In January 2018, the Maoming Municipal Intermediate People's Court in Guangdong province sentenced 18 people for "child trafficking" and 8 others for "buying a trafficked child."¹¹¹ According to reports, the trafficking ring acquired infants in Funing county, Wenshan Zhuang and Miao Autonomous Prefecture, Yunnan province, and other locations, and sold them for 73,000 yuan to 98,000 yuan (approximately US\$11,600 to \$15,555).¹¹² Despite government efforts to combat "child trafficking," illegal adoptions reportedly continued to occur, and the problem appeared to have worsened in recent years.¹¹³ [For inconsistencies in the definition of "child trafficking" between Chinese law and international standards, see Section II—Human Trafficking.]

Notes to Section II—Population Control

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

²PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18. Article 18 of the Population and Family Planning Law provides that, “the state advocates two children per married couple.” For provincial population regulations that require couples be married to have children and limit them to bearing two children, see, e.g., Fujian Province People’s Congress Standing Committee, Fujian 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, 24 November 17, arts. 8, 12; Guangxi Zhuang Autonomous Region People’s Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuang zu zizhi renkou he jihua shengyu tiaoli], issued 23 March 12, amended 13 January 14, 15 January 16, art. 13.

³See, 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, 24 November 17, 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.

⁴For provincial population planning provisions that allow these exceptions for having an additional child, see, e.g., Fujian Province People’s Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 29 April 88, amended 28 June 91, 25 October 97, 18 November 00, 26 July 02, 14 December 12, 29 March 14, 19 February 16, 24 November 17, art. 9(1)–(3); Guangxi Zhuang Autonomous Region People’s Congress Standing Committee, Guangxi Zhuang Autonomous Region Population and Family Planning Regulations [Guangxi zhuang zu zizhi 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*, 2 February 16, art. 9(2)–(3).

⁵See, e.g., Chen Hong, Longhui County Health and Family Planning Bureau, “Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring” [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in *Longhui News*, 19 December 17; Qichun County People’s Government, “Qingshi Township 2018 Government Work Report” [Qingshi zhen 2018 nian zhengfu gongzuo baogao], 19 January 18.

⁶See, e.g., Yin Han, “Experts Call for Official Leniency Toward Parents of Illegal Second Child,” *Global Times*, 12 December 17; Zhao Meng, “Worker in Guizhou Fired Last Month for Having a Child in Excess of Birth Quotas 3 Years Ago, One Week Later ‘Excess Child Job Termination’ Provision Abolished” [Guizhou yi zhigong 3 nian qian chaosheng shang yue bei kai, yi zhou hou “chaosheng kaichu” tiaokuan feizhi], *The Paper*, 4 April 18.

⁷See, e.g., Qiao Nong, *ChinaAid*, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang muslim yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18.

⁸See, e.g., Qiao Nong, *ChinaAid*, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang muslim yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18. See also Liyan Qi and Fanfan Wang, “A Limit to China’s Economic Rise: Not Enough Babies,” *Wall Street Journal*, 29 April 18.

⁹Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on 15 September 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, Annex I, paras. 9, 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to “[e]nsure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;” (Annex I, para. 9) and “[t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development, 13 September 94, paras. 7.2, 8.25. Paragraph 7.2 states, “Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . .” Paragraph 8.25 states, “In no case should abortion be promoted as a method of family planning.” For coercive controls imposed on Chinese women and their families, see, e.g., Qiao Nong, *ChinaAid*, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang muslim yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; Chen Hong, Longhui County Health and Family Planning Bureau, “Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring” [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in *Longhui News*, 19 December 17.

¹⁰United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, 15 September 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 a general agreement on the Programme of Action. The Programme of Action is provided as an annex to the above ICPD report.

¹¹Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 51. In 2016, the UN Committee against Torture noted its concern regarding “reports of coerced sterilization and forced abortions, and . . . the lack of information on the number of investigations into such allegations . . . [and] the lack of information regarding redress provided to victims of past violations.” For acts of coercion committed in the implementation of population planning policies, see, e.g., Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musulun yunfu bei qiangzhi duotai gege along bei baofuxing jubu], 4 February 18.

¹²United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 12 July 18. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988.

¹³PRC 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.

¹⁴National Health and Family Planning Commission, “Text Record of Director Li Bin and Others Answering Journalists’ Questions Regarding ‘The Implementation of the Universal Two-Child Policy’” [Li bin zhuren deng jiu “shishi quanmian lianghai zhengce” da jizhe wen wenzi shilu], 8 March 16.

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¹⁶National Health and Family Planning Commission, “Department of Community Family Planning Official Answers Questions From Health News and China Population Daily Journalists Regarding the Number of Births in 2015” [Zhidaosi fuzeren jiu 2015 nian chusheng renkou shu da jiankang bao, zhongguo renkou bao jizhe wen], 20 January 16.

¹⁷National Bureau of Statistics of China, “The Economy Was Stable in 2017, and Exceeded Expectations” [2017 nian jingji yunxing wen zhong xiang hao, hao yu yuqi], 18 January 18; Ma Danmeng and Han Wei, “Couples Not Delivering on Beijing’s Push for Two Babies,” Caixin, 18 January 18. For the total number of births in 2016, see National Bureau of Statistics of China, “National Economy Achieved a Good Start for the ‘13th Five-Year Plan’ Period in 2016” [2016 nian guomin jingji shixian “shisan wu” lianghao kaiju], 20 January 17.

¹⁸Ma Danmeng and Han Wei, “Couples Not Delivering on Beijing’s Push for Two Babies,” Caixin, 18 January 18; Liang Jianzhang and Huang Wenzheng, “Birth Population Avalanche, Need To Cut Taxes and Provide Subsidies To Encourage Having More Children” [Chusheng renkou xueben wei yao haizi jianshui he butie], Caixin, 18 January 18; “China’s Declining Birth Rate Requires Policy Change,” Xinhua, 25 January 18.

¹⁹“China Sounds Population Alarm: It Is Imperative To End Birth Restrictions” [Zhongguo laxiang renkou jingbao: quanmian fangkai shengyu shizai bixing], Radio Free Asia, 26 January 18; Issaku Harada, “China’s Falling Births Expose Limits of ‘Two-Child Policy,’” Nikkei Asian Review, 23 January 18.

²⁰“China Sounds Population Alarm: It Is Imperative To End Birth Restrictions” [Zhongguo laxiang renkou jingbao: quanmian fangkai shengyu shizai bixing], Radio Free Asia, 26 January 18; “China’s Declining Birth Rate Requires Policy Change,” Xinhua, 25 January 18; He Keyao, “Chinese Youth Say No to Having Kids on the Grounds of Financial Pressure, Happiness and Career Development,” Global Times, 6 February 18.

²¹“China Sounds Population Alarm: It Is Imperative To End Birth Restrictions” [Zhongguo laxiang renkou jingbao: quanmian fangkai shengyu shizai bixing], Radio Free Asia, 26 January 18; “China’s Declining Birth Rate Requires Policy Change,” Xinhua, 25 January 18; Feng Xixi, “Anxiety Over Having Two Children? 75% of Those Surveyed Believe the Pressure Can Be Controlled” [Sheng er hai hen jiaolu? 75% shoufang zhe renwei yali kekong], Jinyang Net, 22 February 18.

²²Feng Xixi, “Anxiety Over Having Two Children? 75% of Those Surveyed Believe the Pressure Can Be Controlled” [Sheng er hai hen jiaolu? 75% shoufang zhe renwei yali kekong], Jinyang Net, 22 February 18; “China’s Declining Birth Rate Requires Policy Change,” Xinhua, 25 January 18; Issaku Harada, “China’s Falling Births Expose Limits of ‘Two-Child Policy,’” Nikkei Asian Review, 23 January 18.

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²⁷Ibid.

²⁸Li Bin, "Implement the Healthy China Strategy (Earnestly Study, Promote, and Implement the Spirit of the Party's Nineteenth Party Congress)" [Shishi jiankang zhongguo zhanlue (renzhen xuexi xuanchuan guanchedang de shijiuda jingshen)], *People's Daily*, 12 January 18.

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³²Liyan Qi and Fanfan Wang, "China's Notorious Family Planning Agency Fades Into History," *Wall Street Journal*, 14 March 18; "An Old Official' Ma Xiaowei at the Helm of the National Health Commission, What Changes Can [He] Bring?" ["Lao jiang" ma xiaowei zhangduo guojia weisheng jiankang weiyuanhui, neng dailai shenme gaibian?], *Pharmacodia*, 20 March 18; Goh Sui Noi, "NPC 2018: China Proposes Sweeping Reorganisation of Cabinet," *Straits Times*, 13 March 18; "China Establishes New National Health Commission, Dismantles NHFPC" [Zhongguo xin she guojia weisheng jiankang weiyuanhui chexiao weijiwei], *Duwei News*, 13 March 18. See also "Chinese Communist Party Central Committee Issues 'Plan for Deepening Reform of Party and Government Agencies'" [Zhonggong zhongyang yinfu "shenhua dang he guojia jigou gaige fang'an"], *Xinhua*, 21 March 18, sec. 3(28); State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang'an], 17 March 18, sec. 1(5).

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³⁶"China Considers Ending Birth Limits as Soon as This Year," *Bloomberg*, 21 May 18. See also Alexa Lardieri, "China To Eliminate 2-Child Policy," *U.S. News & World Report*, 21 May 18; Lily Kuo, "China Shows Little Appetite for Lifting of Family Size Limit," *Guardian*, 26 May 18.

³⁷"China Considers Ending Birth Limits as Soon as This Year," *Bloomberg*, 21 May 18. See also Alexa Lardieri, "China to Eliminate 2-Child Policy," *U.S. News & World Report*, 21 May 18.

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³⁹Ibid.

⁴⁰Ibid.; Liyan Qi and Fanfan Wang, "A Limit to China's Economic Rise: Not Enough Babies," *Wall Street Journal*, 29 April 18; Alexa Lardieri, "China To Eliminate 2-Child Policy," *U.S. News & World Report*, 21 May 18; Michelle La Rosa, "China May Lift Its Two-Child Policy—Here's What That Could Mean," *Catholic News Agency*, 23 May 18; Gina Heeb, "China Is Thinking About Scrapping Birth Limits—But That Won't Have the Impact It's Hoping For," *Business Insider Australia*, 23 May 18.

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⁴²PRC 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.

⁴³He Yafu, "Deng Chao and Zhao Ruirui Who Were Almost Aborted" [Cha dian bei duotai de deng chao he zhao ruirui], *CNPOP*, 9 February 14. For examples of provincial-level population planning regulations instructing officials to carry out abortions, see 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, art. 15; 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 No-

vember 08, 30 July 10, 27 March 14, 13 January 16, art. 12. For examples of local authorities instructing officials to carry out abortions, see Dongshan County Grain Bureau, “Dongshan County Grain Bureau Circular Regarding Issuing 2018 Family Planning Work Assignments to Subsidiary Units” [Dongshan xian liangshi ju guanyu xiada suo shu danwei 2018 nian jihua shengyu gongzuo zerenshu de tongzhi], 3 April 18; Baiyun District People’s Government, “Working Guidelines for Migrant Population To Apply for Family Planning Related Certificates in Baiyun District” [Baiyun liudong renkou shen ling jisheng xiangguan zhengming banshi zhinan], 30 November 17; Mianning County Health and Family Planning Bureau, “Mianning County Carries Out the First Seasonal ‘IUD and Pregnancy Monitoring’ Inspection Work” [Mianning xian kaizhan di yi jidu “huan yun qing jiance” ducha gongzuo], 3 April 18; Chen Tong, Huigou Township Health and Family Planning Office Information Office, “New Conceptional Path for Family Planning Development in Huigou Township, Lingbi County” [Lingbi xian huigou zhen xinxing jihua shengyu fazhan gouxiang zhi lu], 7 March 18. Illegal pregnancies are often referred to as “out-of-plan” pregnancies (*jihua wai huaiyun*) or “out-of-policy” pregnancies (*zhengce wai huaiyun*).

⁴⁴ Chen Tong, Huigou Township Health and Family Planning Office Information Office, “New Conceptional Path for Family Planning Development in Huigou Township, Lingbi County” [Lingbi xian huigou zhen xinxing jihua shengyu fazhan gouxiang zhi lu], 7 March 18.

⁴⁵ Dongshan County Grain Bureau, “Dongshan County Grain Bureau Circular Regarding Issuing 2018 Family Planning Work Assignments to Subsidiary Units” [Dongshan xian liangshi ju guanyu xiada suo shu danwei 2018 nian jihua shengyu gongzuo zerenshu de tongzhi], 3 April 18.

⁴⁶ Baiyun District People’s Government, “Working Guidelines for Migrant Population To Apply for Family Planning Related Certificates in Baiyun District” [Baiyun liudong renkou shen ling jisheng xiangguan zhengming banshi zhinan], 30 November 17.

⁴⁷ Qichun County People’s Government, “Qingshi Township 2018 Government Work Report” [Qingshi zhen 2018 nian zhengfu gongzuo baogao], 19 January 18.

⁴⁸ Chen Hong, Longhui County Health and Family Planning Bureau, “Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring” [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in Longhui News, 19 December 17; Songbo Ethnic Yao Township Health and Family Planning Office, “Songbo Ethnic Yao Township 2017 Family Planning Work Summary and 2018 Work Plan” [Songbo yaouzu xiang 2017 nian jisheng gongzuo zongjie he 2018 nian gongzuo jihua], reprinted in Jiangyong County People’s Government, 20 December 17.

⁴⁹ Mianning County Health and Family Planning Bureau, “Mianning County Carries Out the First Seasonal ‘IUD and Pregnancy Monitoring’ Inspection Work” [Mianning xian kaizhan di yi jidu “huan yun qing jiance” ducha gongzuo], 3 April 18.

⁵⁰ See, e.g., Zhao Jingjing, “Lengshuijiang City Convenes Spring Family Planning Turning Up Heat and Increasing Pressure Work Conference” [Lengshuijiang shi zhao kai chun ji jihua shengyu shengwen jiaya gongzuo huiyi], Lengshuijiang News Net, 2 April 18; Dongshan County Grain Bureau, “Dongshan County Grain Bureau Circular Regarding Issuing 2018 Family Planning Work Assignments to Subsidiary Units” [Dongshan xian liangshi ju guanyu xiada suo shu danwei 2018 nian jihua shengyu gongzuo zerenshu de tongzhi], 3 April 18; Hengshui Municipality Health and Family Planning Comprehensive Supervision and Enforcement Bureau, “Shenzhou City Convenes Special Rectification Mobilization Meeting for Collection of Social Compensation Fees” [Shenzhou shi zhao kai shehui fuyang fei zhengshou zhuanxiang zhengzhi xingdong dongyuan huiyi], 27 November 17.

⁵¹ See, e.g., Liannan County People’s Government, “Liannan County Convenes 2017 Population and Family Planning Work Meeting” [Liannan zhao kai 2017 nian renkou he jihua shengyu gongzuo huiyi], 6 November 17; Xu Siyuan, “Zhouwang Township Makes Arrangements To Carry Out 2018 Health and Family Planning Work” [Zhouwang zhen anpai bushu 2018 nian weisheng jisheng gongzuo], 29 March 18.

⁵² See, e.g., Liannan County People’s Government, “Liannan County Convenes 2017 Population and Family Planning Work Meeting” [Liannan zhao kai 2017 nian renkou he jihua shengyu gongzuo huiyi], 6 November 17; Helan County Xigang Street Office, “Interpretation of the ‘Two-Child’ Policy” [“Quanmian lianghai” zhengce jiedu], 15 March 18; Hengshui Municipality Health and Family Planning Comprehensive Supervision and Enforcement Bureau, “Shenzhou City Convenes Special Rectification Mobilization Meeting for Collection of Social Compensation Fees” [Shenzhou shi zhao kai shehui fuyang fei zhengshou zhuanxiang zhengzhi xingdong dongyuan huiyi], 27 November 17.

⁵³ See, e.g., Mianning County Health and Family Planning Bureau, “Mianning County Carries Out the First Seasonal ‘IUD and Pregnancy Monitoring’ Inspection Work” [Mianning xian kaizhan di yi jidu “huan yun qing jiance” ducha gongzuo], 3 April 18; Chen Tong, Huigou Township Health and Family Planning Office Information Office, “New Conceptional Path for Family Planning Development in Huigou Township, Lingbi County” [Lingbi xian huigou zhen xinxing jihua shengyu fazhan gouxiang zhi lu], 7 March 18; Dongshan County Grain Bureau, “Dongshan County Grain Bureau Circular Regarding Issuing 2018 Family Planning Work Assignments to Subsidiary Units” [Dongshan xian liangshi ju guanyu xiada suo shu danwei 2018 nian jihua shengyu gongzuo zerenshu de tongzhi], 3 April 18. Illegal pregnancies are often referred to as “out-of-plan” pregnancies (*jihua wai huaiyun*) or “out-of-policy” pregnancies (*zhengce wai huaiyun*).

⁵⁴ See, e.g., Zhao Jingjing, “Lengshuijiang City Convenes Spring Family Planning Turning Up Heat and Increasing Pressure Work Conference” [Lengshuijiang shi zhao kai chun ji jihua shengyu shengwen jiaya gongzuo huiyi], Lengshuijiang News Net, 2 April 18; Dongshan County Grain Bureau, “Dongshan County Grain Bureau Circular Regarding Issuing 2018 Family Planning Work Assignments to Subsidiary Units” [Dongshan xian liangshi ju guanyu xiada suo shu danwei 2018 nian jihua shengyu gongzuo zerenshu de tongzhi], 3 April 18.

⁵⁵ See, e.g., Longguang Township People's Government, "Longguang Township March Work Updates" [Longguang zhen 3 yue gongzuo dongtai], reprinted in Lingshui County People's Government, 4 April 18; Mianning County Health and Family Planning Bureau, "The Fourth Family Planning 'Three Inspections' Successfully Completed in Chengxiang Township, Mianning County" [Mianning xian chengxiang zhen jisheng di si ci "san cha" shunli jieshu], 8 December 17. See also Ma Jian, Women's Rights in China, "Investigation Into the 'Three Inspections' of Rural Family Planning" [Nongcun jihua shengyu zhong de "san cha" qingkuang diaocha], reprinted in Boxun, 15 April 09.

⁵⁶ See, e.g., Chen Hong, Longhui County Health and Family Planning Bureau, "Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring" [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in Longhui News, 19 December 17; Songbo Ethnic Yao Township Health and Family Planning Office, "Songbo Ethnic Yao Township 2017 Family Planning Work Summary and 2018 Work Plan" [Songbo yaozu xiang 2017 nian jisheng gongzuo zongjie he 2018 nian gongzuo jihua], reprinted in Jiangyong County People's Government, 20 December 17; Qichun County People's Government, "Qingshi Township 2018 Government Work Report" [Qingshi zhen 2018 nian zhengfu gongzuo baogao], 19 January 18. See also Yu Han, "Chinese People Suffer From Family Planning [Policy's] Forced Sterilizations and Abortions" [Jihua shengyu qiangzhi jiezha renliu hai ku le zhongguo ren], Tencent, 15 June 12.

⁵⁷ See, e.g., Chen Hong, Longhui County Health and Family Planning Bureau, "Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring" [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in Longhui News, 19 December 17; Songbo Ethnic Yao Township Health and Family Planning Office, "Songbo Ethnic Yao Township 2017 Family Planning Work Summary and 2018 Work Plan" [Songbo yaozu xiang 2017 nian jisheng gongzuo zongjie he 2018 nian gongzuo jihua], reprinted in Jiangyong County People's Government, 20 December 17; Qichun County People's Government, "Qingshi Township 2018 Government Work Report" [Qingshi zhen 2018 nian zhengfu gongzuo baogao], 19 January 18. "Social compensation fees" are also known as "social maintenance fees."

⁵⁸ Chen Hong, Longhui County Health and Family Planning Bureau, "Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring" [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in Longhui News, 19 December 17.

⁵⁹ Ibid.

⁶⁰ State Council, Measures for Administration of Collection of Social Compensation 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.

⁶¹ See, e.g., Liyan Qi and Fanfan Wang, "A Limit to China's Economic Rise: Not Enough Babies," Wall Street Journal, 29 April 18.

⁶² For a list of provincial-level regulations that mandate collection of "social compensation fees," see "2018 Social Compensation Fee Collection Standards and Newest Regulations" [2018 nian shehui fuyang fei zhengshou biao zhun yu zui xin guiding], Shebao Chaxun Wang, 15 January 18. For examples of local governments that collected or demanded collection of "social compensation fees" during this reporting year, see, e.g., Chen Hong, Longhui County Health and Family Planning Bureau, "Inspection Report for the 2018 Annual Family Planning Quality Service Activities During Winter and Spring" [2018 niandu jihua shengyu dong chun ji youzhi fuwu huodong de ducha tongbao], reprinted in Longhui News, 19 December 17; Qichun County People's Government, "Qingshi Township 2018 Government Work Report" [Qingshi zhen 2018 nian zhengfu gongzuo baogao], 19 January 18; Gao Yong, Tengzhou City People's Government, "Nanshahe Township Writes a New Chapter for Health and Family Planning Work" [Nanshahe zhen puxie weisheng jisheng gongzuo xin pianzhang], 16 November 17; Tian Hongxiu, "Heyuan Municipality Health and Family Planning Bureau Director Yuan Chengzhang Discusses the Study and Implementation of the Nineteenth Party Congress Spirit" [Wo ju juzhang yuan chengzhang tan xuexi guan che dang de shijiuda jingshen], Heyuan Daily, reprinted in Heyuan Municipality Health and Family Planning Bureau, 28 December 17.

⁶³ See, e.g., Wang Lianzhang, "High Court Accepts Appeal Against Family Planning Fine," Sixth Tone, 22 November 17; Zhao Meng, "Should 'Having a Second Child Before the [Two-Child] Policy' Be Punished Retroactively? Another Jiangsu Couple Successfully Files Petition for Appeal" ["Zhengce qian er hai" shifou gai bei zhui fa? you yi dui jiangsu fufu shenqing zai shen huo li'an], The Paper, 21 November 17.

⁶⁴ See, e.g., "China Sounds Population Alarm: It Is Imperative To End Birth Restrictions" [Zhongguo laxiang renkou jingbao: quanmian fangkai shengyu shizai bixing], Radio Free Asia, 26 January 18; Sha Xueliang, "Huang Xihua: Birth Rate Dropped, Recommendation To Rescind Collection of Social Compensation Fees" [Huang xihua: renkou chusheng lu xiajiang jianyi quxiao zhengshou shehui fuyang fei], Beijing News, reprinted in Sina, 12 March 18; Wang Ling, "More 'Rush To Give Birth to Second Child' Cases Nationwide, Need To Clarify Whether To Keep or Abolish Social Compensation Fees" [Quanguo "qiang sheng erhai" anjian zengduo shehui fuyang fei cun fei dai mingque], Yicai, 24 March 17; Wang Ling, "NHFFC: Administrative Lawsuits Related to Social Compensation Fees Increase in Some Areas" [Weijiwei: bufen diqu shehui fuyang fei xiangguan xingzheng susong anjian zengjia], Chinese Business Network, 4 March 17.

⁶⁵ See, e.g., Yin Han, "Experts Call for Official Leniency Toward Parents of Illegal Second Child," Global Times, 12 December 17; Zhao Meng, "Worker in Guizhou Fired Last Month for Having a Child in Excess of Birth Quotas 3 Years Ago, One Week Later 'Excess Child Job Termination' Provision Abolished" [Guizhou yi zhigong 3 nian qian chaosheng shang yue bei kai, yi zhou hou "chaosheng kaichu" tiaokuan feizhi], The Paper, 4 April 18.

⁶⁶ See, e.g., Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18.

⁶⁷ *Ibid.*

⁶⁸ 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. 4, 39(1)–(2). 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 family planning policies.

⁶⁹ Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18. For more information on Kuliziya Mogudong, see the Commission’s Political Prisoner Database record 2018-00105.

⁷⁰ Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18.

⁷¹ Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18.

⁷² Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18.

⁷³ Qiao Nong, ChinaAid, “[Ethnic] Kazakh Woman Underwent Forced Abortion, [She Was] Permitted To Leave After Several Months in Soft Detention” [Hasakesitan funu bei qiangzhi duotai ruanjin shuyue zhong huo likai], 14 May 18.

⁷⁴ *Ibid.*; Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18. For more information on Tursun, see the Commission’s Political Prisoner Database record 2018-00108.

⁷⁵ Qiao Nong, ChinaAid, “[Ethnic] Kazakh Woman Underwent Forced Abortion, [She Was] Permitted To Leave After Several Months in Soft Detention” [Hasakesitan funu bei qiangzhi duotai ruanjin shuyue zhong huo likai], 14 May 18.

⁷⁶ Qiao Nong, ChinaAid, “Pregnant Muslim Woman in Xinjiang Underwent Forced Abortion, Her Brother, a Muslim Imam, Detained as Retaliation” [Xinjiang musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu], 4 February 18; ChinaAid, “Muslim Woman Forced Into Abortion,” 5 February 18.

⁷⁷ Zhao Meng, “Guangzhou Deputy Director-Level Cadre Had Second Child Before Family Planning Policy [Change], Faces Termination After Being Deemed Illegal by Municipal Health and Family Planning Commission” [Guangzhou fu chu ji ganbu shengyu zhengce qian er hai, bei shi weijiwei rending weifa mianlin kaichu], *The Paper*, 12 December 17; Yin Han, “Experts Call for Official Leniency Toward Parents of Illegal Second Child,” *Global Times*, 12 December 17.

⁷⁸ Zhao Meng, “Guangzhou Deputy Director-Level Cadre Had Second Child Before Family Planning Policy [Change], Faces Termination After Being Deemed Illegal by Municipal Health and Family Planning Commission” [Guangzhou fu chu ji ganbu shengyu zhengce qian er hai, bei shi weijiwei rending weifa mianlin kaichu], *The Paper*, 12 December 17; Yin Han, “Experts Call for Official Leniency Toward Parents of Illegal Second Child,” *Global Times*, 12 December 17.

⁷⁹ Zhao Meng, “Guangzhou Deputy Director-Level Cadre Had Second Child Before Family Planning Policy [Change], Faces Termination After Being Deemed Illegal by Municipal Health and Family Planning Commission” [Guangzhou fu chu ji ganbu shengyu zhengce qian er hai, bei shi weijiwei rending weifa mianlin kaichu], *The Paper*, 12 December 17.

⁸⁰ *Ibid.*

⁸¹ *Ibid.* 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, art. 42; 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, 29 September 16, art. 40.

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'Excess Child Job Termination' Provision Abolished" [Guizhou yi zhigong 3 nian qian chaosheng shang yue bei kai, yi zhou hou "chaosheng kaichu" tiaokuan feizhi], *The Paper*, 4 April 18.

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⁸⁵Liyan Qi and Fanfan Wang, "A Limit to China's Economic Rise: Not Enough Babies," *Wall Street Journal*, 29 April 18. For more information on the reorganization of Party and government institutions, including the creation of the new National Health Commission, see "Chinese Communist Party Central Committee Issues 'Plan for Deepening Reform of Party and Government Agencies'" [Zhonggong zhongyang yinfa "shenhua dang he guojia jigou gaige fang'an"], *Xinhua*, 21 March 18; State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang'an], 17 March 18, sec. 1(5).

⁸⁶Liyan Qi and Fanfan Wang, "A Limit to China's Economic Rise: Not Enough Babies," *Wall Street Journal*, 29 April 18.

⁸⁷Ibid.

⁸⁸World Bank, "Fertility Rate, Total (Births Per Woman)," last visited 16 July 18.

⁸⁹Serenitie Wang, "Recovering From One Child: China's Growing Fertility Problem," *CNN*, 7 May 18; Central Intelligence Agency, "World Factbook: China," last visited 15 May 18.

⁹⁰Lily Kuo, "China Shows Little Appetite for Lifting of Family Size Limit," *Guardian*, 26 May 18; Liyan Qi and Fanfan Wang, "A Limit to China's Economic Rise: Not Enough Babies," *Wall Street Journal*, 29 April 18.

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⁹⁴State Council, National Population Development Plan (2016–2030) [Guojia renkou fazhan guihua (2016–2030 nian)], issued 30 December 16.

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⁹⁷Elias Glenn and Stella Qiu, "China Working-Age Population Shrinks, Presenting Pitfall for Pension Plans," *Reuters*, 28 February 18; Chong Koh Ping, "China's Elderly: Old and Left Behind," *Straits Times*, 28 October 17; Peter Wood, "Greying China Strains Social Safety Net, Healthcare System," *Jamestown Foundation, China Brief*, Vol. 18, Issue 2, 13 February 18, 2–3.

⁹⁸For national laws and regulations prohibiting the practices of non-medically necessary gender determination testing and sex-selective abortion, see 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. 35; National Health and Family Planning Commission et al., Regulations on Prohibiting Non-Medically Necessary Sex Determination and Sex-Selective Abortion [Jinzhì fēi yixue xuyào de tài'ér xíngbié jiāndìng hé xuānzé xíngbié rēngōng zhōngzhì rénshēn de guǐdìng], issued 28 March 16, effective 1 May 16. For provincial regulations that ban non-medically necessary sex determination and sex-selective abortion, see, e.g., 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. 31; 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. 23.

⁹⁹See, e.g., Yang Yang, "Chinese Couples Want Boys—Trust Me, I'm a Fertility Doctor," *Sixth Tone*, 14 April 18; Linyi Municipality Lingang Economic Development Area, "Interview With District Health and Family Planning Director Wang Leqian: Concentrate and Forge Ahead, Write a New Chapter for Health and Family Planning Work" [Qu weisheng he jihua shengyu ju juzhang wang leqian fangtan: ningxin juli kaituo jinqu puxie weisheng jisheng gongzuo xin pianzhang], 24 November 17; Su Jianfeng and Lin Sufang, "Houlong Township Carries Out Treasure the Girls Campaign To Crack Down on 'Two Unnecessaries'" [Houlong zhen kaizhan guan'ai nuhai daji "liang fei" xuanchuan huodong], *Fujian Health and Family Planning News*, 10 April 18.

¹⁰⁰National Bureau of Statistics of China, “The Economy Was Stable in 2017, and Exceeded Expectations” [2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi], 18 January 18.

¹⁰¹National Bureau of Statistics of China, “National Economy Moved in the Direction of Steady Progress in 2015” [2015 nian guomin jingji yunxing wenzhong youjin, wenzhong youhao], 19 January 16.

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SPECIAL TOPIC: FORCED EVICTIONS IN BEIJING MUNICIPALITY¹*Authorities Carry Out Mass Evictions Following Deadly Fire*

In November 2017, authorities in Beijing municipality responded to a fire in a migrant neighborhood with a campaign of forced evictions. On November 18, 2017, a fire broke out in an apartment building in Xinjian No. 2 village, Xihongmen township, Daxing district, Beijing, killing 19 people.² Of the 19 victims, 17 were migrants, meaning they were registered in localities outside of Beijing under the Chinese government's household registration (*hukou*) system.³ On November 20, the Beijing government officially launched a 40-day campaign of "major inspections, major sweeps, and major rectifications,"⁴ which resulted in large-scale forced evictions and demolitions in migrant neighborhoods across Beijing.⁵ Videos posted online showed blocks of demolished buildings as well as police kicking in doors, smashing store windows, and destroying evictees' belongings.⁶ Affected residents reported being forced to leave their homes within three days,⁷ with some given a few hours' notice or less.⁸ Authorities reportedly cut water and electricity to force residents out of their homes,⁹ actions in contravention of the PRC Administrative Enforcement Law, which requires authorities carrying out evictions to provide time for residents to apply for legal redress, and forbids authorities from cutting access to utilities.¹⁰ Although the Commission did not observe official reports on the number of people evicted during the campaign, international media estimated that the evictions affected tens of thousands, most of whom were migrants from outside Beijing.¹¹ In addition, according to government statistics, there were 132,000 fewer migrants in Beijing at the end of 2017 compared to 2016.¹²

Reports of migrant evictions continued to emerge from Beijing and other localities after November 2017. Radio Free Asia (RFA) reported another deadly fire in the Chaoyang district of Beijing on December 13, which was followed by additional forced evictions.¹³ In late December, officials in Yanjiao township, Sanhe city, Langfang municipality, Hebei province, which neighbors Beijing, evicted residents from several apartment buildings housing migrants, with police reportedly injuring some residents in the process.¹⁴ On January 1, 2018, RFA reported that authorities in Beijing and Hebei continued to conduct forced evictions.¹⁵ On January 24, Beijing municipal officials announced plans to demolish an additional 40 square kilometers of "illegal structures" in 2018.¹⁶ In the summer of 2018, Beijing authorities reportedly closed or demolished garment factories and wholesale markets where many migrants worked.¹⁷

Migrants, Locals, and the Public Respond

Some migrants and locals attempted to confront local officials over the evictions.¹⁸ In one protest in Feijia village in Chaoyang district, a large group gathered outside a government office chanting: "Violent evictions violate human rights."¹⁹ In addition, RFA reported that over 100 Beijing *hukou*-holding residents of Xinjian village blocked a road to protest the eviction campaign, which they asserted had left them homeless.²⁰

Non-governmental organizations (NGOs),²¹ companies,²² and individuals²³ offered assistance to displaced migrants. For example, one report posted to social media described a local group of cycling enthusiasts who, after helping one of their evicted members move, posted a message on social media offering to help others.²⁴ One group member described being inundated with phone calls, both from evictees requesting help and individuals offering assistance.²⁵ He noted that he also received calls from across China thanking him for helping evicted migrants.²⁶

Internet users engaged in online debates and criticized the eviction campaign on Chinese social media. According to Chinese and international media, internet users widely shared images and videos of the migrant worker evictions on Chinese social media.²⁷ Internet users reportedly criticized the evictions and the harsh tactics government officials employed,²⁸ and social media users shared personal stories as well as social and legal analyses.²⁹ Internet users also criticized as derogatory the use of the term “low-end population” (*diduan renkou*) in local government documents to describe the migrants.³⁰ Groups of scholars, lawyers, and others organized and circulated online several open letters criticizing the evictions.³¹

Party and Government Response Features Censorship and Repression

On November 27, 2017, Beijing Communist Party Secretary Cai Qi convened a meeting of district-level committee secretaries to discuss public safety concerns in Beijing, stating that local governments should “pay attention to means and methods” while carrying out the eviction campaign and avoid “simplification” and “impatience.”³² On December 12, Cai met with a group of service workers, noting that many migrants worked in service industries and had made contributions to Beijing’s development.³³

Beyond its public statements, the government also responded by restricting domestic reporting on the evictions and censoring online discussion.³⁴ China Digital Times published a leaked censorship directive instructing Web portals and news media not to repost articles or independently report on the evictions.³⁵ The microblog site Weibo blocked searches for “low-end population,” and the social media platform WeChat deleted posts using the term.³⁶ Authorities also censored open letters³⁷ and other articles posted online discussing the evictions,³⁸ as well as some of the messages civil society groups posted offering assistance to evicted migrants.³⁹

Authorities detained an artist for sharing videos of the evictions and also detained six others, reportedly for helping the artist flee. The Beijing-based artist Hua Yong filmed demolished neighborhoods,⁴⁰ his interviews with evictees,⁴¹ and local Beijing *hukou*-holders’ disputes with local officials,⁴² posting the footage to social media.⁴³ After local officials attempted to stop Hua from filming a meeting, residents helped Hua flee the area.⁴⁴ On or around December 10, authorities detained at least six residents who had helped Hua leave,⁴⁵ and on December 15, authorities detained Hua in Tianjin municipality.⁴⁶ Authorities reportedly released all seven on bail⁴⁷ and forced Hua to leave Beijing and return to his hometown in another province.⁴⁸ Authorities reportedly detained Hua again in July 2018 in connection with the arbitrary detention of a

woman who protested against President and Party General Secretary Xi Jinping.⁴⁹

Context: The Hukou System and Urbanization Policies

The *hukou* system, established in 1958,⁵⁰ classified Chinese citizens as being urban or rural and effectively tied them to a locality.⁵¹ According to the National Bureau of Statistics of China, in 2017, 291 million people in China did not live in their *hukou* location.⁵² Yet the provision of certain government services, such as education, remains tied to one's *hukou* location, which is, in general, inherited from one's parents.⁵³ In 2014, the government began to reform the *hukou* system to gradually eliminate the urban-rural distinction and allow some migrants to obtain *hukou* in smaller cities.⁵⁴ Chinese sociologist Sun Liping⁵⁵ has noted, however, that due to uneven development across different regions in China, "resources and opportunities are mainly concentrated in a few large cities."⁵⁶

The Chinese government continues to use the *hukou* system to restrict internal migration,⁵⁷ and obtaining *hukou* in large cities such as Beijing remains difficult.⁵⁸ In April 2018, the Beijing municipal government issued rules governing applications for Beijing *hukou* that awards points to applicants based on criteria such as education level and home ownership.⁵⁹ In order to apply, residents must have contributed to social insurance in Beijing for seven consecutive years.⁶⁰ Thus, migrants working in industries that often fail to provide social insurance in accordance with the PRC Social Insurance Law,⁶¹ like construction⁶² and courier services,⁶³ will be ineligible to apply for a Beijing *hukou*.⁶⁴ [For more information on social insurance, see Section II—Worker Rights.]

Some observers viewed the eviction campaign that began in November 2017 as part of the Beijing government's long-term plan to limit the population of Beijing.⁶⁵ In September 2017, central authorities approved Beijing municipal authorities' Beijing General City Plan (2016–2035),⁶⁶ which sets a cap for Beijing's population at 23 million by 2020.⁶⁷ Chinese media noted that the fire seemed to have accelerated existing demolition plans.⁶⁸ In the months leading up to the fire, Beijing authorities had reportedly demolished schools for migrant children⁶⁹ and markets and shops where many migrants worked.⁷⁰ Although the Beijing government issued a draft opinion in May 2018 calling for the expansion of dormitories for migrant workers, the draft opinion specifies that the addition of these rental units must conform to the general city plan.⁷¹

Beijing is not the only large city in China to set population limits, despite reports of worker shortages in major cities in some sectors.⁷² For example, in December 2017, central authorities approved a plan from Shanghai municipality to cap that city's population at approximately 25 million by 2035.⁷³ In January 2018, officials at a State Council Standing Committee meeting discussed encouraging migrant workers to return to the countryside to start businesses as part of the government's development strategy for rural areas.⁷⁴ According to government statistics, the populations of both Beijing and Shanghai declined in 2017,⁷⁵ with one expert attributing the decline in part to efforts in both cities to evict migrants.⁷⁶

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Chinese authorities have a history of carrying out forced evictions in the name of urban development.⁷⁷ International rights organizations documented widespread forced evictions prior to the 2008 Beijing Olympics and Expo 2010 in Shanghai municipality.⁷⁸ In 2014, the UN Committee on Economic, Social and Cultural Rights urged China “to ensure that any relocation necessary for city renewal is carried out after prior consultation with the affected individuals . . .”⁷⁹

International Human Rights Standards and Domestic Law

Actions taken by Chinese government officials enforcing the eviction campaign in Beijing contravene both international standards⁸⁰ and Chinese law.⁸¹ In addition, the reported censorship and restrictions on the press and civil society during the eviction campaign violate international human rights standards guaranteeing freedom of expression⁸² and association.⁸³ Restrictions on movement and discrimination arising from the *hukou* system contravene international human rights standards guaranteeing freedom of residence.⁸⁴

Notes to Section II—Special Topic: Forced Evictions in Beijing Municipality

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STATUS OF WOMEN

Public Participation

POLITICAL DECISIONMAKING

The Chinese government is obligated under its international commitments to ensure gender equality in political participation;¹ Chinese domestic law also stipulates the importance of women's political participation.² Women's representation at upper and lower levels of political leadership nonetheless continued to fall short of the 30 percent target recommended by the UN Commission on the Status of Women.³ Scholars and overseas media note that barriers to women's participation in political leadership at higher levels include lack of access to the male-dominated relationship networks critical to leadership appointments,⁴ earlier retirement ages for female civil servants,⁵ and marginalization to leadership positions with less political influence,⁶ in addition to the pressures that make it difficult for women to participate in public life more generally, such as gender discrimination and unequal distribution of childcare and domestic labor.⁷

CIVIL SOCIETY AND ADVOCACY

During the Commission's 2018 reporting year, Chinese citizens continued to advocate on behalf of women's issues while Chinese officials maintained restrictions by censoring online discussion and harassing and threatening individual citizens engaging in advocacy. These restrictions are a continuation of official repression of women's rights advocacy beginning in 2015.⁸

Women's rights advocates reported that the freedom to organize activities remained limited as officials continued to impose pressure on participants in the form of harassment, threats, and censorship. Due to such pressure, some advocates reported that they no longer performed direct actions in public spaces and had shifted their focus to awareness-raising and organizing online.⁹ Online advocacy has been subject to continued¹⁰ censorship: online posts were censored,¹¹ hashtags used for advocacy on women's issues were blocked on social media platforms,¹² and social media accounts advocating women's rights were shut down.¹³ Although advocacy and discussion of women's rights were previously tolerated,¹⁴ one advocate reported that the topic "has been politicized and stigmatized" in recent years¹⁵ as authorities continued¹⁶ to link their advocacy to hostile foreign interference.¹⁷ [For more information on censorship, see Section II—Freedom of Expression.]

Campaigns Against Sexual Harassment on University Campuses

In January 2018, Chinese students, alumni, and faculty initiated a series of independent campaigns to prevent sexual harassment on college campuses. These included public allegations of misconduct by individual professors, petitions calling on universities to institute policies to prevent sexual harassment, and public requests for information about university actions in past sexual assault cases. Reports of sexual harassment in other sectors such as manufacturing,¹⁸ journalism,¹⁹ civil society,²⁰ the state-sanctioned Buddhist community,²¹ and the Protestant community in Hong Kong²² also drew public attention. Among the most prominent were allegations posted by Luo Xixi, currently residing in the United States, who detailed the sexual harassment of her former PhD advisor, Chen Xiaowu of Beihang University in Beijing municipality.²³ Inspired by the #MeToo movement in the United States,²⁴ Luo published these allegations in January 2018,²⁵ drawing significant attention and sparking a social media campaign in China that drew millions of views to related hashtags before it was censored.²⁶ Chen's teaching qualifications were revoked²⁷ and the Ministry of Education announced that it would form a group to study the implementation of policies to prevent sexual harassment.²⁸ After one allegation against a professor at Renmin University in Beijing, a group of more than 70 students gathered outside his classroom, refusing to leave until the university agreed to investigate the claims.²⁹ There were a number of other allegations against professors at other universities, some of which led to dismissals.³⁰

Other actions directed at universities followed. Students, alumni, and faculty circulated petitions calling on their respective institutions to implement policies to prevent sexual harassment, reportedly with more than 8,000 people participating at 74 colleges and universities³¹ before being censored.³² Students at Peking University in Beijing called on the school to release information about its actions dealing with a case involving a professor's sexual assault of a student 20 years earlier.³³

**Campaigns Against Sexual Harassment on University
Campuses—Continued**

While some actions taken by university and government authorities were supportive of the issues raised by the campaigns, official responses nonetheless prioritized suppressing grassroots mobilization. In addition to the investigation and dismissal of some of the professors accused of misconduct, supportive actions included lawmakers' submission of legislative proposals to address sexual harassment during the legislative session after lobbying by women's rights advocates³⁴ and the recognition of sexual harassment as a serious issue by some state and Party media.³⁵ Official actions aimed at suppressing discussion and collective action included online censorship³⁶ and increased surveillance,³⁷ while university officials pressured students to cease campaigning³⁸ by questioning them about their organizing,³⁹ harassing their family members,⁴⁰ and in at least one instance threatening to prevent a student from graduating.⁴¹ When a student at Peking University drew significant attention and support after describing the extent of her harassment by school officials,⁴² authorities subsequently released instructions to censor all reporting regarding the incident.⁴³ A January 2018 commentary published in the *Global Times*, a Party-run media outlet, stated that "[m]ore efforts should be put into establishing and perfecting laws and regulations so as to deter potential sexual violence" while cautioning that "[s]ocial movements can only play a limited role in reducing sexual harassment."⁴⁴

Gender-Based Discrimination

EMPLOYMENT

Women in China continued to face a variety of barriers to equal employment, which the Chinese government is obligated to address under its international commitments⁴⁵ and domestic laws.⁴⁶ A study of Chinese job recruitment advertisements conducted by international non-governmental organization (NGO) Human Rights Watch (HRW) found that discriminatory and sexualized views of women were pervasive: recruitment advertisements reflected assumptions that women are less qualified for work requiring strength, intelligence, or mental fitness;⁴⁷ that the thinking and behavior of women is inherently inferior;⁴⁸ and that it is acceptable for employers to use the physical attractiveness of female employees as a condition of employment even when unrelated to job performance,⁴⁹ or as an inducement for recruiting male employees.⁵⁰ The study found discriminatory recruitment in both the private and public sectors, with 19 percent of postings for the national civil service jobs in 2018 listing a requirement or preference for males, up from 13 percent in 2017.⁵¹ The World Economic Forum's 2017 Global Gender Gap Report found that discrimination in China also continued to manifest in the underrepresentation of women in management positions⁵² and disparities in pay, with women earning on average 62 percent of what men earn.⁵³

A 2015 study by the International Labour Organization attributed most of the wage differential to discrimination,⁵⁴ noting that such disparities have increased over the period of economic reform

that began in 1978,⁵⁵ accelerating during the 2000s with the intensification of market liberalization.⁵⁶ The HRW study attributed the lack of women in leadership roles and the increasing wage gap in part to individual employers' discriminatory views of women and their increased discretion over employment decisions beginning in the reform period.⁵⁷ Another significant factor identified by scholars has been the shifting of responsibility for child care from the government system (via publicly funded maternity leave and nursery schools) to the private sector, with the resulting burden falling disproportionately to individual women.⁵⁸ National law guarantees 98 days of paid maternity leave and no paternity leave,⁵⁹ making employers reluctant to hire female employees because they are seen as more costly and a pregnancy "risk."⁶⁰ Experts said that such discrimination had been exacerbated by the "universal two-child policy" implemented in January 2016.⁶¹ [For more information on the "universal two-child policy," see Section II—Population Control.]

International observers reported that employer discrimination in China has not been checked by prohibitions against gender discrimination in existing laws⁶² because enforcement has been rare and negligible.⁶³ Chinese laws do not themselves give a clear definition of gender discrimination,⁶⁴ and women reported being reluctant to initiate complaints because of the time, cost, and risk to future employment.⁶⁵ The local bureaus responsible for enforcing laws against discrimination in hiring have rarely initiated their own investigations and have seldom taken punitive action in response to complaints.⁶⁶ In addition, some laws continued to discriminate against women by barring them from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.⁶⁷

PROPERTY RIGHTS

Women in China continued to lack secure rights to property due to a combination of discriminatory policy implementation and adherence to patriarchal cultural values. Many rural women were deprived of land rights—guaranteed under national law—due to village-level policies and customs that deny women rights to collectively owned land if they marry outside of the village, divorce, become widowed, or remain unmarried above a certain age.⁶⁸ Legal advocates say that enforcement mechanisms for guaranteeing women's land rights are lacking.⁶⁹ Women's property rights assigned at the household level are also marginalized by a lack of decision-making power within households; according to a sample survey conducted by the state-run Research Center for Rural Economy, 30.4 percent and 80.2 percent of rural women were not registered on any commercial land rights certificates and residential property certificates, respectively.⁷⁰ Officials suggested a number of proposals aimed at addressing these issues during the upcoming round of agricultural policy reforms.⁷¹

Violence Against Women

Women in China continued to face challenges with domestic and sexual violence as officials continued to develop a legal and institu-

tional infrastructure to prevent such abuse. By the end of October 2017, the courts had issued a total of 1,830 protection orders under the PRC Anti-Domestic Violence Law,⁷² in effect since March 2016.⁷³ A 2017 Chinese NGO report found that while there were improvements in implementation of the law, such as increased awareness and the publishing of local implementing regulations, other challenges remained.⁷⁴ Chinese courts maintained an evidentiary standard for proving domestic violence that was difficult for victims to meet, and victims escaping abusive domestic situations received inadequate support in seeking shelters, with only 149 admissions to roughly 2,000 shelters for victims nationwide in 2016.⁷⁵

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, arts. 7, 24. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to “ensure to women, on equal terms with men,” the right “[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government . . .” United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 27 July 18. 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, 29 August 15, art. 6. Both of these laws stipulate that an “appropriate number” of female deputies should serve at all levels of people’s congresses.

³“Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women,” UN Chronicle, Vol. 27, No. 2, June 1990, reprinted in Popline. The target of 30-percent female representation in leadership positions by 1995 was recommended by the UN Commission on the Status of Women at its 34th session in 1990. “China Political Leaders” [Zhongguo zhengyao], Chinese Communist Party News, People’s Daily, last visited 13 April 18. “China’s National Legislature Starts Annual Session in Beijing,” Xinhua, 5 March 18; “Reality Check: Does China’s Communist Party Have a Woman Problem?,” BBC, 25 October 17. Upon the convening of the 19th Party Congress in October 2017, women represented 1 out of 25 members of the Political Bureau of the Communist Party Central Committee (Politburo) and there remained no women among the 7 members of the Politburo Standing Committee—the most powerful governing body in China. The 13th National People’s Congress (NPC) was seated in March 2018 with 24.9 percent female delegates, a slight increase from the 23.4 percent in the 12th NPC. Under the State Council, 1 of the 26 national-level ministerial positions was filled by a woman. No women were appointed as Party secretaries at the provincial level, while women were selected for 3 of 31 provincial-level governorships—compared with 2 out of 31 in the previous government.

⁴“Reality Check: Does China’s Communist Party Have a Woman Problem?,” BBC, 25 October 17.

⁵Ibid.

⁶Sarah O’Meara, “How to Be More Than a Token Woman in Chinese Politics,” Sixth Tone, 26 December 16.

⁷Yu Mengtong, “The Hard-To-Smash Glass Ceiling: Looking at the Predicament of Women’s Political Participation from the NPC Delegate Statistics” [Nan da po de boli tianhuaban: cong renda shuju kan zhongguo nuxing congzheng kunjing], Voice of America, 8 March 18.

⁸See, e.g., Rebecca E. Karl et al., “Dark Days for Women in China?” Asia Society, ChinaFile, 18 March 15; Maya Wang, “China’s Chilling Message to Women,” CNN, 7 April 15. See also CECC, 2015 Annual Report, 8 October 15, 172–73; CECC, 2016 Annual Report, 6 October 16, 178–79; CECC, 2017 Annual Report, October 5, 2017, 176–85.

⁹Lin Lin, “China’s Women’s Rights Movement: How Far Can They Go?” [Zhongguo nuquan yundong: tamen hai neng zou duo yuan?], BBC, 26 September 17.

¹⁰CECC, 2017 Annual Report, October 5, 2017, 176–77.

¹¹Javier C. Hernández and Zoe Mou, “‘Me Too,’ Chinese Women Say. Not So Fast, Say the Censors,” New York Times, 28 January 18; Kemeng Fan, “China’s #MeToo Movement Started on College Campuses. It May End There,” Los Angeles Times, 7 February 18; China Digital Times, “Minitrue: Do Not Report on PKU Open Letter,” 25 April 18; “Women Excluded From Highest Echelons of Power in China, as Men Embroiled in Sex-for-Favours Scandals,” Agence France-Presse, reprinted in Hong Kong Free Press, 23 October 17.

¹²Grace Tsoi and Viola Zhou, “Feminist Campaign Gets Blocked in China on International Women’s Day,” Inkstone, 8 March 18; “#MeToo in China: The Story Beyond Censorship,” Elephant Room (blog), 13 February 18.

¹³Aaron Halegua et al., “What Is the Significance of China’s #MeToo Movement?” Asia Society, ChinaFile, 20 March 18; “Muzzled China Feminist Group To Sue Over Online Censorship,” Agence France-Presse, reprinted in SinoDaily, 24 March 18; China Digital Times, “Chili Pepper Tribe: China’s Only Dedicated Information Platform for Female Workers Blocked on Weibo” [Jianjiao buluo: zhongguo weiyi nugong zhuanhu shu xixun pingtai zao weibo fengsha], 13 July 18.

¹⁴Human Rights Watch, “Only Men Need Apply: Gender Discrimination in Job Advertisements in China,” April 2018, 6.

¹⁵Lin Lin, “China’s Women’s Rights Movement: How Far Can They Go?” [Zhongguo nuquan yundong: tamen hai neng zou duo yuan?], BBC, 26 September 17.

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¹⁷Yang Zhichu, “Combating Sexual Harassment: #MeToo in China?” [Fanji xing saorao: #MeToo zai zhongguo?], Voice of America, 13 January 18; Javier C. Hernández and Zoe Mou, “‘Me Too,’ Chinese Women Say. Not So Fast, Say the Censors,” New York Times, 28 January

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- ¹⁸ Jiayun Feng, "I Am a Woman Worker at Foxconn, and I Demand a System That Opposes Sexual Harassment: A Translated Essay," *SupChina*, 26 January 18.
- ¹⁹ Catherine Lai, "No #MeToo in China? Female Journalists Face Sexual Harassment, but Remain Silent," *Hong Kong Free Press*, 5 December 17; Aaron Halegua et al., "What Is the Significance of China's #MeToo Movement?" *Asia Society, ChinaFile*, 20 March 18; Jiayun Feng, "#MeToo in China Reaches the Nonprofit and Media Worlds," *SupChina*, 26 July 18.
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- ²⁶ "#MeToo in China: The Story Beyond Censorship," *Elephant Room (blog)*, 13 February 18.
- ²⁷ *Ibid.*
- ²⁸ Han Xiaotong, "Ministry of Education Revokes Chen Xiaowu's 'Yangtze River Scholar' Title, Halts Payment and Requires Return of Stipend" [*Jiaoyu bu jue ding chexiao chen xiaowu 'chang jiang xuezhe' chenghao, tingfa bing zhuihui yifa jiangjin*], *The Paper*, 14 January 18.
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- ³⁴ Mimi Lau, "After #MeToo Success, Chinese Rights Activists Urge Lawmakers To Join the Fight Against Sexual Harassment," *South China Morning Post*, 8 March 18.
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⁴⁶PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, 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.

⁴⁷Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 2.

⁴⁸Ibid., 19–20.

⁴⁹Ibid., 30.

⁵⁰Ibid., 33.

⁵¹Ibid., 6, 22–23.

⁵²World Economic Forum, "The Global Gender Gap Report 2017," 2 November 17, 120–21. According to the World Economic Forum report, in 2017 women remained underrepresented in management positions, with 20.1 percent of firms including women in top-level management.

⁵³Ibid.

⁵⁴Sukti Dasgupta et al., International Labour Organization, "Women in the Labour Market in China," ILO Asia-Pacific Working Paper Series, May 2015, 18–19. See also World Economic Forum, "The Global Gender Gap Report 2017," 2 November 17, 120–21.

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⁵⁶Ibid., 8.

⁵⁷Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 10.

⁵⁸Yingchun Ji and Shuangshuang Yang, "A Gendered Reading of China's Two-Child Policy," University of Nottingham, Asia Research Institute, Asia Dialogue, 19 September 17.

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⁶¹Ibid.; Yang Yue, "CPPCC Member Li Shouzheng: Seventy Percent of Women Worry That Second Child Will Affect Career Development, Recommend Extending Maternity Leave for Second Child" [Li shouzheng weiyuan: qicheng nuxing danxin er hai yingxiang zhiye fazhan jianyi yanchang er hai chanjia], China Youth Net, 8 March 18.

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⁶³China Labour Bulletin, "Workplace Discrimination," last visited 23 April 18; Human Rights Watch, "Only Men Need Apply: Gender Discrimination in Job Advertisements in China," April 2018, 3–4.

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⁶⁵Fu Yang, "New Discrimination Dilemmas for Female Employment: From 'Married With Child' to 'Two Children'" [Xin qishi kunrao nuxing jiuye cong "yihun yiyu" dao "yisheng ertai"], Beijing Daily, 20 December 17.

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⁶⁷PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, arts. 59–61, 63; State Council, Special Provisions for the Protection of Female Employees' Labor [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12, Appendix, para. 1 (labor restrictions for all women), para. 2 (labor restrictions during menstruation), para. 3 (labor restrictions during pregnancy), para. 4 (labor restrictions while breastfeeding).

⁶⁸"New Issues Related to Women's Land Rights Amid Rural Reforms and the Way To Overcome Them" [Nongcun bianqian zhong funu tudi quanyi xin wenti ji pojie zhidao], China Women's News, reprinted in All-China Women's Federation, 19 December 17; Qianqian Law Firm, "Beijing Municipality Qianqian Law Firm Recommendations for Amending the 'Rural Land Contract Law (Draft)'" [Beijing shi qianqian lushi shiwusuo guanyu "nongcun tudi chengbao fa (cao'an)" de xiugai yijian], 26 December 17.

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⁷⁰Tian Shanlei, "Protecting Women's Land Rights While Intensifying Rural Reform" [Zai shenhua nongcun gaige zhong weihi funu tudi quanyi], China Women's News, 5 March 18.

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gaige zhong weihu funu tudi quanyi], China Women's News, reprinted in All-China Women's Federation, 5 March 18.

⁷² PRC Anti-Domestic Violence Law [Zhonghua renmin gongheguo fan jiating baoli fa], passed 27 December 15, effective 1 March 16, chap. 4.

⁷³ Fu Danni et al., "Two Years Under Anti-Domestic Violence Law, Effectiveness of Protection Orders Awaits Reinforcement" [Fan jiabao fa shishi liang zhou nian, renshen anquan baohu ling shishi xiaoli rendai jiaqiang], The Paper, 1 March 18. See also CECC, 2016 Annual Report, 6 October 16, 180.

⁷⁴ Equality, "Monitoring Report on Implementation of the 'PRC Anti-Domestic Violence Law'" ["Zhonghua renmin gongheguo fandui jiating baoli fa" shishi jiance baogao], 15 December 17.

⁷⁵ Ibid.

HUMAN TRAFFICKING

Defining Human Trafficking

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol),¹ China is obligated to enact legislation criminalizing human trafficking as defined by the UN TIP Protocol.² The definition of human trafficking under the PRC Criminal Law,³ however, remains inconsistent with UN TIP Protocol standards.⁴ The UN TIP Protocol definition of human trafficking involves three components: the action of recruiting, transporting, harboring, or receiving persons; the means of coercion, deception, or control;⁵ and “the purpose of exploitation,” including sexual exploitation or forced labor.⁶ Chinese law focuses on the act of selling a woman or child,⁷ rather than the purpose of exploitation.⁸ The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the UN TIP Protocol,⁹ including certain types of non-physical coercion;¹⁰ offenses against male victims;¹¹ and forced labor,¹² though forced labor is illegal under a separate provision of the law.¹³ In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions.¹⁴ Under the UN TIP Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.¹⁵ Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;¹⁶ in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.¹⁷

Trends and Developments

CROSS-BORDER TRAFFICKING

China remains¹⁸ a destination country for human trafficking, particularly of women and children from Southeast Asia,¹⁹ and a source country for trafficking to the United States and Europe.²⁰ This past year, the Commission observed regional and international news media reports of the trafficking of women and girls to China for forced marriage from Burma (Myanmar),²¹ Cambodia,²² Laos,²³ and Vietnam;²⁴ and the trafficking of individuals to China from Burma, Cambodia, Indonesia, and Vietnam for the purpose of forced labor.²⁵ Chinese nationals were trafficked this past year to the United States for the purposes of sexual exploitation and forced labor.²⁶ In addition, in March 2018, the U.S. Department of Labor finalized settlements requiring four China-based companies operating in the U.S. territory of Saipan, Northern Mariana Islands, to pay nearly US\$14 million in wages and compensation to thousands of Chinese workers.²⁷ The China-based companies, including the state-owned enterprise MCC International, brought the Chinese construction workers to Saipan to build a casino under conditions one expert called a “classic trafficking and forced labor scenario.”²⁸

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT) and the U.S. Department of State, men, women, and children were trafficked within China's borders for forced labor, forced begging, and sexual exploitation.²⁹ During this reporting year, the Commission observed multiple cases of trafficking for the purpose of forced labor, including one case in which traffickers kidnapped homeless men and forced them to work in a factory,³⁰ and another in which traffickers abducted men with intellectual disabilities for the purpose of forced begging.³¹ Moreover, many of China's workers in construction and other industries reportedly worked in conditions that may constitute forced labor, facing frequent non-payment of wages.³² [For more information on the problem of wage arrears, see Section II—Worker Rights.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government continued³³ to subject individuals to forced labor during pretrial detention and in administrative detention centers. The International Labour Organization's (ILO) definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . .,"³⁴ yet the Commission observed reports this past year of individuals in China performing forced labor in detention before trial.³⁵ Moreover, authorities continued³⁶ to detain suspected drug users without trial or conviction and reportedly required them to perform labor in a form of administrative detention known as compulsory drug detoxification.³⁷ As the government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes human trafficking under the UN TIP Protocol³⁸ for the purpose of forced labor as defined by the ILO.³⁹ Detention in compulsory drug detoxification centers is similar to reeducation through labor (RTL),⁴⁰ an administrative punishment in which detainees were subjected to forced labor⁴¹ without judicial process.⁴² After abolishing RTL in 2013,⁴³ authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.⁴⁴ Authorities have continued⁴⁵ to detain individuals accused of prostitution for up to two years without due process and require them to perform labor in a form of administrative detention known as "custody and education."⁴⁶ In February and March 2018, several delegates to the Chinese People's Political Consultative Conference noted similarities between RTL and "custody and education" and called for abolishing or reforming the system.⁴⁷

Radio Free Asia (RFA) reported in October 2017 that authorities in Hotan prefecture, Xinjiang Uyghur Autonomous Region (XUAR), required some Uyghur women and children to perform forced labor.⁴⁸ An anonymous police officer told RFA that the local government sent hundreds of Uyghur women and children to labor in neighboring Aksu prefecture, XUAR.⁴⁹ Authorities had reportedly detained the Uyghurs' male relatives in "political reeducation" centers.⁵⁰ According to RFA, the police officer stated that if the women and children refused to perform labor, they could be sent to "political reeducation" centers.⁵¹ [For more information on "political reeducation" centers, see Section IV—Xinjiang.]

Risk Factors

This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on worker rights exacerbated this risk. Despite reforms,⁵² the government continues to use the household registration (*hukou*) system to restrict internal migration.⁵³ Migrants have limited access to housing and government benefits⁵⁴ and are more likely to work in informal employment.⁵⁵ The *hukou* system reportedly exacerbates these migrants' vulnerability to trafficking for the purpose of forced labor.⁵⁶ The Chinese government limits workers' right to freedom of association by restricting independent unions.⁵⁷ A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association "directly contributes" to human trafficking.⁵⁸ [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

In addition to domestic human trafficking, individuals from other Asian countries face the risk of human trafficking in China. A lack of economic opportunity in Southeast Asian countries contributes to human trafficking from that region.⁵⁹ Women and girls in these countries are particularly at risk of trafficking for the purpose of forced marriage.⁶⁰ The Chinese government continued to treat North Korean refugees as economic migrants and maintained a policy of repatriating undocumented North Koreans,⁶¹ leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage.⁶² [For more information, see Section II—North Korean Refugees in China.]

Decades of government-imposed birth limits combined with a traditional preference for sons has led to a sex ratio imbalance in China.⁶³ In rural areas, this imbalance is more pronounced as many women have migrated to cities for work.⁶⁴ The sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage.⁶⁵ [For more information on China's population policies, see Section II—Population Control.]

The government of the Democratic People's Republic of Korea (DPRK) reportedly continued⁶⁶ to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor.⁶⁷ Reporting from this past year indicated that DPRK security personnel accompanied the workers to China, subjecting workers to constant monitoring.⁶⁸ The DPRK government reportedly withheld, on average, 70 percent of the workers' earnings.⁶⁹ While reports from October 2017 indicated that many of these workers had been or would be sent back to North Korea due to the Chinese government's enforcement of UN sanctions,⁷⁰ the DPRK reportedly began sending workers to China again in March 2018, possibly in violation of UN sanctions.⁷¹

Anti-Trafficking Efforts

During the Commission's 2018 reporting year, government figures indicated a decline in the number of criminal human trafficking cases opened by public security officials. According to the 2017 China Law Yearbook, public security officials opened 7,121 criminal cases involving the trafficking of women and children in

2016.⁷² This was 22 percent fewer cases than the 9,150 cases opened in 2015.⁷³ The National Bureau of Statistics of China further reported that in 2016, authorities uncovered 618 cases of child trafficking,⁷⁴ down from 756 cases in 2015.⁷⁵ All figures likely include cases of illegal adoptions,⁷⁶ while excluding other cases such as offenses against male victims⁷⁷ and forced labor.⁷⁸

The Chinese government continued⁷⁹ to participate in multilateral anti-trafficking events and engaged in bilateral cooperation with neighboring countries to combat human trafficking. The Chinese government's involvement in multilateral efforts included participation in a September 2017 Coordinated Mekong Ministerial Initiative Against Trafficking⁸⁰ event to develop new guidelines for fair recruitment practices,⁸¹ and a March 2018 research seminar jointly organized by the Supreme People's Court, Supreme People's Procuratorate, and the International Organization for Migration.⁸² Additionally, regional media reported that the Chinese government expanded cooperation with the governments of Burma, Cambodia, and Laos to combat cross-border human trafficking.⁸³

Hong Kong

Hong Kong remained⁸⁴ a destination for human trafficking, with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2017 annual digest reported that in 2016, there were over 350,000 MDWs working for households in Hong Kong, the majority of whom came from the Philippines and Indonesia.⁸⁵ Non-governmental organizations (NGOs), advocates, and MDWs themselves reported that MDWs continue to face exploitative working conditions, including inadequate living conditions, little time off, restrictions on movement, and in some cases physical and emotional abuse.⁸⁶ Local NGOs report that MDWs are often in debt due to excessive fees paid to employment agencies both in their countries of origin and in Hong Kong.⁸⁷ Two regulations—requiring MDWs to live with their employers (live-in rule)⁸⁸ and to leave Hong Kong within two weeks of termination of a contract⁸⁹—reportedly contribute to MDWs' risk of exploitation for forced labor.⁹⁰ In February 2018, the High Court of the Hong Kong Special Administrative Region (High Court) ruled against an MDW who sought judicial review of the live-in rule.⁹¹ The judge opined that MDWs who dislike the live-in rule could choose to terminate their employment.⁹² An NGO representing migrant workers in Hong Kong argued the High Court was “complicit in maintaining the slave-like conditions of MDWs.”⁹³ In addition to facing abuse in Hong Kong, local media reported in November 2017 that Hong Kong employment agencies in recent years may have trafficked Filipino MDWs to other countries for the purpose of forced labor.⁹⁴

The Hong Kong government maintained that comprehensive anti-trafficking legislation was unnecessary and that human trafficking in Hong Kong was rare. The definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons “for the purpose of prostitution” and not other forms of trafficking such as forced labor or trafficking that occurs solely within Hong Kong.⁹⁵ In December 2016, the High Court ruled that the Hong Kong government had an obligation under the

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Bill of Rights Ordinance “to enact measures to ensure the prohibition of forced or compulsory labour.”⁹⁶ The government argued in its appeal that current Hong Kong laws and policies were sufficient to protect potential victims of trafficking.⁹⁷ In March 2018, the government claimed that human trafficking “is neither widespread nor prevalent in Hong Kong,” and noted a new action plan aimed at improving protections for MDWs through increasing victim screening mechanisms and other administrative measures.⁹⁸ Advocates welcomed the plan, but argued that Hong Kong needed anti-trafficking legislation in order to effectively combat human trafficking.⁹⁹ In August 2018, the Court of Appeal ruled that the Bill of Rights Ordinance did not cover human trafficking and thus the Hong Kong government did not have an obligation to enact criminal legislation prohibiting human trafficking.¹⁰⁰ While China acceded to the UN TIP Protocol in 2010, the Chinese central government has not extended the Protocol to apply to Hong Kong.¹⁰¹

Notes to Section II—Human Trafficking

¹United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 14 May 18.

²Protocol 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, art. 5.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, 28 March 17, para. 14.

³PRC 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, 4 November 17, art. 240. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, Library of Congress, “Training Related to Combating Human Trafficking: China,” February 2016.

⁴Protocol 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. Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol, Article 3(a)), the trafficking of men (covered under the definition of “trafficking in persons” in Article 3(a) of the UN TIP Protocol), and providing the “purpose of exploitation” (see UN TIP Protocol, Article 3(a)). For an examination of the ways in which Chinese laws are inconsistent with the UN TIP Protocol, see Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 148–77.

⁵Protocol 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c), (d). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.

⁶UN Office on Drugs and Crime, “What Is Human Trafficking?” last visited 14 May 18; 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the UN TIP Protocol, see International Labour Office, International Labour Organization, “Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement,” 2005, 7–15; International Labour Office, International Labour Organization, “Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children,” Second Edition, 2012, 12, 19; International Labour Organization, “Questions and Answers on Forced Labour,” 1 June 12.

⁷PRC 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, 4 November 17, art. 240. The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].”

⁸Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159.

⁹*Ibid.*, 151, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also UN Office on Drugs and Crime, “What Is Human Trafficking?” last visited 14 May 18.

¹⁰Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

¹¹Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 160, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; 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 UN General Assembly resolution

55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” See also Supreme People’s Court Information Center and Judicial Cases Research Institute, “Judicial Big Data Special Report on Crimes Involving Trafficking” [Sifa da shuju zhuanli baogao she guai fanzui], 22 December 16, 11.

¹²Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

¹³PRC 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, 4 November 17, art. 244. See also Laney Zhang, Library of Congress, “Training Related to Combating Human Trafficking: China,” February 2016.

¹⁴Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 139; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 166–67, 170–71; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” In contrast, the purpose of exploitation is a key element of the UN TIP Protocol definition of human trafficking. For reports from the 2018 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Zhao Junxi, “China Intensifies Crackdown on Child Trafficking,” *Global Times*, 27 October 17; Mao Yizhu and Zhan Yijia, “Guangdong: First-Instance Judgment Issued, 26 Criminally Sentenced in Major Child Trafficking Case” [Guangdong: yi qi teda guaimai ertong an yishen xuanpan 26 ren bei panxing], *Xinhua*, 1 February 18.

¹⁵Protocol 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 UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c). The purpose of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, 3 November 00, para. 66; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 171.

¹⁶Heidi Stöckl et al., “Trafficking of Vietnamese Women and Girls for Marriage in China,” *Global Health Research and Policy*, Vol. 2, No. 28 (9 October 17); Mi Ki Kyaw Myint, “Can Myanmar’s Libraries Help Combat Human Trafficking?” *Asia Foundation*, 28 March 18; Jay Song, “Labour Migration as Complementary Pathways for Refugees in the Asia-Pacific,” *Lowy Institute for International Policy, Migration and Border Policy Project Working Paper Number 9*, April 2018, 2.

¹⁷Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 139; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 177.

¹⁸For information on cross-border trafficking to and from China in previous reporting years, see CECC, 2017 Annual Report, 5 October 17, 186; CECC, 2016 Annual Report, 6 October 16, 186; CECC, 2015 Annual Report, 8 October 15, 184.

¹⁹See, e.g., “Crackdown on Human Traffickers Reveals ‘Vietnamese Bride’ Trade,” *Global Times*, 19 February 18; Nick Baker, “The Child Bride Trade Is Booming in Myanmar as the Gender Gap Bites in China,” *ABC*, 7 October 17; Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017, 26, 134.

²⁰See, e.g., Katherine Fung, “Sisters’ Help Women Sex Trafficked From China Flee U.S. Massage Parlors,” *Reuters*, 12 March 18; EU-China Dialogue on Migration and Mobility Support Project, International Organization for Migration and International Labour Organization, “Seminar for Facilitating Network Building Among Anti-Trafficking Criminal Investigation Experts, 16–17 January 2018, Sanya, Summary Report,” last visited 14 May 18, 2, 4; Suzanne L.J. Kragten-Heerdink et al., “More Than Just ‘Pushing and Pulling’: Conceptualizing Identified Human Trafficking in the Netherlands,” *Crime & Delinquency*, 5 September 17.

²¹Nick Baker, “The Child Bride Trade Is Booming in Myanmar as the Gender Gap Bites in China,” *ABC*, 7 October 17; Su Myat Mon, “Women Targeted by Rampant Human Trafficking

in Kachin,” *Frontier Myanmar*, 11 December 17; Nay Myo Win, “61 Human Trafficking Cases Recorded in Three Months,” *Eleven*, 8 April 18.

²²Niem Chheng and Daphne Chen, “Woman Gets 7 Years for China Bride Scam,” *Phnom Penh Post*, 8 January 18. See also Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017.

²³Ron Corben, “UN Expert Calls on Laos To Boost Support for Child Sex Abuse Victims, Voice of America, 27 November 17; “Do Not Marry for Money,” *Radio Free Asia*, 17 April 18.

²⁴“Crackdown on Human Traffickers Reveals ‘Vietnamese Bride’ Trade,” *Global Times*, 19 February 18; “Demand for Wives in China Endangers Women Who Live on Its Borders,” *Economist*, 4 November 17; “Human Traffickers Sentenced, Vietnamese Mail-Order Brides Rescued,” *Global Times*, 22 November 17. See also Heidi Stöckl et al., “Trafficking of Vietnamese Women and Girls for Marriage in China,” *Global Health Research and Policy*, Vol. 2, No. 28 (9 October 17).

²⁵Zarni Mann, “Two Men Arrested in Mandalay Over Foiled Attempt To Send 52 Illegal Workers to China,” *Irrawaddy*, 23 February 18; “Myanmar Steps Up Combating Human Trafficking,” *Xinhua*, 8 December 17; “Police Uncover Alleged Human Trafficking of Indonesians Into China,” *Jakarta Post*, 24 November 17. See also Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017, 26, 134.

²⁶Katherine Fung, “‘Sisters’ Help Women Sex Trafficked From China Flee U.S. Massage Parlors,” *Reuters*, 12 March 18; Kristin Hoppa and Tommy Witherspoon, “Authorities Raid Vegas Buffet in Labor Trafficking Investigation,” *Waco Tribune-Herald*, 1 June 18.

²⁷U.S. Department of Labor, “U.S. Department of Labor Investigation Finds \$13.9 Million Due to Thousands of Chinese Employees Working on Saipan Casino and Hotel,” 5 March 18.

²⁸Sophia Yan, “Chinese Workers Tricked Into Illegal Work on Saipan,” *Associated Press*, 15 March 18. See also Liu Ruili, *China Metallurgical Group Corporation and Metallurgical Corporation of China Ltd.*, “MCC Group Forms MCC International Engineering Group Ltd. and Announces Leadership Appointments” [Zhongye jituan zujian zhongye guoji gongcheng jituan youxian gongsi bing xuanbu lingdao banzi renming jue ding], 25 March 13; *China Metallurgical Group Corporation and Metallurgical Corporation of China Ltd.*, “About Us,” last visited 30 May 18.

²⁹UN Action for Cooperation against Trafficking in Persons (UN-ACT), “China,” last visited 14 May 18; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 141.

³⁰Guo Shuhe and Liu Zhuoqun, “Capturing the Homeless To Labor for Free, Four in Shandong Sentenced for Forcing Others Into Labor” [Zhua liulanghan zuo mianfei laodongli shandong si ren yin qiangpo taren laodong huo xing], *Procuratorial Daily*, 26 February 18.

³¹Yujing Liu, “Chinese Father and Son Accused of Enslaving Mentally Ill Men and Forcing Them To Work as Beggars,” *South China Morning Post*, 5 April 18.

³²Peter Bengsten, “Hidden in Plain Sight: Forced Labour Constructing China,” *OpenDemocracy*, 22 March 18; “Tis the Season for Protests Over Unpaid Wages in China,” *Economist*, 14 December 17; *China Labour Bulletin*, “As Wage Arrears Escalate in the Run Up to the Lunar New Year, the Trade Union Needs To Act,” 21 November 17; *International Labour Organization*, “Questions and Answers on Forced Labour,” 1 June 12. The *International Labour Organization* lists “withholding of wages” as an indicator of forced labor.

³³For information from previous years on forced labor in pretrial and administrative detention, see CECC, 2017 Annual Report, 5 October 17, 187; CECC, 2016 Annual Report, 6 October 16, 187; CECC, 2015 Annual Report, 8 October 15, 186.

³⁴*International Labour Organization*, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2.1, 2.2(c); *International Labour Organization*, “Ratifications of CO29—Forced Labour Convention, 1930 (No. 29),” last visited 10 July 18. Article 2.1 defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” China has not ratified this convention.

³⁵Xu Yingyan et al., “SPP Launches Special Activities To Supervise and Protect Detainees’ Legal Rights and Interests” [Zuigaojian bushu kaizhan jiandu wei hu zai ya ren yuan he fa quan yi zhuanxiang huodong], *Procuratorial Daily*, 27 April 18; “Fushun Municipality Detention Center” [Fushun shi kanshousuo], *Clear Wisdom*, 25 June 18. See also PRC Public Security Bureau Detention Center Regulations [Zhonghua renmin gongheguo kanshousuo tiaoli], issued and effective 17 March 90, arts. 2, 33, 34; “Zhang Lin: Communist China’s Detention Center System—Extorting Confessions Through Torture” [Zhang lin: zhonggong guo kanshousuo zhidu—xingxun bigong], *Epoch Times*, 1 May 18; Zhang Peihong, “100 Facts About China’s Detention Centers (Full Version)” [Zhongguo kanshousuo bai tai (wanzheng ban)], Weibo, reprinted in *Ifeng*, 16 November 17.

³⁶For information on compulsory drug detoxification centers from previous reporting years, see CECC, 2017 Annual Report, 5 October 17, 187; CECC, 2016 Annual Report, 6 October 16, 187; CECC, 2015 Annual Report, 8 October 15, 186.

³⁷Beijing Municipality Drug Detoxification Management Bureau, *Regulations on Management of Compulsory Drug Detainees’ Production* [Beijing shi jiedu guanli ju qiangzhi geli jiedu ren yuan shengchan laodong guanli guiding], issued 1 February 18, effective 1 March 18; *Jinhua Municipal Bureau of Justice*, “Inspector Chen Zhong Visits Jiaxing Municipality Compulsory Drug Detoxification Center” [Chen zhong xunshiyuan dao jiaxing shi qiangzhi geli jiedu suo], 26 January 18; Wang Jian, “Visiting Shaanxi Women’s Compulsory Drug Detoxification Center: 80 Percent of Guards Are Female, Say They Are Made of ‘Cement’” [Tanfang shaanxi nu qiangzhi geli jiedu suo] nu ganjing zhan ba cheng, zi cheng “shuini” zuo del, *The Paper*, 8 March 18. 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, art. 34. 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.

³⁸ 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, art. 3(a). Compulsory drug detoxification center detainee labor can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as authorities engage in the “harbouring” and “receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation.” According to Article 3(a), exploitation includes “forced labour.” See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2017, 126, 128.

³⁹ International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2. See also Patrick Tibke, International Drug Policy Consortium, “Drug Dependence Treatment in China: A Policy Analysis,” February 2017, 8; Human Rights Watch, “Where Darkness Knows No Limits: Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China,” January 2010, 27–31.

⁴⁰ Amnesty International, “Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China,” 17 December 13, 9.

⁴¹ *Ibid.*, 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.

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NORTH KOREAN REFUGEES IN CHINA

Introduction

During the Commission's 2018 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, forced labor, execution, and other inhuman treatment.¹ The Chinese government regards North Korean refugees in China as illegal economic migrants² and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK.³ China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.⁴ China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."⁵

Repatriation of Refugees and Border Conditions

This past year, heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face, and may be limiting the outflow of refugees from the DPRK. South Korean Ministry of Unification data indicated that 1,127 North Korean refugees reached South Korea in 2017, continuing a trend of significant decline since 2009 when the yearly number of refugees entering South Korea peaked at 2,914.⁶ The North Korean government's imprisonment and torture of repatriated North Koreans render North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.⁷ The Chinese government, however, has refused to recognize them as such, insisting that the refugees are illegal economic migrants.⁸ According to South Korea-based news media Daily NK, after North Korean leader Kim Jong-un's March 2018 visit to China, Chinese authorities increased the monetary reward for reporting North Korean refugees hiding inside China.⁹ As a result, Chinese authorities reportedly caught and detained many North Korean refugees.¹⁰

Throughout the 2018 reporting year, Chinese authorities reportedly detained, and in some cases, repatriated North Korean refugees to the DPRK:

- **September 2017.** Chinese authorities reportedly detained a group of eight North Korean refugees near the China-Laos border.¹¹
- **November 2017.** Chinese authorities reportedly detained a group of 10 North Korean refugees—which included a young boy, his mother, and a nuclear scientist—in Shenyang municipality, Liaoning province.¹² Authorities later repatriated the group to the DPRK, after which the nuclear scientist reportedly committed suicide in detention.¹³ According to an April 2018 Telegraph report, in a rare event, North Korean authorities released the mother and the boy, possibly as a result of an

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“improvement in inter-Korean relations” and “pressure from the international community.”¹⁴

- **March 2018.** Prior to North Korean leader Kim Jong-un’s visit to China in late March, Chinese authorities reportedly detained seven North Korean refugees in the following two locations: a railway station in Shenyang and an unknown location in Kunming municipality, Yunnan province, near the China-Laos border.¹⁵ Chinese authorities reportedly detained an additional 30 North Korean refugees during and after Kim’s visit to China.¹⁶ The South Korean government reportedly considered stepping up efforts to prevent repatriation of North Korean refugees in China following the detention of the 30 refugees.¹⁷ According to reports, Chinese authorities released the 30 refugees due to international pressure.¹⁸

- **July to August 2018.** Chinese authorities reportedly detained a married North Korean couple at an unknown location in early July, after which the wife committed suicide in detention.¹⁹ Chinese authorities repatriated the husband and the wife’s body to the DPRK in August.²⁰

Crackdown on Foreign Missionaries

During this reporting year, Chinese authorities appeared to have intensified crackdowns on organizations and individuals, particularly South Korean Christian missionaries and churches, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.

- **December 2017 to January 2018.** According to international media reports, Chinese authorities deported 32 South Korean missionaries who had been based in Yanji city, Yanbian Korean Autonomous Prefecture (KAP), Jilin province.²¹ Some of the missionaries reportedly had been assisting North Korean refugees.²²

- **February 2018.** According to international media reports, the South Korean Ministry of Foreign Affairs confirmed that Chinese authorities had detained several South Korean missionaries in Yanbian KAP, including a missionary surnamed Kim who was detained for violating immigration law.²³ Chinese authorities also reportedly detained four Christian missionaries in Yanji, including two Chinese citizens and a Korean American.²⁴

Furthermore, according to South Korean and international media reports, Chinese authorities in the three northeastern provinces of Heilongjiang, Jilin, and Liaoning have expelled hundreds of South Korean missionaries since late 2016.²⁵ The expulsion of South Korean missionaries reportedly has resulted in the closure of many South Korean-run churches in the region.²⁶ Approximately 1,000 South Korean missionaries reportedly had been working in China, mostly in the northeast region.²⁷ Many of these missionaries have assisted North Korean refugees in fleeing to South Korea and other countries.²⁸ Sources also indicate that the expulsion of South Korean missionaries may be connected to Chinese authorities’ crackdown on “illicit religious activities.”²⁹

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for 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 may encourage 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 of women.³⁴ [For more information on the sex ratio imbalance and the trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to the children's lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranges between 20,000 and 30,000.³⁵ The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.³⁶ Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality.³⁷ Without proof of resident status, these children are unable to access education and other public services.³⁸ The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child.³⁹

Notes to Section II—North Korean Refugees in China

¹ See, e.g., “Fear of Forced Repatriation Rising Among Defectors in China,” *Daily NK*, 12 October 17; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In November 2015, in its *Concluding Observations on the Fifth Periodic Report of China*, the UN Committee against Torture noted that “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.”

² Human Rights Watch, “Human Rights in North Korea,” 5 June 18; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; “Experts Urge Pressure China To Stop Repatriating Defectors,” *Daily NK*, 15 November 17.

³ Democratic People’s Republic of Korea Ministry of State Security and 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 8 July 98, effective 28 August 98, arts. 4, 9. 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.”

⁴ Convention 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(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .” Article 33 of the 1951 Convention mandates that, “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” United Nations Treaty Collection, Chapter V, *Refugees and Stateless Persons, Convention Relating to the Status of Refugees*, last visited 16 April 18. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. 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; United Nations Treaty Collection, Chapter V, *Refugees and Stateless Persons, Protocol Relating to the Status of Refugees*, last visited 16 April 18. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982. See also Human Rights Watch, “Human Rights in North Korea,” 5 June 18; Evan Jones, “North Koreans Can’t Escape Human Rights Abuses, Even When They Flee,” *Huffington Post*, 25 January 18.

⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” United Nations Treaty Collection, Chapter IV, *Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, last visited 16 April 18. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In February 2016, in its *Concluding Observations on the Fifth Periodic Report of China’s compliance with the Convention*, the UN Committee against Torture stated its concerns about China’s lack of “national asylum legislation and administrative procedures” for determining refugee status, as well as China’s “rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons.” See also Evan Jones, “North Koreans Can’t Escape Human Rights Abuses, Even When They Flee,” *Huffington Post*, 25 January 18.

⁶ Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” last visited 10 July 18; “No. of Defections by North Koreans Falls 21 Pct in 2017: Data,” *Yonhap News Agency*, 5 January 18; “North Korean Defector Numbers Slump as Controls Tighten,” *Agence France-Presse*, reprinted in *South China Morning Post*, 5 January 18.

⁷ UN High Commissioner for Refugees, *Refugee Protection and International Migration*, 17 January 07, paras. 20–21; Human Rights Watch, “Human Rights in North Korea,” 5 June 18; Ariana King, “North Korean Defector Describes Horrors Following Chinese Repatriation,” *Nikkei Asian Review*, 12 December 17.

⁸ Human Rights Watch, “Human Rights in North Korea,” 5 June 18; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; “Antonio Guterres To Be Next UN Secretary-General,” *Dong-a Ilbo*, 7 October 16.

⁹ “Chinese Authorities Raise Reward Money for North Korean Defectors,” *Daily NK*, 24 April 18.

¹⁰ *Ibid.*

¹¹ “North Korean Authorities Resort to All Tactics To Catch Defectors,” *Daily NK*, 27 October 17.

¹² Sofia Lotto Persio, “North Korean Defector Numbers Fall to Lowest Level Since Kim Jong Un Took Power,” *Newsweek*, 5 January 18; “North Korean Nuclear Scientist Commits Suicide on Forced Return From China,” *Radio Free Asia*, 28 December 17; Taehoon Lee and Joshua Berlinger, “Defector’s Family Returned to North Korea After Being Caught in China,” *CNN*, 29 November 17.

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¹³Sofia Lotto Persio, "North Korean Defector Numbers Fall to Lowest Level Since Kim Jong Un Took Power," *Newsweek*, 5 January 18; "North Korean Nuclear Scientist Commits Suicide on Forced Return From China," *Radio Free Asia*, 28 December 17.

¹⁴Nicola Smith, "North Korea Releases Young Mother Caught Trying To Defect, in Unusual Move Amid Diplomatic Thaw," *Telegraph*, 9 April 18.

¹⁵Kim Myong-song, "7 N. Korean Defectors Arrested in China," *Chosun Ilbo*, 30 March 18.

¹⁶"Yielding to International Pressure, China Releases 30 North Korean Defectors" [Qufu yu guoji yali zhongguo shifang 30 ming tuobeizhe], *Liberty Times Net*, 17 April 18; Dagyum Ji, "Seoul May Send Staff to China-DPRK Border To Prevent Defector Repatriations: MOU," *NK News*, 6 April 18.

¹⁷Dagyum Ji, "Seoul May Send Staff to China-DPRK Border To Prevent Defector Repatriations: MOU," *NK News*, 6 April 18.

¹⁸"Bowling to International Pressure? China's Rare Release of 30 North Korean Defectors" [Xiang guoji yali ditou? zhongguo hanjian fu shifang 30 ming tuobeizhe], *Apple Daily*, 17 April 18; Lee Kil-seong, "China Frees 30 N. Korean Defectors," *Chosun Ilbo*, 18 April 18; "Yielding to International Pressure, China Releases 30 North Korean Defectors" [Qufu yu guoji yali zhongguo shifang 30 ming tuobeizhe], *Liberty Times Net*, 17 April 18.

¹⁹Kim Yoo Jin, "Defectors Choose Suicide Over Arrest and Repatriation," *Daily NK*, 16 August 18.

²⁰*Ibid.*

²¹Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; "Many South Korean Christian Missionaries Detained in China and Expelled" [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17.

²²"Many South Korean Christian Missionaries Detained in China and Expelled" [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17.

²³*Ibid.*; Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17.

²⁴"Many South Korean Christian Missionaries Detained in China and Expelled" [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17; Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17.

²⁵"China Expells Hundreds of South Korean Christians," *BosNewsLife*, 10 December 17; Zhuang Ruimeng, "Missionaries Expelled by China for Assisting North Korean Defectors" [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, "China Deports Christians for Supporting North Korea Defectors," *Express*, 31 October 17.

²⁶"China Expells Hundreds of South Korean Christians," *BosNewsLife*, 10 December 17; Zhuang Ruimeng, "Missionaries Expelled by China for Assisting North Korean Defectors" [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, "China Deports Christians for Supporting North Korea Defectors," *Express*, 31 October 17.

²⁷Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; Zhuang Ruimeng, "Missionaries Expelled by China for Assisting North Korean Defectors" [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, "China Deports Christians for Supporting North Korea Defectors," *Express*, 31 October 17.

²⁸Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; Zhuang Ruimeng, "Missionaries Expelled by China for Assisting North Korean Defectors" [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, "China Deports Christians for Supporting North Korea Defectors," *Express*, 31 October 17.

²⁹Zhuang Ruimeng, "Missionaries Expelled by China for Assisting North Korean Defectors" [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Chen Jianyu, "To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries" [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; "China Expells [sic] Hundreds of South Korean Christians," *BosNewsLife*, 10 December 17.

³⁰See, e.g., Steven W. Mosher, "North Korea Exports Women to China," *Fox News*, 12 December 17; Matthew Little, "Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons," *Epoch Times*, 14 December 17; Thomas Maresca, "Why the Overwhelming Majority of North Korean Defectors Are Women," *USA Today*, 10 December 17.

³¹Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," last visited 10 July 18. South Korean Ministry of Unification data show that as of July 2018, 83 percent of North Korean refugees (1,127) who entered South Korea in 2017 were females; and 72 percent of all North Korean refugees (31,827) who entered South Korea since 1998 were females. See also Erik Ortiz, "Two Decades After Being Sold, North Korean Woman Finds Salvation in Seoul," *NBC News*, 23 February 18; Faras Ghani, "'Father of Defectors' on Life After North Korea," *Al Jazeera*, 21 February 18.

³²Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency*, 22 December 17; Steven W. Mosher, "North Korea Exports Women to China," *Fox News*, 12 December 17; Matthew Little, "Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons," *Epoch Times*, 14 December 17.

³³Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency*, 22 December 17; Matthew Little, "Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons," *Epoch Times*, 14 December 17; Casey

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Lartigue, Jr., "North Korean Defectors' Take on '#MeToo' Campaign," *Korea Times*, 14 February 18.

³⁴ Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 10 July 18. China signed the Convention on July 17, 1980, and ratified it on November 4, 1980. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6–9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, last visited 10 July 18. China acceded to the Protocol on February 8, 2010.

³⁵ Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency*, 22 December 17; Rachel Judah, "On Kim Jong-un's Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition," *Independent*, 7 January 18.

³⁶ PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed and effective 10 September 80, art. 4. Article 4 of the PRC Nationality Law provides that, "Any person born in China whose parents are both Chinese nationals and one of whose parents is a Chinese national shall have Chinese nationality."

³⁷ Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency*, 22 December 17; Rachel Judah, "On Kim Jong-un's Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition," *Independent*, 7 January 18.

³⁸ Kim Kwang-tae, "Journey to Freedom by N. Korean Victims of Human Trafficking," *Yonhap News Agency*, 22 December 17; Rachel Judah, "On Kim Jong-un's Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition," *Independent*, 7 January 18.

³⁹ Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality. See also Evan Jones, "North Koreans Can't Escape Human Rights Abuses, Even When They Flee," *Huffington Post*, 25 January 18.

PUBLIC HEALTH

Institutional Developments

During the Commission's 2018 reporting year, the Chinese government and Communist Party implemented institutional reforms to support evolving public health priorities.¹ For example, in March 2018, authorities announced a plan to restructure Party and government agencies, including merging the National Health and Family Planning Commission and other agencies into a new National Health Commission.² According to the plan, the new commission will turn its focus away from treatment of disease to health more broadly, including such issues as China's aging population.³ A July 2018 State Council General Office guiding opinion further clarified the new commission's role, and called for implementation of Party policy and strengthened Party leadership.⁴ Authorities also engaged in international exchanges focused on public health issues, in line with recent official public health policy.⁵ For example, the Chinese government hosted an international symposium on HIV/AIDS in Beijing municipality in November 2017.⁶ The September 2017 inaugural U.S.-China Social and Cultural Dialogue included health among areas for potential bilateral cooperation.⁷

Health-Based Discrimination

Health-based discrimination in employment and education continued,⁸ despite protections in Chinese law.⁹ In one case reported in August 2017, authorities in Fuzhou municipality, Fujian province, cited physical examination results as grounds to deny a teaching job to Lin Chuanhua, whose right hand is missing and who achieved the top score on the application examination.¹⁰ At the time, Fujian provincial measures disqualified applicants with certain physical characteristics—including disabilities of the limbs¹¹—violating rights guaranteed in Chinese law.¹² In May 2018, the Fujian Provincial Bureau of Education amended the measures, removing the standards regarding disabilities of the limbs.¹³ In another case, Zhu Mingjian—who has a speech impediment—observed an advertisement for a desk job with the Zhuhai Municipal Fire Department, in Guangdong province, that disqualified disabled applicants.¹⁴ Zhu reportedly filed a complaint with the Zhuhai Municipal Bureau of Human Resources and Social Security,¹⁵ but the Commission did not observe further reports on this case. The Commission observed reports that schools in China continued to experience shortcomings with accessible facilities for disabled students.¹⁶ To meet the government's goal of increased school completion rates,¹⁷ this year authorities in different localities issued guidance¹⁸ implementing a July 2017 State Council General Office circular that included a focus on disabled students,¹⁹ such as prioritizing impoverished disabled students, sending teachers to the homes of severely disabled students, prioritizing funding to send disabled students to school, and developing educational materials for disabled students.²⁰

Transparency

Authorities continued to suppress public health information in sensitive cases.²¹ For example, for three months in 2017—between August and November—the Hunan Provincial Health and Family Planning Commission did not acknowledge publicly a tuberculosis outbreak at a high school in Taojiang county, Yiyang municipality, Hunan province, that resulted in 29 confirmed cases.²² When contacted, a county disease control official reportedly told a journalist that only Taojiang County Communist Party Committee propaganda officials were authorized to provide information about the incident.²³ Authorities later dismissed multiple county government and Party officials in connection to their mishandling of the incident.²⁴ In another case, in January 2018, authorities in Liangcheng county, Wulanchabu municipality, Inner Mongolia Autonomous Region, arrested medical doctor Tan Qindong²⁵ on suspicion of “damaging commodity reputation”²⁶ after he posted a warning online about the potential negative health effects of a medicinal wine sold by Inner Mongolia Hongmao National Pharmaceutical, which officials in Liangcheng planned to encourage to become a publicly listed company.²⁷ Authorities released Tan on bail in April 2018.²⁸

HIV/AIDS

This past year, authorities continued efforts—in some cases taking new approaches—to prevent the spread of HIV/AIDS,²⁹ but social stigma and authorities’ efforts to suppress HIV/AIDS rights advocacy continued. Authorities continued an opioid substitution program targeted at those who injected drugs³⁰—formerly the group at highest risk of HIV transmission—that has reportedly reduced transmission rates in recent years.³¹ Authorities also took steps to expand sex education for young people, as lack of knowledge appeared to contribute to rising HIV/AIDS rates among youth.³² The Commission observed some instances of schools introducing new forms of sex education and safe sex awareness among students.³³ A December 2017 report published the results of a study conducted by international non-governmental organization Asia Catalyst, finding that public security officials treated possession of condoms as grounds to punish individuals accused of prostitution, discouraging condom use and increasing risk of HIV transmission.³⁴ In late 2017, authorities reportedly warned HIV/AIDS rights advocate Sun Ya and other advocates not to demonstrate publicly on World AIDS Day, which is December 1.³⁵

Mental Health

People with mental illness—many of whom suffer from additional disadvantages—remained at risk of discrimination and faced inadequate access to medical care.³⁶ Over half of the 5.4 million people in China officially registered as “severely mentally ill”³⁷ reportedly lived in poverty (the Commission did not observe data for those who were not registered),³⁸ and a 2017 study found a connection between mental illness and various forms of social exclusion experienced by domestic rural migrants.³⁹

INVOLUNTARY, COMPULSORY, AND FORCED PSYCHIATRIC COMMITMENT

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as *bei jingshenbing*—to punish rights advocacy, despite protections in the PRC Mental Health Law⁴⁰ and related regulations.⁴¹ For example, in February 2018, authorities in Jiulongpo district, Chongqing municipality, reportedly forcibly committed multiple people protesting forced evictions and demolitions, including Deng Guangying, Zhang Fen, and Liu Deying.⁴² In July 2018, authorities in Shanghai municipality reportedly detained Dong Yaoqiong and transferred her to her native Hunan province, where officials forcibly committed her to a psychiatric facility in Zhuzhou municipality, after she posted online a video of herself defacing an image of President Xi Jinping.⁴³ Officials reportedly detained Dong’s father, Dong Jianbiao, on August 1 after he escaped soft detention and attempted to visit his daughter.⁴⁴ [For other examples, see Section II—Criminal Justice.]

In February 2018, the Supreme People’s Procuratorate reportedly released provisions clarifying the procuratorate’s role in supervising procedures that include psychiatric treatment and assessment in criminal cases,⁴⁵ such as psychiatric evaluations, court decisions, and transfers from public security authorities.⁴⁶ At least one procuratorial official reported that procuratorial officials faced difficulty ensuring the quality of medical care, due to their lack of specialized medical knowledge, and that their capabilities were limited primarily to administration, such as supervising completion of paperwork.⁴⁷ The provisions reportedly permitted procuratorial officials to consult expert sources with psychiatric knowledge,⁴⁸ but the actual effect of the provisions remained unclear.

Biometric Data Collection in the Xinjiang Uyghur Autonomous Region

This past year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) compelled residents to submit to the large-scale collection of biometric data intended for dual use by public health and public security authorities. The Region-Wide Accurate Population Registration and Verification Program⁴⁹ required collection of profile pictures, fingerprints, iris scans, and blood samples from people between the ages of 12 and 65, as well as from all “key persons” (*zhongdian ren yuan*, i.e., persons of “key” interest to security authorities) and their families regardless of age, for inclusion in a public security database.⁵⁰ The Yining (Ghulja) County People’s Government, in Ili (Yili) Kazakh Autonomous Prefecture, XUAR, outlined detailed procedures for the program, specifying that health officials would “rely on” medical exams of residents to collect blood type and DNA data, which health officials would then turn over to public security authorities.⁵¹ This program coincided with broader efforts by public security authorities in the XUAR to collect and integrate personal information to predict perceived threats to public security, as part of efforts to maintain “stability” or “harmony.”⁵² In addition, April and August 2018 reports from official media Xinhua and the People’s Daily indicated authorities began constructing a genetic database in Qinghai province and the Tibet Au-

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tonomous Region.⁵³ [For more information, see Section II—Criminal Justice, Section IV—Xinjiang, and Section V—Tibet.]

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¹For official descriptions of current public health policy frameworks, see, e.g., Chinese Communist Party Central Committee and State Council, “Outline of the Plan for ‘Healthy China 2030’” [“Jiankang zhongguo 2030” guihua gangyao], 25 October 16; State Council Information Office, “The Development of China’s Health and Progress in Human Rights” [Zhongguo jiankang shiye de fazhan yu renquan jinbu], 29 September 17.

²“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfu “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, art. 28; National Health Commission, “National Health Commission Convened Meeting of Leading Cadres” [Guojia weisheng jiankang weiyuanhui zhaokai lingdao ganbu huiyi], 23 March 18; “Reform! State Council Forms National Health Commission, Will Not Keep National Health and Family Planning Commission” [Gaige! Guowuyuan zujian guojia weisheng jiankang weiyuanhui, bu zai baoliu guojia weijiwei], Med66, reprinted in Sohu, 13 March 18; Grassroots Doctor Society, “National Health and Family Planning Commission Removed! New Ministry’s Duties Revealed” [Guojia weijiwei bei che! xin bumen zhize puguang le], reprinted in MedSci, 13 March 18. This change occurred in the context of a broader government restructuring. See, e.g., “China Unveils Cabinet Restructuring Plan,” Xinhua, 13 March 18.

³“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfu “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, art. 28.

⁴State Council General Office, Guiding Opinion on Reforming and Improving the System of Overall Supervision of the Healthcare Industry [Guanyu gaige wanshan yiliao weisheng hangye zonghe jianguan zhidu de zhidao yijian], issued 18 July 18, sec. 2(4), appendix 1.

⁵Chinese Communist Party Central Committee and State Council, “Outline of the Plan for ‘Healthy China 2030’” [“Jiankang zhongguo 2030” guihua gangyao], 25 October 16, foreword, chap. 26; State Council Information Office, “The Development of China’s Health and Progress in Human Rights” [Zhongguo jiankang shiye de fazhan yu renquan jinbu], 29 September 17, sec. 7.

⁶UNAIDS, “China Focuses on Strengthening HIV Prevention,” 16 November 17.

⁷Office of the Spokesperson, U.S. Department of State, “U.S.-China Social and Cultural Dialogue,” 29 September 17.

⁸See, e.g., Shi Youxing, “In Employment Discrimination, the Harm Goes Beyond Just Self-Esteem” [Jiuye qishi, shanghai de qizhi shi zizunxin], Procuratorial Wind and Cloud, 29 November 17; Cao Bin, “China’s ‘Born Again’ HIV Positive Patients,” Xinhua, 28 November 17; Bingfeng Han et al., “The Experience of Discrimination of Individuals Living With Chronic Hepatitis B in Four Provinces of China,” PLoS ONE, Vol. 13(4) (12 April 18); Zhongxuan Lin and Liu Yang, “Denial of Disability Discrimination by Disabled People in China,” China, Disability & Society, Vol. 33(5) (2018). For more information on health-based discrimination in previous reporting years, see CECC, 2017 Annual Report, 5 October 17, 205–06; CECC, 2016 Annual Report, 6 October 16, 205; CECC, 2015 Annual Report, 8 October 15, 204.

⁹National laws and regulations that promote equal access to employment and education and prohibit health-based discrimination include the following: PRC Law on the Protection of Persons With Disabilities [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, arts. 3, 30–40; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, effective 1 January 08, arts. 3, 29, 30; State Council, Regulations on the Treatment and Control of HIV/AIDS [Aizhibing fangzhi tiaoli], issued 18 January 06, effective 1 March 06, art. 3; State Council, Regulations on the Employment of Persons With Disabilities [Canjiren jiuye tiaoli], issued 14 February 07, effective 1 May 07, arts. 3, 4, 13. See also Yanhai Wan, “AIDS, Human Rights and Public Security in China,” University of British Columbia, Peter A. Allard School of Law, Asia Pacific Dispute Resolution Project, Working Paper 16–1, Social Science Research Network, 13 June 16.

¹⁰“Where Did Teacher Physical Exam Standards That Discriminate Against Disabled People Come From?” [Qishi canjiren de jiaoshi tijian biaoqun cong he er lai], Beijing Youth Daily, reprinted in Xinhua, 9 August 17; Deng Xueping, “After Disabled Teacher Who Places First in Exam Denied Employment, How Many Recruiting and Physical Exam Standards That May Discriminate in Employment Are Still Out There?” [Canji jiaoshi kao touming bei ju luyong, hai you duoshao zhaolu, tijian biaoqun shexian jiuye qishi], Caixin, 17 August 17.

¹¹“Where Did Teacher Physical Exam Standards That Discriminate Against Disabled People Come From?” [Qishi canjiren de jiaoshi tijian biaoqun cong he er lai], Beijing Youth Daily, reprinted in Xinhua, 9 August 17; Deng Xueping, “After Disabled Teacher Who Places First in Exam Denied Employment, How Many Recruiting and Physical Exam Standards That May Discriminate in Employment Are Still Out There?” [Canji jiaoshi kao touming bei ju luyong, hai you duoshao zhaolu, tijian biaoqun shexian jiuye qishi], Caixin, 17 August 17; Fujian Province Bureau of Education and Fujian Province Health and Population Planning Commission, Fujian Province Standards and Measures for Physical Examinations of Teaching Qualification Applicants [Fujian sheng jiaoshi zige shenqing renquan tijian biaoqun ji banfa], issued and effective 2006, art. 12.

¹²PRC Law on the Protection of Persons with Disabilities [Zhonghua renmin gongheguo canjiren baozhang fa], passed 28 December 90, amended 24 April 08, effective 1 July 08, art. 38; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], passed 30 August 07, effective 1 January 08, art. 29.

¹³Fujian Province Bureau of Education and Fujian Province Health and Population Planning Commission, Fujian Province Standards for Physical Examinations of Teaching Qualification Applicants (Amended 2018) [Fujian sheng jiaoshi zige shenqing renquan tijian biaoqun (2018 nian xiuding)], issued May 2018, effective 1 September 18.

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¹⁶World Bank, “Policies, Attitudes, and Perceptions Towards Inclusive Education: Evidence From Selected Counties in Guangdong, China,” March 2018, 2; Yao Yao, “Are China’s Universities Prepared To Welcome Disabled Students?” [Zhongguo daxue zhunbei hao yingjie canzhang xuesheng le ma], Beijing News, 22 August 17; Zhang Diyang and Cui Huiying, “How Can Schooling for Disabled College Students Become Barrier-Free?” [Canji daxuesheng qixue zenyang wuzhang’ai], Southern Weekend, 21 August 17.

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¹⁸Zhejiang Province People’s Government General Office, Implementing Opinion Regarding Further Strengthening the Controlling of Dropouts and Student Retention, Raising Compulsory Education Completion Rates [Guanyu jinyibu jiaqiang kongchuo baoxue tigao yiwu jiaoyu gonggu shuiping de shishi yijian], issued 4 May 18; Sichuan Province People’s Government General Office, Implementing Opinion Regarding Further Strengthening the Controlling of Dropouts and Student Retention, Raising Compulsory Education Completion Rates [Guanyu jinyibu jiaqiang kongchuo baoxue tigao yiwu jiaoyu gonggu shuiping de shishi yijian], issued 2 January 18; Tianjin Municipal Education Commission, Implementing Opinion Regarding Further Strengthening the Controlling of Dropouts and Student Retention, Raising Compulsory Education Completion Rates [Guanyu jinyibu jiaqiang kongchuo baoxue tigao yiwu jiaoyu gonggu shuiping de shishi yijian], issued 29 December 17.

¹⁹State Council General Office, Circular Regarding Further Strengthening the Controlling of Dropouts and Student Retention, Raising Compulsory Education Completion Rates [Guanyu jinyibu jiaqiang kongchuo baoxue tigao yiwu jiaoyu gonggu shuiping de tongzhi], issued 28 July 17.

²⁰Ibid., paras. 7–9.

²¹See, e.g., “Anthrax Outbreak in Two Small Ningxia Towns, Authorities Quarantine Infected Area and Close Market” [Ningxia liang xiao zhen bao tanju yiqing, dangju geli yiqu guanbi shichang], Radio Free Asia, 17 April 18.

²²“Hunan Health and Family Planning Commission: 29 Cases of Tuberculosis Confirmed at Taojiang No. 4 High School” [Hunan weijiwei: taojiang sizhong yi queren 29 lie feijiehe], Beijing News, 18 November 17; Zhang Yuemeng et al., “Taojiang No. 4 High School Class 364 in a Tuberculosis Vortex” [Feijiehe xuanwo zhong de taojiang sizhong 364 ban], Beijing Youth Daily, 18 November 17; “Health Officials in China’s Hunan ‘Kept Quiet’ Over Tuberculosis Outbreak,” Radio Free Asia, 17 November 17; Fan Liya, “Tuberculosis Outbreak Shakes Hunan High School,” Sixth Tone, 20 November 17; Yu Gui, “Taojiang, Hunan Number Four High School Tuberculosis Incident: How Did ‘Delaying’ and ‘Covering Up’ Become the Position for a Response?” [Hunan taojiang si zhong feijiehe shijian: “tuo” he “wu” heyi cheng le yingdui zishi], Beijing News, 17 November 17.

²³“Health Officials in China’s Hunan ‘Kept Quiet’ Over Tuberculosis Outbreak,” Radio Free Asia, 17 November 17.

²⁴“Taojiang County Handles Relevant Responsible People in Mass Tuberculosis Public Health Incident” [Taojiang xian chuli juji xing feijiehe gonggong weisheng shijian xiangguan zeren ren], China News, 21 November 17; “Taojiang County, Hunan Has Tuberculosis Outbreak at High School, Multiple Officials and Principal Sacked” [Hunan sheng taojiang xian you zhongxue jiti feilao, duo ming guanyuan ji xiaozhang zao gezhi], Radio Television Hong Kong, 21 November 17.

²⁵For more information on Tan Qindong, see the Commission’s Political Prisoner Database record 2018-00169.

²⁶PRC 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, 4 November 17, art. 221.

²⁷“Guangzhou Doctor Posts ‘Hongmao Medicinal Wine Is Poison,’ Detained Across Provinces on Suspicion of Harming Commercial Reputation” [Guangzhou yisheng fatie cheng “hongmao yaojiu shi duyao,” she sunhai shangyu bei kuasheng zhuabu], Hongxing News, reprinted in The Paper, 13 April 18; Liang Zhou, “Route of Cross-Provincial Detention of Critical Doctor Revealed: Lawyer Confirms Someone From Hongmao Medicinal Wine Participated in the Whole Process” [Kuasheng zhuabu tucao yisheng luxian tu puguang: lushi queren hongmao yaojiu you ren quancheng canyu], Jiemian, 17 April 18; “Guangzhou Doctor Detained Across Provinces Released, Public Calls Into Question Abuse of Police Authority” [Zao kuasheng zhuabu guangzhou yisheng huoshi, jingquan lanyong shou gongzhong zhiyi], Radio Free Asia, 18 April 18; Wang Qian et al., “The Dirt on Hongmao Medicinal Wine: Planned Sale Five Years Later for up to 15 Billion, Government ‘Fully Supports Listing on the Market as an A Stock’” [Qidi hongmao yaojiu: jihua wu nian hou xiaoshou da 150 yi, zhengfu cheng “quanli zhichi A gu shangshi”], Sohu, 16 April 18.

²⁸“Guangzhou Doctor Detained Across Provinces Released, Public Calls Into Question Abuse of Police Authority” [Zao kuasheng zhuabu guangzhou yisheng huoshi, jingquan lanyong shou gongzhong zhiyi], Radio Free Asia, 18 April 18.

²⁹Joint United Nations Programme on HIV/AIDS, “Country Factsheets: China—2016,” last visited 25 April 18. The United Nations estimated that 880,000 people in China lived with HIV as of 2016, the most recent data available. National Health and Family Planning Commission, “Summary of the Situation of Legally Designated Infectious Diseases Nationwide in 2017” [2017 nian quanguo fadeng chuanran bing yiqing gaikuang], 26 February 18; National Health and

Family Planning Commission, “Summary of the Situation of Legally Designated Infectious Diseases Nationwide in 2016” [2016 nian quanguo fading chuanran bing yiqing gaikuang], 23 February 17; National Health and Family Planning Commission, “Summary of the Situation of Legally Designated Infectious Diseases Nationwide in 2015” [2015 nian quanguo fading chuanran bing yiqing gaikuang], 18 February 16; National Health and Family Planning Commission, “Situation of Legally Designated Infectious Diseases Nationwide in 2014” [2014 niandu quanguo fading chuanran bing yiqing qingkuang], 16 February 15; National Health and Family Planning Commission, “Situation of Legally Designated Infectious Diseases Nationwide in 2013” [2013 niandu quanguo fading chuanran bing yiqing qingkuang], 13 February 14. Among reported cases in government statistics, deaths from AIDS exceeded deaths from any other recognized infectious disease since at least 2012.

³⁰UNAIDS, “China Focuses on Strengthening HIV Prevention,” 16 November 17.

³¹Ibid.

³²See, e.g., Yang Wanli, “Sex Education Needed in All Schools, Experts Say,” *China Daily*, 28 November 17; Shanghai Municipal Health and Family Planning Commission, “Parents Must Take Children’s Sex Education Seriously” [Haizi de xing jiaoyu, jiazhang xu zhongshi], 1 December 17; “Beijing College Students Hold Demonstration Demanding Sex Education,” *Shanghaiist*, 5 May 18; “China Introduces Surprisingly Progressive Sex Education Curriculum for Kids, Some Parents Freak Out,” *Shanghaiist*, 5 May 18; Eugene K. Chow, “China, Let’s Talk About Sex,” *The Diplomat*, 14 August 17.

³³“China Introduces Surprisingly Progressive Sex Education Curriculum for Kids, Some Parents Freak Out,” *Shanghaiist*, 5 May 18. See also Christina Zhou and Bang Xiao, “Chinese Universities Add HIV Test Kits to Vending Machines To Tackle Virus’ Rise in Taboo Sex Culture,” *ABC News*, 14 April 18.

³⁴Tingting Shen and Joanna Csete, “HIV, Sex Work, and Law Enforcement in China,” *Health and Human Rights Journal*, Vol. 19, No. 2 (December 2017), 134, 141.

³⁵“Chinese Activists Warned Off Protests on World AIDS Day,” *Radio Free Asia*, 1 December 17.

³⁶See, e.g., Adam Minter, “Mental-Health IPO Is a Leap Forward for China,” *Bloomberg*, 1 January 18; Wang Xiaodong, “Incidence of Mental Illness Rising Nationwide,” *China Daily*, 29 November 17; Cai Yiwen, “No Country for Disabled Men,” *Sixth Tone*, 3 November 17.

³⁷State Council Information Office, “White Paper on ‘The Development of China’s Health and Progress in Human Rights’” [“Zhongguo jiankang shiye de fazhan yu renquan jinbu” baipishu], 29 September 17, sec. 3, para. 7; National Health and Family Planning Commission, “Transcript of the National Health and Family Planning Commission’s Routine April Press Conference” [Guojia weisheng jisheng wei 4 yue lixing xinwen fabu hui wenzi shilu], 7 April 17; PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, art. 24.

³⁸National Health and Family Planning Commission, “Transcript of the National Health and Family Planning Commission’s Routine April Press Conference” [Guojia weisheng jisheng wei 4 yue lixing xinwen fabu hui wenzi shilu], 7 April 17.

³⁹Jie Li and Nikolas Rose, “Urban Social Exclusion and Mental Health of China’s Rural-Urban Migrants—A Review and Call for Research,” *Health & Place*, Vol. 48 (2017), 27.

⁴⁰PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

⁴¹Supreme People’s Procuratorate, Measures on Implementation of Compulsory Medical Treatment (Trial) [Renmin jianchayuan qiangzhi yiliao zhixing jiancha banfa (shixing)], issued 13 May 16, effective 2 June 16, arts. 9, 12.

⁴²“Protesting Evictees in China’s Chongqing Locked Up in Psychiatric Facilities,” *Radio Free Asia*, 20 February 18.

⁴³“Ink-Splashing Girl Dong Yaoqiong Sent to Zhuzhou Psychiatric Hospital, Various Places Around China Quickly Take Down Portraits of Xi” [Po mo nuhai dong yaoqiong bei song zhuzhou jingshenbing yuan zhongguo gedi ji che xi huaxiang], *Voice of America*, 23 July 18. For more information on Dong Yaoqiong, see the Commission’s Political Prisoner Database record 2018-00343.

⁴⁴“Dong Yaoqiong’s Father Visits Daughter, Taken Away by Public Security” [Dong yaoqiong fuqin tanwang nu’er bei gong’an daizou], *Radio Free Asia*, 1 August 18. For more information on Dong Jianbiao, see the Commission’s Political Prisoner Database record 2018-00413.

⁴⁵For background on compulsory psychiatric treatment in criminal cases, see Zhiyuan Guo, “Deprivation of Liberty Against One’s Will in Mental Health Institutions in Contemporary China,” in *Legal Reforms and Deprivation of Liberty in Contemporary China*, eds. Elisa Nessosi et al. (London: Routledge, 2016), 62–76.

⁴⁶The Commission did not observe the official text of the Supreme People’s Procuratorate Supervisory Work in the Process of Compulsory Psychiatric Treatment Decisions (Provisions), but an announcement on the Supreme People’s Procuratorate’s website highlighted some features of the Provisions. Supreme People’s Procuratorate, “Supreme People’s Procuratorate Releases ‘Provisions’ To Further Standardize Its Work in Supervising Decisions of Compulsory Psychiatric Treatment, Insisting on Preventing and Correcting ‘Fake Mental Illness’ and ‘Forced Psychiatric Commitment’” [Zuigaojian chutai “guiding” jinyibu guifan qiangzhi yiliao jue ding jian du gongzuo, jian jue fangzhi he jiuzheng “jia jinshenbing” “bei jingshenbing”], 26 February 18.

⁴⁷Li Chao, “Who Will Protect the Rights and Interests of Those Under Compulsory Psychiatric Treatment? Multiple Procuratorial Offices Call for Legislation” [Shei lai bao hu qiangzhi yiliao zhe de quan yi? duo ming jianchaguan huyu lifa], *China Youth Daily*, 24 October 17.

⁴⁸Supreme People’s Procuratorate, “Supreme People’s Procuratorate Releases ‘Provisions’ To Further Standardize Its Work in Supervising Decisions of Compulsory Psychiatric Treatment, Insisting on Preventing and Correcting ‘Fake Mental Illness’ and ‘Forced Psychiatric Commit-

ment” [Zuigaojian chutai “guiding” jinyibu guifan qiangzhi yiliao jue ding jian du gongzuo, jian jue fangzhi he jiuzheng “jia jingshenbing” “bei jingshenbing”], 26 February 18.

⁴⁹Human Rights Watch, “China: Minority Region Collects DNA From Millions,” 13 December 17. The Commission did not observe the text of a provincial-level plan directly, although some sub-provincial sources within the Xinjiang Uyghur Autonomous Region refer to a provincial-level plan. See Yining County People’s Government, Circular Regarding the Release of the “Yining County Population Accurate Registration and Verification Work Implementation Plan” [Guanyu yinfa “yining xian renkou jingzhun dengji heshi gongzuo shishi fang’an” de tongzhi], 7 August 17, sec. 1; Tacheng Prefectural Radio and Television, “On-Site Meeting for the Work of Prefectural Population Accurate Registration and Verification and the Management of Standardizing Identification According to Law Convened” [Diqu renkou jingzhun dengji heshi he yifa guifan shenfenzheng guanli gongzuo xianchang hui zhaokai], reprinted in Tacheng Prefectural People’s Government, 19 December 17; He Wenxiang, Jinghe County People’s Government, “Jinghe County Convened Meeting on the Work of Population Accurate Registration and Verification and the Management of Standardizing Identification According to Law” [Jinghe xian zhaokai renkou jingzhun dengji heshi he yifa guifan shenfenzheng guanli gongzuo tuijin hui], 24 April 18; Sangong Township People’s Government, “Sangong Township Plan for the Work of Population Accurate Registration and Verification and Standardizing Identification Management According to Law” [Sangong zhen renkou jingzhun dengji heshi he yifa guifan shenfenzheng guanli gongzuo fang’an], reprinted in Changji City People’s Government, 20 May 18. Other sub-provincial sources do not refer directly to the provincial-level plan but use identical or similar terminology to refer to local biometric data collection efforts. See Hotan Television, “Area Launches the Work Population Accurate Registration and Verification and the Management of Standardizing Identification According to Law” [Diqu qidong renkou jingzhun dengji heshi he yifa guifan shenfenzheng guanli gongzuo], reprinted in Hotan Municipal People’s Government, 30 September 17; Ou Qin, Qinghe County Public Security Bureau, “Law Enforcement Brigade Holds Training Meeting on Population Accurate Registration and Verification” [Zhi’an dadui kaizhan renkou jingzhun dengji heshi peixun hui], reprinted in Qinghe County People’s Government, 8 December 17.

⁵⁰See, e.g., Yining County People’s Government, Circular Regarding the Release of the “Yining County Population Accurate Registration and Verification Work Implementation Plan” [Guanyu yinfa “yining xian renkou jingzhun dengji heshi gongzuo shishi fang’an” de tongzhi], 7 August 17, sec. 1; Human Rights Watch, “China: Minority Region Collects DNA From Millions,” 13 December 17.

⁵¹Yining County People’s Government, Circular Regarding the Release of the “Yining County Population Accurate Registration and Verification Work Implementation Plan” [Guanyu yinfa “yining xian renkou jingzhun dengji heshi gongzuo shishi fang’an” de tongzhi], 7 August 17, sec. 4(2)–(3).

⁵²Human Rights Watch, “China: Big Data Fuels Crackdown in Minority Region,” 26 February 18; Josh Chin, “About To Break the Law? Chinese Police Are Already on to You,” Wall Street Journal, 27 February 18; Human Rights Watch, “China: Visiting Officials Occupy Homes in Muslim Region,” 13 May 18.

⁵³Zhang Dachuan, “Qinghai-Tibetan Plateau Human Genetic Resource Specimen Database Begins Construction” [Qingzang gaoyuan renlei yichuan ziyuan yangben ku qidong jianshe], Xinhua, 20 April 18; Xu Juan, “Advocating for a Green Production Lifestyle (The Path for Consultation, Democratic Party Research Tour (8))” [Changdao luse shengchan shenghuo fangshi (xieshang zhi lu, minzhu dangpai diaoyan xing (8))], People’s Daily, 1 August 18.

THE ENVIRONMENT

Introduction

During the Commission's 2018 reporting year, despite top Chinese Communist Party and government leaders highlighting the importance of protecting the environment, environmental pollution remained a major challenge. In October 2017, at the 19th National Congress of the Chinese Communist Party, President and Party General Secretary Xi Jinping avowed the importance of the Party and government's top-down approach to environmental protection in "ensuring harmony between humans and nature."¹ At a major political meeting in March 2018, Premier Li Keqiang declared that the ecological and environmental situation in China had gradually improved over the past five years, noting that days with serious air pollution in major cities had decreased by half.² Authorities, however, shut down companies that were complying with emissions rules³ and reportedly left millions without winter heating in order to meet environmental targets,⁴ and continued to limit the ability of the public and civil society to participate in environmental protection efforts.⁵

Institutional and Regulatory Developments

The government and Party continued to prioritize environmental protection policies this past year by making major institutional changes to strengthen environmental governance and by promoting legal and regulatory measures. In March 2018, as part of a sweeping reorganization of Party and government institutions,⁶ the Party Central Committee issued a plan that included changes to the administrative agencies overseeing environmental protection efforts.⁷ [For more information on the sweeping reorganization of Party and government institutions, see Section III—Institutions of Democratic Governance.] The reorganization plan included a new Ministry of Ecology and Environment (MEE) to replace the Ministry of Environmental Protection, and a new Ministry of Natural Resources to replace the Ministry of Land and Resources.⁸ According to a number of environmental experts, the MEE may strengthen environmental protection by consolidating environmental oversight and improving bureaucratic efficiency.⁹ The MEE also was tasked with oversight of climate regulation, taking over a function administered by a formerly more powerful government agency—the National Reform and Development Commission.¹⁰ One expert expressed concern that "climate action could become the unintended casualty of this reshuffle."¹¹

Other significant regulatory and policy developments included the following:

- **National Park System.** In September 2017, the Party Central Committee General Office and the State Council Information Office released the Overall Program for Construction of a National Park System to centralize management and strengthen protections for ecologically important areas of China.¹² Local authorities had reportedly allowed excessive commercial development in some protected areas.¹³

- **Carbon Trading Market Plan.** In December 2017, the National Development and Reform Commission released a plan¹⁴ for what may become the largest carbon market in the world.¹⁵ Although authorities will initially distribute free carbon emission permits to approximately 1,700 companies in the power sector,¹⁶ trading is not expected to begin until 2019 or 2020.¹⁷
- **PRC Environmental Tax Law.** This legislation became effective on January 1, 2018,¹⁸ and may strengthen environmental enforcement due to new environmental taxes being jointly managed by environmental and tax authorities.¹⁹ In February 2018, the State Administration of Taxation reportedly announced that more than 260,000 companies would be required to pay the new environmental taxes.²⁰

Seeking Air Quality Improvements Over Time

IMPLEMENTING AMBITIOUS GOALS: REPORTED PROGRESS AND COSTS

Chinese authorities reportedly achieved government targets for improving air quality, but local authorities resorted to harsh measures in order to meet the targets. In September 2013, the State Council set major targets for annual average air quality by 2017,²¹ yet in late 2017, Chinese and international news media reported that provinces in north China would likely fail to meet those targets.²² In order to achieve the targets, Chinese authorities shut down thousands of factories and mandated that millions of citizens stop using coal for heat, even though government officials failed to provide or plan for alternate sources of heat during the winter.²³ Greenpeace, an international advocacy group, collected 5,822 posts to Weibo, China's Twitter-like microblogging platform, in November and December 2017, to document citizens' complaints about the lack of heat,²⁴ and international media reported that millions may have lacked winter heating.²⁵ Official media also criticized the implementation of the policy.²⁶ In early 2018, after the targets had reportedly been met, the government's top environmental official acknowledged that some local governments had even closed enterprises that were in compliance with emissions rules.²⁷ By March 2018, the government had lifted many of the temporary shutdowns in Beijing municipality, and pollution levels reportedly began to increase.²⁸ In July 2018, the State Council set new targets for annual average air quality by 2020 that included targets for more cities than the 2013 targets.²⁹

Investigative Reports on Local Environmental Officials' Misconduct

State-run and other official media reported on multiple incidents in which officials attempted to manipulate environmental monitoring data or failed to investigate reports of serious pollution this past year, resulting in cases of disciplinary actions against local officials. Despite considerable censorship of negative reporting on the environment,³⁰ the Commission observed some notable investigative reports on local environmental incidents.

- In **November 2017**, a domestic news media organization reported that Shaoyang municipal environmental bureau officials in Hunan province had used mist cannons near two monitoring

stations to improve air quality readings.³¹ Similarly, in January 2018, the Beijing Times reported that officials in Shizuishan municipality, Ningxia Hui Autonomous Region, also attempted to spray water near the building that housed the monitoring equipment to improve air quality readings, but instead turned the building into an “ice sculpture” after the spray froze.³² In March 2018, the Ministry of Ecology and Environment reported that officials at nine air quality monitoring stations in seven cities in six provincial-level localities had been “severely punished” for manipulating monitoring data.³³

- In **December 2017**, the Beijing Youth Daily reported on severe health problems linked to mining in western Hunan.³⁴ After local government officials in Hunan said the reported pollution and health concerns had been addressed, seven environmental non-governmental organizations (NGOs) reportedly issued a joint response questioning the local government’s actions.³⁵

- According to **April 2018** reports, China Central Television (CCTV) exposed illegal chemical dumping in Shanxi province.³⁶ The report included footage of an environmental official who said that his office did not have the authority to investigate because the matter arose out of a deal between the polluter and village officials.³⁷ Following the report, local authorities administratively detained two village officials who had been featured in the report.³⁸

- In **June 2018**, Chinese media reported that Yuci District People’s Court in Jinzhong municipality, Shanxi province, had sentenced 16 people, including the former head of the environmental protection bureau in Linfen municipality, Shanxi, for “damaging the computer information system” after authorities discovered that six air quality monitors had been tampered with over 100 times during a one-year period.³⁹ The court reportedly sentenced 5 people to prison terms ranging from six months to two years, and an additional 11 people to four to six months’ detention, suspended for eight months to one year.⁴⁰

Environmental Transparency

Shortcomings in environmental transparency, including access to credible official environmental data, continued to be a long-term obstacle to assessing environmental quality and the efficacy of pollution control efforts. The Institute of Public and Environmental Affairs (IPE), a Beijing-based environmental NGO, reported in its 2016–2017 Pollution Information Transparency Index (PITI) that environmental disclosure in China continued to improve.⁴¹ IPE and the U.S.-based NGO Natural Resources Development Council developed PITI in 2008 to establish a baseline and track improvements in environmental transparency in China.⁴² In March 2018, however, a team of researchers published an analysis of the impact of increased transparency (as measured by PITI) on environmental outcomes such as air and water pollution and found “no measurable effect,” suggesting that public access to environmental information without a “new accountability mechanism . . . does not affect local government performance.”⁴³

Developments in Public Interest Litigation

Although some NGOs have standing as plaintiffs in public interest lawsuits, most “public interest” litigation continued to be brought by the government.⁴⁴ In March 2018, the Supreme People’s Court reported that between 2013 and 2017, procuratorates had filed 1,383 environmental public interest lawsuits, and that social organizations, primarily NGOs, had filed 252 environmental public interest lawsuits.⁴⁵ According to the executive director of the Beijing-based NGO Friends of Nature (FON), in recent years, courts have allowed more of his organization’s lawsuits to proceed than in the past.⁴⁶ Cases in which NGOs initiated public interest lawsuits this past year included the following:

- **Henan province.** In December 2017, the Zhengzhou Municipal Intermediate People’s Court in Henan issued a judgment fining a local township and village government in Xinzheng city, Zhengzhou, 3.6 million yuan (approximately US\$570,000) after protected trees, some of which were over 500 years old, died as a result of the government having illegally moved them in 2014.⁴⁷ An attorney for China Biodiversity Conservation and Green Development Foundation (CBCGDF), a Beijing-based NGO that was the plaintiff in the case, described the case as the first public interest lawsuit about “ancient and culturally significant plants,” but noted that CBCGDF had difficulty during the litigation process because the local governments interfered with evidence gathering, and it took several negotiations before the court agreed to accept the case.⁴⁸
- **Yunnan province.** In February 2018, FON commenced litigation in Yuxi Municipal Intermediate People’s Court in Yunnan against a hydroelectric power company for damaging the rain forest and threatening a fish migration channel.⁴⁹

Suppression of Environmental Protests and Advocates

Chinese citizens continued to raise their concerns about health issues related to the environment through street-level protests and other forms of public advocacy. China’s Constitution provides for freedom of speech, assembly, association, and demonstration,⁵⁰ as do the International Covenant on Civil and Political Rights,⁵¹ the Universal Declaration of Human Rights,⁵² and the UN Human Rights Council Framework Principles on Human Rights and the Environment.⁵³ The following cases illustrate not only common types of environmental complaints raised by Chinese citizens but also the ongoing lack of protection for citizens’ rights when they raise environmental concerns:⁵⁴

- **Land Expropriation.** On February 9, 2018, authorities in Dongshan township, Mazhang district, Zhanjiang municipality, Guangdong province, detained Chen Wuquan and six other villagers after they had protested a land expropriation project that they claimed was illegal and had damaged the environment.⁵⁵ In March, authorities arrested Chen and four others on suspicion of “picking quarrels and provoking trouble.”⁵⁶
- **Mining.** In February 2018, officials detained Karma, a village head in Biru (Driru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region, after he refused to approve a min-

ing operation on a nearby sacred mountain.⁵⁷ In April, Radio Free Asia reported that officials had detained and questioned over 30 other Tibetans for protesting the same mining project.⁵⁸

• **Illegal Quarrying.** In March 2018, authorities in Xinyi city, Maoming municipality, Guangdong, detained environmentalist Lei Ping and Pan Donghai from the NGO China Biodiversity Conservation and Green Development Foundation after they had reported on an illegal quarry.⁵⁹ Xinyi authorities released Pan after 7 hours, but ordered Lei to serve 10 days of administrative detention for “spreading rumors and disturbing public order.”⁶⁰ Xinyi authorities agreed to cancel the administrative detention decision after Lei filed an administrative lawsuit.⁶¹ Sixth Tone, an online media outlet under Party supervision, published an article on the case in which a lawyer cautioned environmental advocates to “avoid using social media for tip-offs, as they could be accused of disseminating rumors.”⁶²

• **Corporate Pollution.** In July 2018, the Wuzhi County People’s Court in Jiaozuo municipality, Henan province, reportedly sentenced environmental advocate Zhang Wenqi to one year and five months’ imprisonment for “damaging business reputation” after he had reported environmental violations by several companies;⁶³ authorities detained Zhang in March 2017.⁶⁴ [For information on the suppression of herders protesting environmental pollution in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

Notes to Section II—The Environment

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²State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 18, sec. 1; “Li Sets Out China’s 2018 Development Path in Government Work Report,” CGTN, 5 March 18.

³Chris Davis, “Raising Bar on Pollution To Lower Readings,” China Daily, 22 March 18; Ministry of Environmental Protection, “Striking Hard in the Tough Battle To Prevent Pollution-Related Questions and Answers” [Huanbaobu “dahao wuran fangzhi gongjian zhan” xiangguan wenti dawen], Xinhua, 17 March 18.

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⁵Hanyuan Guo et al., “Increasing Public Participation in China’s Environment: Does the Public Have a Say in China’s Clean Up Efforts?” China Water Risk, 14 February 18; State Council, Decision of the State Council on Implementing Scientific Outlook on Development and Strengthening Environmental Protection, 27 December 05, arts. 27, 30; Michael Standaert, “As It Looks To Go Green, China Keeps a Tight Lid on Dissent,” Yale Environment 360, 2 November 17; Chinese Human Rights Defenders, “Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” 27 February 18, 20; Freedom House, “Freedom in the World 2018—China,” last visited 27 April 18, C3. Guo et al. include a list of 15 official documents that comprise the administrative and legal framework for public participation in environmental issues. For a broad conceptual description of the government’s support for public participation, see, e.g., State Council, Decision of the State Council on Implementing Scientific Outlook on Development and Strengthening Environmental Protection, 27 December 05, arts. 27, 30. See also “SEPA Issues Measures on Open Environmental Information,” Congressional-Executive Commission on China, 5 May 08.

⁶Chinese Communist Party Central Committee, Decision on Deepening Reform of Party and Government Agencies [Zhonggong zhongyang guanyu shenhua dang he guojia jigou gaige de jue ding], Xinhua, 4 March 18; “Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18; State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18; “State Council Institutional Reform Plan Passed at First Session of the 13th National People’s Congress” [Shisan jie quanguo renda yici huiyi pizhun guowuyuan jigou gaige fang’an], Xinhua, 17 March 18.

⁷“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(15); State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 1(1)–(2).

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¹⁰“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(15); State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 1(1)–(2); Li Jing, “China’s New Environment Ministry Unveiled, With Huge Staff Boost,” China Dialogue, 19 April 18; Barry Naughton, “Xi’s System, Xi’s Men: After the March 2018 National People’s Congress,” Stanford University, Hoover Institution, China Leadership Monitor, No. 56 (Spring 2018), 17 May 18, 6.

¹¹Li Jing, “China’s New Environment Ministry Unveiled, With Huge Staff Boost,” China Dialogue, 19 April 18.

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III. Development of the Rule of Law

CIVIL SOCIETY

Introduction

During the Commission's 2018 reporting year, the Chinese government and Communist Party continued to view civil society's primary role as "cooperating with" (*xietong*) the Party's agenda for social governance under one-party rule.¹ At the 19th National Congress of the Chinese Communist Party, Party General Secretary and Chinese President Xi Jinping reiterated the role of Chinese civil society in the context of Party and government leadership: "Party committees exercise leadership, government assumes responsibility, non-governmental actors provide assistance, and the public get involved."² While Xi's speech made reference to public participation of "social organizations" in a "consultative" manner,³ his vision for civil society in China continued to be ancillary to the government's agendas,⁴ such as aiding in service provision, welfare activities, and development goals in the areas of poverty alleviation, child education, and the environment.⁵

Ever since Xi's ascendance to the Party's top leadership role in late 2012, advocacy organizations operating in previously tolerated "gray areas" experienced what experts describe as a "chilling effect."⁶ In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016⁷ and the increased role and purview of the Party over all aspects of Chinese society,⁸ the space in which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink this past year.⁹ [See Section III—Institutions of Democratic Governance for more information on the expansion of the Party's power over government and society.] The International Center for Not-for-Profit Law called these recent regulatory developments a "top-down effort by the party-state to mold 'civil society' in its own image," that is, a "civil society" without "a strong value preference for what the government perceives as Western-style individual freedoms and rights."¹⁰ On March 23, 2018, the UN Human Rights Council adopted a resolution sponsored by the Chinese government that said NGOs should "contribute actively" to "promote mutually beneficial cooperation in the field of human rights."¹¹ The United States voted against the resolution, calling it an effort by the Chinese government to weaken the UN human rights system, while other countries such as Australia, Japan, and Switzerland said the resolution included vague and ambiguous language such as "mutually beneficial cooperation" and "community of shared future."¹² International human rights observers asserted the resolution "rang hollow" in the face of the Chinese government's crackdown on NGOs and rights advocates in China as well as its harassment of NGOs and activists at the United Nations.¹³

The number of Chinese NGOs is difficult to determine, in part because of the complex regulatory framework, the existence of unregistered NGOs and informal associations, the quick pace of growth of the non-governmental and non-profit sector, and the range of different types of such organizations.¹⁴ According to the Ministry of Civil Affairs, at the end of 2017, China had 755,323

registered “social organizations” (*shehui zuzhi*)—the official term for NGOs¹⁵—that consisted of 397,000 non-governmental, non-commercial organizations (*minban feiqiye danwei*), or what the government now calls social service organizations (*shehui fuwu jigou*); 6,323 foundations (*jijinhui*); and 352,000 social associations (*shehui tuanti*).¹⁶ Many social associations are government-organized non-governmental organizations (GONGOs) and therefore have close ties to the government.¹⁷ Many grassroots NGOs, with few or no ties to the government, remain unregistered or are registered as business entities due to restrictions and barriers to registration imposed by the government.¹⁸

NGOs Report on Worsening Conditions for Civil Society Since Last UPR

Many international NGO reports submitted in advance of the November 2018 session of the UN Human Rights Council’s Universal Periodic Review (UPR) of the Chinese government’s human rights record described worsening conditions in China for civil society since the last UPR in 2013, and indicated the Chinese government had not implemented any of the recommendations on civil society it previously accepted.¹⁹ In its UPR submission, Human Rights in China noted that “Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era”—newly enshrined in the Party Constitution during the 19th Party Congress in October 2017 and in China’s Constitution in March 2018—“treats an uncontrolled civil society as a threat under its all-encompassing approach to national security” and stresses “absolute Party leadership.”²⁰ CIVICUS and the Asian Human Rights Commission jointly reported that the freedoms of assembly, association, and speech were severely hindered in China,²¹ violating international instruments such as the Universal Declaration of Human Rights²² and the International Convention on Civil and Political Rights (ICCPR).²³

Suppression of Grassroots Advocacy

This past year, the government continued to suppress the rights of Chinese human rights defenders working on human rights advocacy and to treat certain rights advocates and political groups as a threat to state security.²⁴ These advocates included the following:

- On September 1, 2017, public security officials from Zhuhai municipality, Guangdong province, took **Zhen Jianghua** into custody from his home,²⁵ and criminally detained him the next day on suspicion of “inciting subversion of state power,” holding him at the Zhuhai No. 1 Public Security Bureau (PSB) Detention Center.²⁶ On August 10, 2018, the Zhuhai Intermediate People’s Court reportedly tried Zhen without informing either Zhen’s defense lawyers or his family members.²⁷ Zhen is the executive director of Human Rights Campaign in China, which reports on cases involving rights advocacy and provides aid for people who are involved in, or have reported on, these cases.²⁸ Zhen has advocated for rights defenders for over a decade.²⁹
- In April 2018, authorities detained at least eight members of a group organized via the social media platform WeChat called the National Tourism Chat Group, which provided humani-

tarian support and funding to families of political prisoners.³⁰ Authorities in Changchun municipality, Jilin province, detained **Guo Qingjun**, one of the administrators of the WeChat group, on April 11, 2018, after which authorities detained at least seven more group administrators from other parts of China, including **Liao Yongzhong, Lu Bi, Liu Chunlin, Dai Xiangnan, Sun Wenke, Li Xiaohong, and He Meijing**.³¹ Prior to the April detentions, Chinese authorities reportedly interviewed over 100 other members of the WeChat group.³²

- This past year, Chinese authorities continued to persecute at least three human rights advocates from China Human Rights Watch—**Xu Qin, Qin Yongmin, and Zhao Suli**. PSB officials in Jiangsu province held Xu in incommunicado detention at the Yangzhou PSB Detention Center in Yangzhou municipality, Jiangsu, after detaining her in February 2018 on suspicion of “picking quarrels and provoking trouble.”³³ In March 2018, authorities changed Xu’s charge from “picking quarrels and provoking trouble” to “inciting subversion of state power,” reportedly for articles she had written in connection to another rights advocacy group and her support of other human rights advocates.³⁴ Authorities from Wuhan municipality, Hubei province, continued to hold Qin, founder of China Human Rights Watch who was originally detained in January 2015, in Wuhan on suspicion of “inciting subversion of state power.”³⁵ On May 11 and 12, 2018, the Wuhan Intermediate People’s Court tried Qin,³⁶ and on July 11, sentenced him to 13 years in prison and 3 years’ deprivation of political rights on the charge of “subversion of state power.”³⁷ Authorities from Wuhan reportedly released Qin’s wife, Zhao Suli, temporarily in February 2018, after holding her in an unknown location since her disappearance in January 2015.³⁸ As of July 2018, however, Zhao is believed to be under residential surveillance.³⁹

The Chinese government also intensified its efforts to limit and censor the online activities of rights advocacy organizations on social media platforms, such as Sina Weibo and WeChat.⁴⁰ [For more information, see Section II—Freedom of Expression, Worker Rights, Status of Women, and The Environment.]

Overseas NGOs’ Activities Law Implementation

This past year, the government continued to carry out the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China (Overseas NGOs’ Activities Law) which took effect in January 2017.⁴¹ While some international NGOs (INGOs) have successfully registered representative offices in China, including philanthropic organizations that had relationships with local governments,⁴² at least four organizations that have long worked on training lawyers and projects to promote the protection of women and LGBT rights reported that they were unable to obtain temporary activity permits.⁴³ Other organizations that work on human rights and rule of law chose to suspend their operations or leave China.⁴⁴ By August 2018, 404 INGOs had successfully registered representative offices in China and 976 temporary activity permits had been filed, according to official data

posted to the Ministry of Public Security's Overseas Non-Governmental Organizations Service Platform.⁴⁵ The majority of U.S. NGOs with representative offices registered to conduct activities in the areas of trade, poverty alleviation, and health.⁴⁶ From January 2018 through July 2018, the number of INGO representative offices that registered in China each month remained mostly steady, at around 15 per month, based on analysis from the Asia Society's China NGO Project.⁴⁷ The China NGO Project further disaggregated official data, finding that, as of August 2018, INGOs from the United States, Hong Kong, Japan, South Korea, and Germany have the most representative offices in China, while INGOs from Hong Kong and the United States filed the most temporary activities between January 2017 and July 2018.⁴⁸ Public data indicate that most INGO representative offices registrations have taken place in Beijing and Shanghai municipalities, while the most temporary activity permit filings have taken place in Beijing and Guangdong, Yunnan, Sichuan, and Guizhou provinces.⁴⁹

In addition to implementing the Overseas NGOs' Activities Law, several developments indicated the government viewed foreign NGOs as potential threats to national security. In April 2018, several government agencies, including the Ministry of State Security, jointly published a cartoon on "National Security Education Day" that portrayed a foreign NGO worker who is implied to be spying and courting Chinese workers to organize strikes.⁵⁰ In a sign that officials are more broadly targeting foreign influence, government posters on public transportation in Beijing warned Chinese citizens against being tricked into spying for foreign governments, urging them to report activities to relevant national security authorities.⁵¹ A Deutsche Welle article reported that the government planned to score foreign NGOs based on the model of the social credit system, which would punish organizations that conduct activities the government deems unwelcome or that may damage "national interests" or harm "national security and peace."⁵² In December 2017, the State Council issued implementing rules⁵³ for the 2014 PRC Counterespionage Law,⁵⁴ which give the government power to punish "foreign institutions and organizations" or "hostile groups" it deems harmful to national security.⁵⁵

Developments in Lee Ming-cheh's Case

Chinese authorities continued to detain and prosecute Taiwan human rights NGO volunteer Lee Ming-cheh this past year. In March 2017, authorities detained Lee, a manager at Wenshan Community College in Taipei, Taiwan, while he was traveling to Zhuhai municipality, Guangdong province, via Macau.⁵⁶ The State Council Taiwan Affairs Office subsequently confirmed that Chinese authorities were investigating Lee for “endangering state security”⁵⁷ and had formally arrested him on suspicion of “subversion of state power” in May 2017.⁵⁸ On September 11, 2017, the Yueyang Municipal Intermediate People’s Court in Hunan province tried Lee on the charge of “subversion of state power”⁵⁹—to which he pleaded guilty and for which he expressed remorse⁶⁰—and on November 28, sentenced Lee to five years in prison.⁶¹ Observers from international human rights organizations suspected that authorities coerced Lee into confessing, calling the trial “outrageous” and “politically motivated.”⁶² They argued, moreover, that his case served as a warning to pro-democracy activists in Hong Kong and elsewhere.⁶³

Overall Regulatory Environment for Domestic NGOs

This past year, the government focused on cracking down on “illegal social organizations” that do not possess proper government registration or that perform activities outside of the scope for which they have registered,⁶⁴ targeting those that “threaten state security and social stability.”⁶⁵ A February 2018 circular stipulated that NGOs conducting illegal political activities will have their eligibility for tax exemption canceled.⁶⁶ A Chinese political science professor expressed concern that the drive to target and identify “illegal social organizations” is part of the Chinese government’s concern that giving more space to civil society could lead to potential democratization.⁶⁷ In January 2018, the Ministry of Civil Affairs issued the Measures for Social Organizations Credit Information Management (Measures), which authorizes the government to create an official list of organizations that are “severely illegal [and] not trustworthy.”⁶⁸ The Measures target organizations for disciplinary action and potential inclusion in a government list of organizations deemed as engaging in “irregular” activities, such as not submitting annual activity reports to authorities, failing to establish Party groups within their organizations, and not operating at the address listed in their registration.⁶⁹ The Measures were used this past year to levy punishments against at least one social organization that was found to be “untrustworthy.”⁷⁰ [For more on the Chinese government’s use of social credit through information technology and surveillance, see Section III—Institutions of Democratic Governance.]

Two years after the Ministry of Civil Affairs (MCA) released draft revisions to the three major regulations for civil society organizations,⁷¹ the MCA released new draft regulations for public comment in early August 2018, combining the three regulations that form the core of the regulatory system for domestic social service organizations, foundations, and social associations into one document.⁷² The new draft Regulations on the Registration and Management of Social Organizations lower the barriers to registration

for four types of social organizations—business organizations, research organizations, social welfare providers, and service organizations—and allow these organizations to directly register with the MCA or at county-level and higher civil affairs bureaus without requiring a professional supervisory unit.⁷³ Provisions in the draft regulations stipulate that Party groups must be established in organizations⁷⁴ and prohibit certain Chinese individuals from registering or being the “legal person” for social organizations, including individuals whose political rights were suspended, who had been criminally detained or served a criminal punishment in the last five years, or who were listed in the government’s “untrustworthy” list with regard to their “social credit” score.⁷⁵

China Promotes Its Development Model in the International Sphere

This past year, as part of reform efforts directed by the Party Central Committee,⁷⁶ the National People’s Congress approved a State Council reform plan that included the establishment of a new government agency focused on international development.⁷⁷ The new International Development Cooperation Agency will integrate foreign aid and development assistance efforts, including the Belt and Road Initiative (BRI).⁷⁸ In November 2017, the Director of the International Department of the Party Central Committee—a key Party department charged with extending the Party’s influence and advancing its interests overseas⁷⁹—opened the first Silk Road NGO Cooperation Network Forum, a gathering designed to strengthen cooperation between NGOs among participating BRI countries.⁸⁰ Two hundred delegates in total from Chinese organizations⁸¹ and NGOs from more than 50 countries attended the forum.⁸² The forum was organized by the China NGO Network for International Exchanges, which is headed by Sun Jiazheng,⁸³ Vice Chairman of the 11th Chinese People’s Political Consultative Conference,⁸⁴ a body that is connected to the Party’s United Front Work Department.⁸⁵ Scholars observed this past year that the Chinese government, through its international development efforts, is offering an alternative global development model favorable to its political goals.⁸⁶

Notes to Section III—Civil Society

¹Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era [Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17, sec. 8(6); Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era,” 18 October 17, Xinhua, 3 November 17, sec. 8(6); International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” last updated 22 February 18, last visited 17 April 18. The official translation published by Xinhua translates *xietong* as to “provide assistance to,” but the word is better translated as “cooperate with” or “collaborate with.”

²Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era [Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17, sec. 8(6); Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era,” 18 October 17, Xinhua, 3 November 17, sec. 8(6); Jessica Batke, “Social Organizations and the 19th Party Congress,” Asia Society, ChinaFile, China NGO Project, 30 November 17.

³Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era [Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17, sec. 6(3); Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era,” 18 October 17, Xinhua, 3 November 17, sec. 6(3).

⁴Matt Schiavenza, “The Uncertain Future of Civil Society in China,” Asia Society, 29 January 18; Narada Foundation, “The Two Sessions Came to a Close, What Did Delegates Say About Philanthropy and the Public Interest?” [Lianghui luomu, guanyu cishan gongyi, daibiao weiyuanmen zenme shuo?], 21 March 18.

⁵Narada Foundation, “The Two Sessions Ended, What Did Delegates Say About Philanthropy and the Public Interest?” [Lianghui luomu, guanyu cishan gongyi, daibiao weiyuanmen zenme shuo?], 21 March 18. See also Jessica Batke, “Social Organizations and the 19th Party Congress,” Asia Society, ChinaFile, China NGO Project, 30 November 17.

⁶Timothy 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 them in jeopardy.” See e.g., Freedom House, “Freedom on the Net 2015—China,” October 2015; 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; Verna Yu, “Charity Workers in China Say NGOs Being ‘Pulled Out by the Roots,’” South China Morning Post, 12 June 17; Orville Schell, “Crackdown in China: Worse and Worse,” New York Review of Books, 21 April 16; Chinese Human Rights Defenders, “China: Repeal Overseas NGO Law & Protect Freedom of Association,” 28 April 16; Chinese Human Rights Defenders, “Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” 26 February 18, 24–26.

⁷PRC 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; PRC Charity Law [Zhonghua renmin gongheguo cishan fa], passed 16 March 16, effective 1 September 16. See also 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; Ministry of Civil Affairs, Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises (Revised Draft for Public Comment) [Minban feiqiye danwei dengji guanli zanxing tiaoli (xiuding cao’an zhengqiu yijian gao)], 26 May 16; 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.

⁸Chinese Communist Party Central Committee, Decision on Deepening Reform of Party and Government Agencies [Zhonggong zhongyang guanyu shenhua dang he guojia jigou gaige de jue ding], Xinhua, 4 March 18; “Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18. In March 2018, the National People’s Congress and the Chinese People’s Political Consultative Conference unveiled reforms of Party and government structures to elevate the role of the Party over government and society. For similar efforts prior to March 2018 that elevated the Party above government agencies, see Michael Martina, “Exclusive: In China, the Party’s Push for Influence Inside Foreign Firms Stirs Fears,” Reuters, 24 August 17; Choi Chi-yuk and Eva Li, “Lawyers in Chinese Megacity the New Front in Communist Party’s Push for Greater Control,” South China Morning Post, 18 May 17.

⁹Chinese Human Rights Defenders, “Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” 26 February 18, 2.

¹⁰International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” last visited 17 April 18.

¹¹UN Human Rights Council, “[Draft Resolution] Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Develop-

ment,” A/HRC/37/L.36, 19 March 18; UN Human Rights Council, “Human Rights Council Adopts 10 Texts, Requests a High-Level Panel Discussion on Genocide and a Study on the Role of Capacity Building in the Promotion of Human Rights,” 23 March 18; “UN Rights Body Adopts China-Sponsored Resolution on Mutually Beneficial Cooperation,” Xinhua, 24 March 18.

¹² UN Human Rights Council, “Human Rights Council Adopts 10 Texts, Requests a High-level Panel Discussion on Genocide and a Study on the Role of Capacity Building in the Promotion of Human Rights,” 23 March 18. See also U.S. Department of State, “Key Outcomes of U.S. Priorities at the UN Human Rights Council’s 37th Session,” 23 March 18.

¹³ John Fisher, Human Rights Watch, “China’s ‘Win-Win’ Resolution Is Anything But,” 5 March 18; Andrea Worden, “With Its Latest Human Rights Council Resolution, China Continues Its Assault on the UN Human Rights Framework,” China Change, 9 April 18. See also Human Rights Watch, “The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms,” 5 September 17, 13–25.

¹⁴ International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” last visited 17 April 18.

¹⁵ Karla W. Simon and Holly Snape, “China’s Social Organisations After the Charity Law,” Made in China, Vol. 2, Issue 1 (January–March 2017), 26–27.

¹⁶ Ministry of Civil Affairs, “Social Service Statistics Quarterly Report (Fourth Quarter of 2017)” [Shehui fuwu tongji jibao (2017 nian 4 jidu)], 13 March 18, sec. 3(1).

¹⁷ Shawn Shieh, “Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector,” in NGO Governance and Management in China, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 48; International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” last visited 17 April 18.

¹⁸ International Center for Not-for-Profit Law, “Civic Freedom Monitor: China,” last visited 17 April 18; Shawn Shieh, “Mapping the Dynamics of Civil Society: A Model Analysis of Trends in the NGO Sector,” in NGO Governance and Management in China, eds. Reza Hasmath and Jennifer Y.J. Hsu (Abingdon: Routledge, 2016), 52–53. See also Isabel Hilton et al., “The Future of NGOs in China: A ChinaFile Conversation,” Asia Society, ChinaFile, 14 May 15.

¹⁹ Christian Solidarity Worldwide, “Stakeholder Submission to the Universal Periodic Review, 31st Session, for the People’s Republic of China,” April 2018, item 3; CIVICUS and Asian Human Rights Commission, “Stakeholder Submission to the Universal Periodic Review, 31st Session, for the People’s Republic of China,” 29 March 18, item 1.4; Front Line Defenders, “Stakeholder Submission to the Universal Periodic Review, 31st Session, for the People’s Republic of China,” 29 March 18, items 1–2.

²⁰ Zhao Chao and Chen Weiwei, “Glorious Guide To Building a Marxist Ruling Party—Story of the Birth of the ‘Chinese Communist Party Constitution (Amendment)’” [Jianshe makesi zhuyi zhizhengdang de guanghui zhiyin—zhongguo gongchandang zhangcheng (xiuzheng’an) dansheng jil], Xinhua, 28 October 17; Amendment to the PRC Constitution [Zhonghua renmin gongheguo xianfa xiuzheng’an], Xinhua, 11 March 18, art. 32; Human Rights in China, “Stakeholder Submission to the Universal Periodic Review, 31st Session, for the People’s Republic of China,” April 2018, item 18.

²¹ CIVICUS and Asian Human Rights Commission, “Stakeholder Submission to the Universal Periodic Review, 31st Session, for the People’s Republic of China,” 29 March 18, item 1.4.

²² Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 20.

²³ International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19(2), 21, 22.

²⁴ Chinese Human Rights Defenders, “Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” 27 February 18, 24–26.

²⁵ “Zhen Jianghua Not Released 37 Days After Criminal Detention, Many Rights Defenders Subjected to Stability Maintenance Measures Due to 19th Party Congress” [Zhen jianghua xingju 37 tian qiman wei huoshi duo wei weiquan renshi yin shijiu da bei weiwen], China Free Press (blog), 9 October 17. For more information on Zhen Jianghua, see the Commission’s Political Prisoner Database record 2017-00360.

²⁶ Human Rights Campaign in China, “In Case Concerning Zhen Jianghua, Whom Zhuhai Government Detained on Inciting Subversion of State Power Charge, Sister Summoned by Jiangmen PSB, State Security Officials Warned Her, Saying Her Article Affected Police Efforts To Gather Evidence” [Bei zhuhai dangju yi shandong dianfu guojia zhengquan zui jiya de zhen jianghua qi jiejie zao jiangmen gong’anju chuanxun guobao jinggao shuo ta wenzhang yingxiang jingfang souzheng], 29 September 17.

²⁷ Civil Rights & Livelihood Watch, “Authorities Secretly Tried Zhen Jianghua, Netizens Say It Shows [Authorities’] Guilty Mind” [Dangju mimi shenpan zhen jianghua wangyou zhihu xinxu], 5 September 18.

²⁸ Human Rights Campaign in China, “In Case Concerning Zhen Jianghua, Whom Zhuhai Government Detained on Inciting Subversion of State Power Charge, Sister Summoned by Jiangmen PSB, State Security Officials Warned Her, Saying Her Article Affected Police Efforts To Gather Evidence” [Bei zhuhai dangju yi shandong dianfu guojia zhengquan zui jiya de zhen jianghua qi jiejie zao jiangmen gong’anju chuanxun guobao jinggao shuo ta wenzhang yingxiang jingfang souzheng], 29 September 17.

²⁹ Ibid.

³⁰ “Eight Detained for Organizing Humanitarian Assistance for Political Prisoners and Their Families,” China Change, 15 April 18.

³¹ Ibid.; Rights Defense Network, “RDN: Monthly Report on Detained Mainland Chinese Political Prisoners and Prisoners of Conscience (5/31/2018) No. 32 (Total 761 Persons) (Part 2)” [Weiquan wang: zhongguo dalu zaiya zhengzhi fan, liangxin fan yuedu baogao (2018 nian 5 yue 31 ri) di 32 qi (gong 761 ren) (di 2 bufen)], 31 May 18. For more information, see the Commission’s Political Prisoner Database records 2018-00165 on Guo Qingjun, 2018-00222 on Liu Chunlin, 2018-00221 on Dai Xiangnan.

³²“Eight Detained for Organizing Humanitarian Assistance for Political Prisoners and Their Families,” *China Change*, 15 April 18.

³³“Detained Chinese Rights Group Spokeswoman Denied Visit From Defense Lawyer,” *Radio Free Asia*, 16 March 18; Rights Defense Network, “Chinese Human Rights Watch Member, Xu Qin, Confirmed To Be Criminally Detained” [Zhongguo renquan guancha chengyuan xu qin zhengshi zao xingshi juliu], 22 February 18. For more information on Xu Qin, see the Commission’s Political Prisoner Database record 2016-00015.

³⁴“Chinese Police Charge Prominent Detained Rights Activist With Subversion,” *Radio Free Asia*, 22 March 18.

³⁵*Ibid.* For more information on Qin Yongmin, see the Commission’s Political Prisoner Database record 2004-02138.

³⁶Rights Defense Network, “The Real Situation of Qin Yongmin’s Trial” [Qin yongmin an tingshen zhenshi qingkuang], 19 May 18.

³⁷“Wuhan Dissident Qin Yongmin Heavily Sentenced to 13 Years in Prison” [Wuhan yiyi renshi qin yongmin zao zhongpan 13 nian], *Radio Free Asia*, 11 July 18.

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³⁹“Chinese Police Charge Prominent Detained Rights Activist With Subversion,” *Radio Free Asia*, 22 March 18; Lily Kuo, “Chinese Dissident Qin Yongmin Jailed After ‘Show Trial,’” *Guardian*, 11 July 18.

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⁴¹LAPRC 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. See also CECC, 2017 Annual Report, 5 October 17, 225–26.

⁴²See, e.g., Liu Yanling, “Lines of Trust Blurred for NGOs Under China’s New Law,” *Global Times*, 14 December 17; World Resources Institute, “World Resources Institute Obtains Overseas NGO Registration in China,” 20 November 17; Ministry of Public Security, Overseas Non-Governmental Organizations Service Platform, “Open Information—Public Information” [Xinxi gongkai—xinxi gongshi], last visited 17 April 18; “Registered Foreign NGO Representative Offices Interactive Map and Filterable Table,” *Asia Society, ChinaFile, China NGO Project*, last visited 17 April 18.

⁴³Tom Hancock, “China Law Puts Foreign NGOs Under Tighter Control,” *Financial Times*, 22 April 18.

⁴⁴Chongyi Feng, “The NGO Law in China and Its Impact on Overseas Funded NGOs,” *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, Vol. 9, No. 3 (2017), 102.

⁴⁵Ministry of Public Security, Overseas Non-Governmental Organizations Service Platform, “Open Information—Public Information” [Xinxi gongkai—xinxi gongshi], last visited 20 August 18; “Registered Foreign NGO Representative Offices Interactive Map and Filterable Table,” *Asia Society, ChinaFile, China NGO Project*, last visited 20 August 18.

⁴⁶Ministry of Public Security, Overseas Non-Governmental Organizations Service Platform, “Open Information—Public Information” [Xinxi gongkai—xinxi gongshi], last visited 20 August 18; “Registered Foreign NGO Representative Offices Interactive Map and Filterable Table,” *Asia Society, ChinaFile, China NGO Project*, last visited 17 April 18.

⁴⁷Jessica Batke, “Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities,” *Asia Society, ChinaFile, China NGO Project*, 8 August 18. According to *Asia Society’s China NGO Project*, two INGO representative offices registered in June 2018, which was significantly fewer than the prior 14 months and the following month of July 2018. See infographic titled “Number of Representative Offices Registered Per Month, January 2017–July 2018.”

⁴⁸Jessica Batke, “Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities,” *Asia Society, ChinaFile, China NGO Project*, 8 August 18.

⁴⁹*Ibid.*

⁵⁰China Cyber Security, “Brother Die: No Such Thing as Pie From the Sky! Don’t Make These ‘Friends’ Who Wear Masks” [Xiong die: meiyou tianshang diao xianbing de shi’er! zhaxie daizhe mianju de zhaxie “pengyou” zhende bu ke jiao], 14 April 18, reprinted in *Doudou Headlines*, 16 April 18; “Government Cartoon Portrays ‘Foreign NGOs’ as National Security Concern,” *Asia Society, ChinaFile, China NGO Project*, 18 April 18.

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⁵⁶ Amnesty International, “China: Taiwan NGO Worker Detained on Vague National Security Charges,” 29 March 17; Benjamin Haas, “China Says It Has Detained Taiwanese Activist Missing Since 19 March,” *Guardian*, 29 March 17.

⁵⁷ Benjamin Haas, “China Says It Has Detained Taiwanese Activist Missing Since 19 March,” *Guardian*, 29 March 17; “TAO: Lee Ming-cheh and Zhang Xiangzhong Cases Still Under Investigation” [Guotaiban: li mingzhe, zhang xiangzhong shijian ren zai diaocha], *Radio Free Asia*, 26 April 18.

⁵⁸ “Taiwan Suspect Arrested on Mainland,” *Xinhua*, 26 May 17.

⁵⁹ “Public Hearing Begins for Peng Yuhua and Lee Ming-cheh Trial of First Instance in Subversion of State Power Case” [Peng yuhua, li mingzhe dianfu guojia zhengquan an yishen gongkai kaiting], *Xinhua*, 11 September 17.

⁶⁰ *Ibid.*

⁶¹ “China Jails Taiwan Activist Lee Ming-che for ‘Subversion,’” *BBC*, 28 November 17; Mimi Lau, “Rights Activist Lee Ming-cheh First Taiwanese To Be Jailed for Subversion on Mainland China,” *South China Morning Post*, 28 November 17.

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⁶⁴ “Person Responsible for Ministry of Civil Affairs Social Organizations Management Bureau Answers Questions From This Paper’s Reporter About Governance of Illegal Social Organizations” [Minzhengbu shehui zuzhi guanli ju fuze ren jiu zhili feifa shehui zuzhi da ben bao jizhen], *China Society News*, 9 February 18.

⁶⁵ *Ibid.*

⁶⁶ Ministry of Finance and State Administration of Taxation, “Circular on Determining and Managing Issues Related to Nonprofit Organizations’ Tax Exemption Eligibility” [Guanyu fei yingli zuzhi mianshui zige rending guanli youguan wenti de tongzhi], issued 7 February 18, effective 1 January 18, 6(6).

⁶⁷ “China’s Ministry of Civil Affairs Launched a New Round of Special Action Attacking ‘Illegal Social Organizations,’” [Zhongguo minzhengbu kaizhan xin yi lun daji “feifa shehui zuzhi” zhuanxiang huodong], *Radio Free Asia*, 17 April 18.

⁶⁸ Ministry of Civil Affairs, Measures on the Management of Social Organizations’ Social Credit Information [Shehui zuzhi xinyong xinxi guanli banfa], issued 30 January 18, arts. 9, 15.

⁶⁹ *Ibid.*, art. 11; “Measures on the Management of Social Organizations’ Credit Information, Severe Violations of Law and Those [Who Are] Untrustworthy Will Be Disciplined” [Shehui zuzhi xinyong xinxi guanli banfa yanzhong weifa shixin jiang bei chengjie], *CCTV*, 31 January 18.

⁷⁰ See, e.g., “MCA Administratively Punishes Western Returned Scholars Foundation With Three-Month Suspension of Activities” [Minzhengbu dui oumei tongxue jijinhui zuo chu tingzhi huodong san ge yue xingzheng chufa], *China News Service*, 14 March 18.

⁷¹ 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 zhanxing 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. See also CECC, 2016 Annual Report, 6 October 16, 228.

⁷² Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments) [Shehui zuzhi dengji guanli tiaoli (cao’an zhengqiu yijian gao)], 3 August 18, arts. 2, 83; Xie Xiaoxia, NGOCN, “Reflections and Advice Regarding the ‘Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments)’” [Guanyu “shehui zuzhi dengji guanli tiaoli (cao’an zhengqiu yijian gao)” de sikao yu jianyi], 6 August 18.

⁷³ Ministry of Civil Affairs, Regulations on the Registration and Management of Social Organizations (Draft for Solicitation of Comments) [Shehui zuzhi dengji guanli tiaoli (cao’an zhengqiu yijian gao)], 3 August 18, arts. 8, 10.

⁷⁴ *Ibid.*, art. 7.

⁷⁵ *Ibid.*, art. 13; “Measures on the Management of Social Organizations’ Credit Information, Severe Violations of Law and Those [Who Are] Untrustworthy Will Be Disciplined” [Shehui zuzhi xinyong xinxi guanli banfa yanzhong weifa shixin jiang bei chengjie], *CCTV*, 31 January 18.

⁷⁶ “Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], *Xinhua*, 21 March 18, art. 38.

⁷⁷ State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 2(4).

⁷⁸ “Wang Yong: Establishing a National International Development Cooperation Agency” [Wang yong: zujian guojia guoji fazhan hezuo shu], *Xinhua*, 13 March 18.

⁷⁹ David Gitter and Leah Fang, “The Chinese Communist Party International Department: Overlooked Yet Ever Present,” *The Diplomat*, 8 August 16.

⁸⁰ Gong Jie, “1st Silk Road NGO Cooperation Network Forum Kicks Off,” *China.org.cn*, 21 November 17.

⁸¹ Silk Road NGO Cooperation Network, “Member Organizations,” 10 July 18. The Silk Road NGO Cooperation Network includes member organizations such as the All-China Youth Federa-

Civil Society

tion, All-China Women's Federation, Chinese People's Association for Friendship with Foreign Countries, Buddhist Association of China, China Catholic Patriotic Association and Bishops' Conference of the Catholic Church, China Islamic Association, and China Religious Culture Communication Association, among other government-organized non-governmental organizations (GONGOs).

⁸² Gong Jie, "1st Silk Road NGO Cooperation Network Forum Kicks Off," China.org.cn, 21 November 17; Silk Road NGO Cooperation Network, "Member Organizations," 10 July 18.

⁸³ China NGO Network for International Exchanges, "About Us," last visited 14 June 18; Silk Road NGO Cooperation Network, "Introduction of the First Silk Road NGO," 24 November 17.

⁸⁴ State Council, "Sun Jiazheng" [Sun jiazheng], 14 March 18.

⁸⁵ Gerry Groot, "The Long Reach of China's United Front Work," Lowy Institute, *The Interpreter*, 6 November 17.

⁸⁶ James A. Millward, "Is China a Colonial Power?" *New York Times*, 4 May 18; Shanthy Kalathil, "China in Xi's 'New Era': Redefining Development," *Journal of Democracy*, Vol. 29, Issue 2 (April 2018), 52–55.

INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Governance in China's One-Party System

China's one-party authoritarian political system remains out of compliance with the standards defined in the International Covenant on Civil and Political Rights,¹ which China has signed and declared an intention to ratify,² and the Universal Declaration of Human Rights.³ These standards require that citizens be allowed to freely choose their representatives⁴ and to hold their officials accountable through fair and impartial elections regardless of political party membership.⁵ Historic developments in China this past year signified further regression from these international standards of democratic governance:⁶ The Chinese Communist Party tightened its control over the government and society through a significant restructuring of central Party and government institutions,⁷ and the Party and government overturned a key institutional reform of the post-Mao era by abolishing presidential term limits.⁸ In his report to the 19th National Congress of the Chinese Communist Party (19th Party Congress) in October 2017, Party General Secretary and President Xi Jinping asserted that Party building will play a "decisive role" in achieving the Party's goal of the "great rejuvenation of the Chinese nation."⁹ According to an expert, the speech implies that "the Party is the prerequisite for any success [of the country]."¹⁰ As Party leaders demanded obedience and loyalty from all sectors of society,¹¹ the Party itself increasingly came under the personal leadership of Xi.¹² Citizens who voiced disagreement with official policies faced harassment, detention, or criminal prosecution,¹³ demonstrating Chinese authorities' violation of citizens' right to participate in public affairs.¹⁴

Xi Jinping Further Amassed Power

This past year, Party General Secretary and President Xi Jinping further "[centralized] authority under his personal leadership,"¹⁵ thereby undermining collective leadership,¹⁶ "[reversing] reform and opening initiated by former Chinese leader Deng Xiaoping . . .,"¹⁷ and "destabilizing" China's political system,¹⁸ according to scholars and experts. At the 19th Party Congress,¹⁹ convened between October 18 and 24, 2017,²⁰ Xi delivered the 18th Central Committee report in which he reiterated a key goal of the Party's economic plan²¹ to complete the final phase of building a "moderately prosperous society" by 2020.²² Xi demanded that all sectors of society obey the Party Central Committee,²³ and he also further solidified his leadership over the Party.²⁴ On October 24, 2017, members of the 19th Party Congress voted to amend the Chinese Communist Party Constitution to recognize Xi as the "core" leader of the Party Central Committee²⁵ and to write Xi's name and theory into the preamble.²⁶ According to a U.S.-based scholar, the amendment "marks a degree of influence and dominance not shared by any other leader since Mao [Zedong]."²⁷ An analysis described Xi's theory, "Xi Jinping Thought on Socialism With Chinese Characteristics for a New Era," as "a super-nationalistic narrative."²⁸ In addition, Xi's references to the importance of "propaganda and thought work" (*xuanchuan sixiang gongzuo*) in his

speeches since assuming power at the 18th Party Congress evoke “brainwashing and Mao-style ideological campaigns,” according to this analysis.²⁹ In March 2018, the Central Committee issued a plan to restructure Party and government organizations and elevated four leading small groups (*lingdao xiaozu*) headed by Xi to committees; the leading small groups were responsible for reform efforts, cybersecurity, finance, and foreign affairs, and the redesignation, according to some observers, may enhance Xi’s authority and control over these policy issues.³⁰ [For more information on the restructuring of Party and government organizations, see Party Expands Power Over Government and Society below.]

China’s Constitution Amended To Eliminate Presidential Term Limits

Carrying out the Party Central Committee’s recommendation,³¹ the National People’s Congress³² amended China’s Constitution on March 11, 2018, with a vote of 2,958 in favor, 2 against, and 3 abstentions.³³ In what two experts characterized as “historically consequential” revisions,³⁴ the amended Constitution no longer limits the president to serving two five-year terms.³⁵ Former leader Deng Xiaoping took a leading role in instituting term limits in 1982, reportedly to avoid over-concentration of political power in one person³⁶ and to establish an “orderly system of succession.”³⁷ Eliminating term limits potentially would allow Xi Jinping to retain the presidency indefinitely,³⁸ and it signified Xi’s repudiation of the succession system developed by Deng, according to observers.³⁹ Chinese and international observers said that the move—even if made with the intention of improving governance, as an NPC spokesman stated⁴⁰—could lead to disorder,⁴¹ and “revert[s] the country back to the era of strongman politics and the personality cult.”⁴²

While state and Party news outlets asserted that the constitutional amendment enjoyed wide public support,⁴³ different forms of protest against the amendment took place outside China.⁴⁴ Authorities reportedly suppressed dissenting voices by means of censorship,⁴⁵ detention,⁴⁶ and keeping democracy and rights advocates away from Beijing municipality.⁴⁷ In one example, the Party Committee of Zhongnan University of Economics and Law removed a university professor from her teaching position for criticizing the constitutional amendment.⁴⁸ Outside China, Chinese students studying at over 30 schools around the world reportedly hung posters protesting the removal of term limits.⁴⁹

EROSION OF INTRAPARTY DEMOCRACY

Xi Jinping further centralized his political power by handpicking persons to fill top leadership positions.⁵⁰ In October 2017, the First Plenum of the 19th Central Committee announced the new members of the Politburo and its Standing Committee,⁵¹ the de facto center of political power in China.⁵² Xi Jinping reportedly handpicked the new members⁵³ through conducting personal interviews.⁵⁴ During the previous two congresses, the Party experimented with a straw poll, allowing a group of Party leaders to recommend candidates,⁵⁵ as a step toward intraparty democracy (*dangnei minzhu*; also translated as “inner-Party democracy”).⁵⁶ Although it is unclear if the straw poll approach had an actual im-

pact on the ultimate selection, it “suggested the legitimacy of the leading cadres of the [Communist Party],” according to an expert.⁵⁷ An official news article cited the prevention of corrupt practices to justify Xi’s dismissal of the straw poll approach.⁵⁸ One observer expressed regrets that the straw poll approach was outright abandoned rather than improved upon,⁵⁹ and another observer said that prior “optimism for [intraparty democracy] proved short-lived.”⁶⁰

Party Expands Power Over Government and Society

At the annual meetings of the National People’s Congress (NPC) and Chinese People’s Political Consultative Conference in March 2018 (Two Sessions), central authorities unveiled sweeping changes to Party and government structures.⁶¹ Such reorganization, China’s biggest in decades,⁶² gives the Party and Xi tighter control⁶³ in a number of areas as the Party takes over the responsibility of policy implementation, which in recent decades had largely been left to the government bureaucracy.⁶⁴ One scholar observed that these changes also are likely to erode the space for policy discussions and reduce checks on the abuse of power.⁶⁵ Examples in which the restructuring plan grants the Party control over government-held functions include the following:

- The Central Party School and the Chinese Academy of Governance merged to consolidate the Party’s leadership in training government officials and in ensuring their ideological conformity.⁶⁶
- The Party’s United Front Work Department assumed exclusive policymaking authority over religious and ethnic minority matters.⁶⁷ [For more information on the impact on religious freedom, see Section II—Freedom of Religion.]
- The Party’s Central Propaganda Department took over managerial responsibilities for press and film administration from the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT), which was disbanded as a result of the reorganization.⁶⁸ A newly created State Council agency called the State Radio and Television Administration took over SAPPRFT’s remaining responsibility for radio and television administration, while the Central Propaganda Department will continue to have a leadership role over the three major official broadcast entities.⁶⁹ In July 2018, the Propaganda Department and the Central Organization Department directed local units such as schools, research institutions, and enterprises to produce media content, hold special topic seminars, and implement training modules aimed at expeditiously cultivating among intellectuals “a striving spirit to promote patriotism,” and aligning them with the Party and government’s objectives.⁷⁰ A former provincial-level propaganda department official characterized this as a brainwashing campaign targeting intellectuals.⁷¹

Another structural change that further blurs the line between the Party and the government is the creation of the National Supervisory Commission (NSC) to direct anticorruption efforts.⁷² At the Two Sessions, the NPC, acting at the direction of the Party’s Central Committee,⁷³ established the NSC by amending the Con-

stitution⁷⁴ and passing the PRC Supervision Law.⁷⁵ The Supervision Law grants the NSC similar status as the State Council, the Supreme People's Court, and the Supreme People's Procuratorate (SPP).⁷⁶ The NSC replaces the Ministry of Supervision and National Bureau of Corruption Prevention, and takes over certain duties of the SPP involving the investigation of official misconduct such as bribery and dereliction of duty.⁷⁷ The NSC shares office space, personnel, and a website with the Central Commission for Discipline Inspection (CCDI), a Party entity,⁷⁸ and is under the direct supervision of the Party's Central Committee.⁷⁹

While the CCDI's jurisdiction is limited to Party members, the new PRC Supervision Law grants the NSC broad supervisory jurisdiction covering not only Party and government officials, but also administrators at state-owned enterprises, public schools and hospitals, as well as village and residence committees.⁸⁰ Some observers opined that creating the NSC allowed the Party to extend its extrajudicial disciplinary reach over the entire public sector,⁸¹ which is estimated to be over 100 million people.⁸² In addition, the PRC Supervision Law grants the NSC authority to confine individuals under a newly institutionalized disciplinary measure called "confinement" (*liuzhi*) for up to six months without judicial oversight.⁸³ Unlike "double designation" (*shuanggui*), a coercive measure reserved for Party members only,⁸⁴ experts have assessed that NSC officials may apply *liuzhi* to confine any person suspected of bribery or of participating in crimes involving official misconduct, which may include civilians and foreign citizens.⁸⁵ [For more information on arbitrary detention and on the NSC's authority to confine individuals, see text box titled Confinement (*Liuzhi*) Under the PRC Supervision Law in Section II—Criminal Justice.]

Control Over Citizens

SOCIAL CREDIT SYSTEM

Party and government leadership continued to build the social credit system that aims to use surveillance and artificial intelligence to coerce and incentivize individuals to participate in "social management" to maintain social order.⁸⁶ In 2014, the State Council issued a plan to complete by 2020 the regulatory and technical framework for a national social credit system,⁸⁷ which is designed to measure citizens' creditworthiness and moral integrity as it relates to "socialist core values."⁸⁸ As a social management tool currently consisting of "fragmented initiatives that share a basic set of objectives [and] operational frameworks,"⁸⁹ the system takes into account factors beyond financial transactions to include criminal records, traffic violations, social media activities, and political activities.⁹⁰ Critics have raised concerns that the social credit system is part of the Chinese government's efforts to counter perceived threats to national security and shape citizens' behavior through massive data-gathering and surveillance at the expense of privacy.⁹¹

As part of its efforts to develop the social credit system, the Chinese government this past year moved to gain access to personal information collected by commercial enterprises.⁹² In February 2018, China's central bank, the People's Bank of China, granted a

license to Baihang Credit Scoring (Baihang) to operate as a credit reporting company, enabling it to collect and process personal information.⁹³ The newly formed Baihang is owned by eight major private companies in credit-related businesses⁹⁴ and the National Internet Finance Association of China (NIFAC), a Party- and state-organized association that supervises the implementation of government policies in internet finance.⁹⁵ The eight companies could share among themselves and with the NIFAC⁹⁶ a wide range of customer data.⁹⁷ The license was granted despite the Cyberspace Administration of China having found one of the member companies to have collected personal information in violation of the non-binding⁹⁸ government standards for safeguarding personal information.⁹⁹ Moreover, the manner in which collected data may be automatically shared among the eight companies for credit evaluation raised concerns that it could exceed the scope of customers' consent.¹⁰⁰ In June 2018, Baihang partnered with over 120 companies, which would provide Baihang with personal information of their customers in exchange for access to Baihang's credit information database.¹⁰¹ One source expressed concern over whether Baihang's member companies' data sharing would violate China's privacy laws.¹⁰²

In addition, part of the implementation of the social credit system in some cases may violate citizens' due process rights and infringe on their right to freedom of movement.¹⁰³ In March 2018, the National Development and Reform Commission (NDRC) and other state entities issued two opinions prohibiting certain individuals who have "lost credit in serious ways" from taking trains for six months¹⁰⁴ or airplanes for a year.¹⁰⁵ Affected individuals include those blacklisted because of their failure to satisfy a court judgment.¹⁰⁶ International NGO Human Rights Watch highlighted two cases in which a lawyer and a journalist were unable to buy plane tickets because they were blacklisted as "untrustworthy," respectively, for a court-ordered apology deemed "insincere" and a payment submission that a court said it did not receive.¹⁰⁷ The NDRC deputy director reported in March that authorities had restricted 3 million individuals from using trains and 9 million from using aircraft due to "lost credit."¹⁰⁸

AN EXPANDING, PERVASIVE SURVEILLANCE SYSTEM

The Chinese government continued to expand the existing video surveillance system (also known as Skynet)¹⁰⁹ this past year. In 2005, the Ministry of Public Security initiated a pilot program to implement video surveillance systems in over 400 localities, and the ministry expanded the program to cover every prefecture-level city by 2011.¹¹⁰ Official news agency China News Service reported that the surveillance system had a limited impact on fighting crime and that its primary function is to "maintain social stability" such as preventing protests and demonstrations.¹¹¹ Between 2012 and 2017, the system grew to consist of 20 million cameras,¹¹² covering over 5,000 local administrative jurisdictions,¹¹³ with many having facial recognition capabilities.¹¹⁴ In January 2018, the Party Central Committee and State Council issued an opinion on "rejuvenating" villages and expressed the intention to expand the surveil-

lance system to cover rural areas,¹¹⁵ consisting of about 41 percent of China's population.¹¹⁶

In addition, Chinese authorities are building biometric databases to monitor broad segments of the population.¹¹⁷ In December 2017, the Wall Street Journal reported that public security officials in various locations in China collected biometric information such as saliva and blood samples from individuals, in some cases without their informed consent, who had expressed views critical of the government or committed minor infractions.¹¹⁸ The police in Ningxia Hui Autonomous Region reportedly wrote that they “were transforming DNA technology from simply a criminal investigation tool into an important initiative for social control and safety keeping.”¹¹⁹ In some localities, authorities gathered biometric information from migrant workers and coal miners because officials deemed these groups to be “a higher risk to social stability.”¹²⁰ In the Xinjiang Uyghur Autonomous Region, authorities “[collected] DNA samples of all residents between the ages of 12 and 65.”¹²¹ China reportedly lacks adequate privacy protections with respect to the installation of surveillance cameras and the collection of biometric information.¹²² [For more information on surveillance in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

CONTINUED CRACKDOWN ON FREE SPEECH, ASSEMBLY, AND
ASSOCIATION

Chinese authorities continued to harass, detain, and imprison advocates who exercised their rights to freedom of speech, assembly, and association. The UN Office of the High Commissioner for Human Rights has found that the free exercise of these rights constitutes “essential conditions” for effective political participation.¹²³ Representative cases are as follows:

- Authorities harassed individuals around the 29th anniversary of the 1989 Tiananmen protests by means of censorship, questioning, detention, and enforced disappearance.¹²⁴ For example, on June 4, 2018, police and officials from the local religious affairs bureau detained over 17 members of the **Early Rain Covenant Church** in Chengdu municipality shortly before a scheduled prayer meeting to commemorate the anniversary.¹²⁵
- Authorities continued to administratively and criminally detain democracy advocates.¹²⁶ In one case, on May 21, 2018, police took rights defender **Yu Qiyuan** into custody at a train station in Guangzhou municipality, Guangdong province,¹²⁷ reportedly in connection with his participation in a sea memorial held in July 2017 in Guangdong to commemorate the death of Nobel Peace Prize laureate Liu Xiaobo.¹²⁸ Yu tweeted that police located him with facial recognition technology.¹²⁹
- On May 11, 2018, the Wuhan Intermediate People's Court tried **Qin Yongmin**, whom authorities accused of “subversion of state power” in connection to his participation in the banned China Democracy Party and the domestic NGO China Human Rights Watch.¹³⁰ The trial took place more than three years after authorities detained him in January 2015.¹³¹ According to Qin's sister-in-law, authorities also forcibly disappeared Qin's wife **Zhao Suli** at the same time and placed her under

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soft detention.¹³² On July 11, 2018, the same court sentenced Qin to 13 years in prison and 3 years' deprivation of political rights.¹³³

- As of May 2018, **Liu Feiyue**, founder of the rights monitoring website Civil Rights & Livelihood Watch, remained in pretrial detention on suspicion of "inciting subversion of state power," since authorities took him into custody in November 2016.¹³⁴

Citizen Participation

ELECTIONS

The Commission did not observe progress in expanding the scope of direct elections, which Chinese law limits to people's congresses of local jurisdictions such as smaller cities, counties, and townships.¹³⁵ Chinese news media emphasized the Party's leadership in every step of the local election process,¹³⁶ and citizens reportedly continued to face difficulties in running as independent candidates.¹³⁷ Sources further highlighted instances in which officials suppressed meaningful participation in or speech regarding elections this past year,¹³⁸ demonstrating that China's political institutions do not meet the standards for elections outlined in the Universal Declaration of Human Rights¹³⁹ and International Covenant on Civil and Political Rights.¹⁴⁰ For example, in January 2018, police in Laizhou city, Yantai municipality, Shandong province, took Zhang Yuxi into custody and ordered him to serve eight days' administrative detention on the charge of "fabricating facts to disturb public order," thereby preventing him from participating in a village election.¹⁴¹ Zhang previously filed complaints about local officials' corrupt practices and exposed irregularities in a local election.¹⁴²

RULEMAKING PROCESS

The State Council's December 2017 amendments of two sets of regulations governing rulemaking processes¹⁴³ have the potential to curb the arbitrary exercise of power¹⁴⁴ and improve public participation, but they included language emphasizing the Party's control.¹⁴⁵ The amended regulations require the State Council to solicit public opinion when drafting rules that diminish citizens' benefits or increase their responsibilities.¹⁴⁶ State Council departments and local administrative departments are prohibited from making this type of rule unless expressly authorized by law.¹⁴⁷ The amendments also require the rulemaking body to solicit public comments and permit it to hold public hearings or to appoint third-party experts with specialized knowledge to draft rules involving technical matters.¹⁴⁸ Nevertheless, there is no mechanism by which the public can ensure that the rulemaking body has considered public comments.¹⁴⁹ Moreover, the amendments added a new requirement for compliance with the Party's decisions and policies.¹⁵⁰

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Transparency

The Chinese Communist Party issued regulations with the stated goal of improving transparency in Party affairs, but their impact likely will be limited. In December 2017, the Party Central Committee issued trial Regulations on Open Party Affairs (Open Party Regulations) that require Party entities to release information to the extent relevant to Party members and the public.¹⁵¹ Unlike the Open Government Information Regulations,¹⁵² the Open Party Regulations do not provide for mechanisms that allow citizens to request disclosure, and compliance is supervised by the Party itself.¹⁵³ The scope of disclosure under the Open Party Regulations generally is limited to policy documents and work progress reports,¹⁵⁴ and does not require the release of financial information, which is reportedly a key element in combating corruption.¹⁵⁵ The extent of public oversight on the new National Supervisory Commission (NSC) remains uncertain because it is unclear which set of disclosure rules applies—while the NSC reports to the National People’s Congress as a state entity, it also is characterized as a political body.¹⁵⁶

Accountability

Central authorities have implemented a years-long anticorruption campaign with the purported aim of holding officials accountable, but reports continue to highlight the campaign’s apparent underlying political motivations and note that corruption remains pervasive in China.¹⁵⁷ The Central Commission for Discipline Inspection (CCDI) announced that authorities nationwide disciplined a total of 527,000 individuals in 2017;¹⁵⁸ meanwhile, corruption reportedly remained a significant problem.¹⁵⁹ A scholar noted that Xi Jinping has used the anticorruption campaign to disrupt “[f]actions organized around political rivals.”¹⁶⁰ As the CCDI underscored in the communiqué of its second plenary session, the elimination of individuals disloyal to the Party is part of the objective of the anticorruption campaign.¹⁶¹ Vice President Wang Qishan,¹⁶² who ran the campaign in his previous role as the CCDI Secretary,¹⁶³ wrote a commentary in October 2017 that further underscored the political motivations of the campaign.¹⁶⁴ Wang identified political corruption as the worst form of corruption, which includes stealing power from the Party and the state by creating interest groups and undermining the Party’s control by organizing factional activities.¹⁶⁵ A U.K.-based scholar noted that widespread corruption persists in China due to the absence of true accountability and transparency regarding internal affairs and that Chinese leaders do not display sufficient commitment to address these challenges.¹⁶⁶

Authorities in various localities retaliated against individuals who exposed official misconduct. Examples are as follows:

- In August 2017, the Heyuan Municipal Intermediate People’s Court in Guangdong province dismissed **Liu Yao’s**¹⁶⁷ appeal challenging a lower court’s judgment sentencing him to 20 years in prison and fined him 1.4 million yuan (approximately US\$209,000) for “extortion,” “fraud,” and “purchasing a trafficked child.”¹⁶⁸ Liu’s detention is reportedly connected to his

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efforts to expose corruption, including an official's alleged involvement in unlawful appropriation of farmland for a golf course project.¹⁶⁹

- In February 2018, the Huidong County People's Court in Huizhou municipality, Guangdong, convicted **Li Jianxin** on the charge of "extortion" and sentenced him to 11 years in prison.¹⁷⁰ Li's detention is reportedly connected to his efforts to expose corruption by local officials, including a former deputy mayor of Huizhou.¹⁷¹

Notes to Section III—Institutions of Democratic Governance

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.

²United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 13 July 18; State Council Information Office, “National Human Rights Action Plan of China (2016–2020)” [Guojia renquan xingdong jihua (2016–2020 nian)], 29 September 16, sec. 5.

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

⁴Ibid., art. 21. Article 21 of the UDHR provides that, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . . The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

⁵International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25.

⁶David Shambaugh, “Under Xi Jinping, a Return in China to the Dangers of an All-Powerful Leader,” *South China Morning Post*, 1 March 18; Cheng Li and Ryan McElveen, Brookings Institution, “China’s Constitutional Conundrum,” 28 February 18.

⁷Willy Wo-Lap Lam, “At China’s ‘Two Sessions,’ Xi Jinping Restructures Party-State To Further Consolidate Power,” *Jamestown Foundation*, 26 March 18.

⁸Alice L. Miller, “Only Socialism Can Save China; Only Xi Jinping Can Save Socialism,” *Stanford University, Hoover Institution, China Leadership Monitor*, No. 56 (Spring 2018), 16 May 18.

⁹“Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era” [Xi jingping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, *Xinhua*, 27 October 17; Jessica Batke, “Party All the Time: Governance and Society in the New Era,” *China Stanford University, Hoover Institution, Leadership Monitor*, No. 55 (Winter 2018), 23 January 18, 2. See also, Qian Gang, “Qian Gang Exclusive: Report on Discourse in 2017 Part 1 The System of ‘Xi’s Discourse’ Is Established” [Qian gang zhuanwen: 2017 yuxiang baogao—“xi yu” tixi quelil], *Storm Media*, 6 January 18.

¹⁰Jessica Batke, “Party All the Time: Governance and Society in the New Era,” *Stanford University, Hoover Institution, China Leadership Monitor*, No. 55 (Winter 2018), 23 January 18, 2.

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¹⁶⁴ Wang Qishan, “Wang Qishan: Launching a New Era, Beginning a New Journey” [Wang qishan: kaiqi xin shidai tashang xin zhengchen], People’s Daily, 7 November 17.

¹⁶⁵ Ibid.; Nectar Gan, “China’s Graft-Busters Told To Zero in on Political Loyalty and Discipline,” South China Morning Post, 13 January 18.

¹⁶⁶ Dan Hough, “Why Has China’s Anti-Corruption Rating Barely Budged Despite Thousands of Arrests?” South China Morning Post, 23 February 18.

¹⁶⁷ For more information on Liu Yao, see the Commission’s Political Prisoner Database record 2008-00408.

¹⁶⁸ Human Rights in China, “Liu Yao & Wife Lai Wei’e Draft Case Timelines & Procedural Status,” 19 March 18.

¹⁶⁹ Human Rights in China, “Draft Case Summary of Liu Yao Lawyer and Whistleblower Sentenced to 20 Years in Prison for Exposing Corruption,” 19 March 18.

¹⁷⁰ “Li Jianxin, Anticorruption Hero in Guangdong, Possibly Framed, Accused of Extortion and Heavily Sentenced to 11 Years” [Guangdong fantan xia li jianxin jietan yi zao gouxian bei zhi qiaozha zhongpan 11 nian], Radio Free Asia, 2 February 18. For more information on Li Jianxin, see the Commission’s Political Prisoner Database record 2016-00498.

¹⁷¹ Ibid.; Rights Defense Network, “Lawyer Lin Qilei: Development in the Case of ‘Huiyang Oubo’ Li Jianxin—Investigation and Indictment Period Expires Soon” [Lin qilei lushi: “huiyang oubo” li jian xin anqing jinzhan qingkuang—shencha qisu qixian jijiang jiemian], 22 November 16; Rights Defense Network, “‘Huizhou Oubo’ Li Jianxin Indicted After Arrest” [“Huizhou oubo” li jianxin bei daibu hou yi bei qisu], 14 December 16; Zhu Yong, “Professional Complainant in Huizhou Suffered Chopped Fingers and Acid Attack, Right Eye Blinded From Being Hacked” [Huizhou zhiye jubao ren zao duan zhi po liusuan you yan bei kan shiming], Southern Metropolitan Daily, 9 July 13.

COMMERCIAL RULE OF LAW AND HUMAN RIGHTS

Introduction

When acceding to the World Trade Organization (WTO) in 2001,¹ the Chinese government agreed to improve the rule of law vis-à-vis the commercial sector, committing to transparency, intellectual property rights enforcement, and the equal treatment of domestic and foreign firms. During the Commission's 2018 reporting year, concerns remained regarding the development of rule of law in these areas, particularly regarding forced technology transfers and unequal treatment of foreign firms. The commercial environment in China is further complicated by the role of the Chinese Communist Party and the government in commercial enterprises, and reports from this past year indicate that the Party is attempting to expand its role in the commercial sector. Moreover, amid what international human rights organizations describe as worsening government repression in China,² domestic and international businesses are increasingly at risk of complicity in human rights abuses, including the repression of minority groups, mass data collection, surveillance of citizens, and censorship. Although the Chinese government requires companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy and freedom of expression, the UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . ."³

*Commercial Rule of Law*⁴

TRANSPARENCY

Since China's accession to the WTO, the government has made progress toward meeting requirements for improving transparency of trade-related laws, yet still falls short in several key areas.⁵ In acceding to the WTO, the Chinese government made commitments to improve transparency, including to publish all trade-related laws and regulations and translate them into one of the official WTO languages, and to allow for public comments on all draft trade-related laws and regulations.⁶ According to the Office of the U.S. Trade Representative (USTR), the European Union Chamber of Commerce in China (European Chamber), and a legal expert, although the government publishes many trade-related laws and administrative regulations, the government has in many cases failed to publish local regulations and other legal documents such as opinions, circulars, and subsidy measures.⁷ Furthermore, the government reportedly has failed to publish translations of many trade-related laws and regulations.⁸ The central government has largely met its obligation to allow for public comments on national laws, yet incomplete implementation of the public comment system for lower level rules and regulations remains a barrier to citizen participation and an area of non-compliance with WTO commitments.⁹

INTELLECTUAL PROPERTY RIGHTS

This past year, the Commission observed reports of improved enforcement of intellectual property rights (IPR) in some areas, though concerns remained about IPR infringement, including forced technology transfers. This past year, USTR, American Chamber of Commerce in the People's Republic of China (AmCham China), the US-China Business Council, and the European Chamber reported that the Chinese government had made some progress in IPR enforcement.¹⁰ Revisions to the PRC Anti-Unfair Competition Law, which took effect in January 2018, reportedly may provide improved protections for trade secrets.¹¹ In March and April 2018, government officials promised the creation of a system for seeking punitive damages over IPR infringements.¹² Nevertheless, USTR and business groups continued to report deficiencies in the government's protection and enforcement of IPR.¹³ Specific IPR concerns this past year included online piracy and copyright infringement,¹⁴ as well as forced technology transfers.¹⁵ A March 2018 USTR report found that the government uses restrictions on foreign ownership in certain sectors of the economy to force technology transfers through the establishment of joint ventures with Chinese firms, and that authorities often demand technology transfers orally or informally to avoid the appearance of violating international trade obligations.¹⁶

EQUAL TREATMENT UNDER THE LAW

This past year, the Chinese government took some steps toward meeting the WTO requirement for equal treatment of domestic and foreign companies, yet a significant percentage of U.S. and German companies reported feeling "less welcome" in China. When it joined the WTO, China committed to ensure non-discrimination against foreign enterprises in the procurement of goods and services and enforcement of intellectual property rights.¹⁷ In October 2017, several central government agencies jointly issued a provisional document outlining rules for implementing a fair competition review system, stating that government agencies should—with some exceptions¹⁸—review all new regulations to ensure that they do not limit market competition.¹⁹ In June 2018, the government issued new rules allowing for increased foreign investment in certain financial sectors and lifting all restrictions on foreign ownership in those sectors in 2021.²⁰ According to surveys of foreign businesses published by the American and German chambers of commerce this past year, 75 percent of American businesses surveyed and 39.1 percent of German businesses surveyed reported feeling "less welcome in China than before," while 54.7 percent of German businesses surveyed reported the situation had not changed.²¹

Reports continued to emerge this past year of the favorable treatment of domestic firms over foreign firms through the blocking of foreign websites and other formal restrictions on foreign firms. This past year, the government reportedly blocked websites including Facebook, Twitter, and many of Google's services using censorship filters often referred to as the "Great Firewall."²² In November 2017, many application (app) stores in China reportedly removed Skype for download from their stores, though Skype itself remained

accessible at that time.²³ Although some internet users in China—foreign firms in particular—have relied on virtual private networks (VPNs) to circumvent government internet restrictions,²⁴ in January 2017, the Ministry of Industry and Information Technology announced that starting March 31, 2018, only government-approved VPNs would be allowed.²⁵ Although app stores in China removed hundreds of VPNs,²⁶ initial reports following the March 31, 2018, deadline suggested that some private VPNs remained accessible.²⁷ [For more information on censorship in China, see Section II—Freedom of Expression.] In addition, the government continued to enforce quotas on foreign films, and as of July 2018, talks between U.S. and Chinese officials to raise the quota on U.S. films reportedly had stalled.²⁸

In addition to formal restrictions on foreign firms, the Commission observed reports of other forms of preferential treatment, both of domestic firms and of government- or Party-connected firms. USTR, AmCham China, and the European Chamber reported that foreign firms face unequal treatment in the issuing of licenses and enforcement of regulations.²⁹ State-owned enterprises in China reportedly receive favorable treatment in obtaining loans from government-controlled banks, which has put both foreign and private domestic firms at a disadvantage.³⁰ According to the international non-governmental organization Freedom House, regulators and courts in China treat private firms with informal ties to the government and Party favorably compared to firms without such connections.³¹

Role of the Chinese Communist Party and Government in the Commercial Sector

The Chinese Communist Party and government maintain a role in most enterprises that operate in mainland China, whether they are state-owned enterprises (SOEs), domestic private firms, foreign firms, or joint ventures. The PRC Company Law and the Chinese Communist Party Constitution require any firm with three or more Party members to allow the Party to establish a Party group within that firm.³² According to government data, as of the end of 2016, 93.2 percent of SOEs and 67.9 percent of private enterprises had Party groups, as did 70 percent of foreign-invested enterprises.³³ In addition to Party groups,³⁴ many firms have a branch of the Party-led All-China Federation of Trade Unions (ACFTU) on site.³⁵ [For more information on the ACFTU, see Section II—Worker Rights.] Within a typical SOE, company executives are also members of the SOE's Party committee,³⁶ and Party committee members serve on the board of directors.³⁷ Scholar Yasheng Huang³⁸ noted that state control in sectors of China's economy such as finance is another mechanism through which the government can exert power over the private sector.³⁹ Private investors and firms also invest in SOEs;⁴⁰ Director Xiao Yaqing of the State-Owned Assets Supervision and Administration Commission said in April 2018 that over 60 percent of SOEs had mixed ownership.⁴¹ Moreover, many executives of private firms in China are reportedly also members of Party-led organizations or delegates to China's legislature.⁴² In addition to these formal ties, Party and government officials have long maintained informal and often corrupt ties to the private sec-

tor.⁴³ [For more information on the relationship between the Communist Party and the government, see Section III—Institutions of Democratic Governance.]

Reports from this past year indicate that the Party and government are attempting to expand their roles in commercial enterprises. In October 2017, the Party amended its constitution to stipulate that Party committees play a “leading role” in the decision-making of SOEs.⁴⁴ This followed reports of dozens of SOEs amending their articles of incorporation in the summer of 2017 to strengthen the role of the Party within their enterprises.⁴⁵ The European Chamber and international media reported this past year that multiple SOEs engaged in joint ventures with foreign companies had proposed granting internal Party groups a greater decisionmaking role within those joint ventures.⁴⁶ In June 2018, the China Securities Regulatory Commission proposed revisions to stock market guidelines that would require all listed companies to establish Party groups.⁴⁷ In addition, in October 2017, the Wall Street Journal reported that the Chinese news app Yidian Zixun had allowed the government to purchase shares in the firm in order to obtain licenses for online content distribution.⁴⁸ The government is also reportedly exploring purchasing stakes in major technology firms including Alibaba and Tencent.⁴⁹

Human Rights and the Commercial Sector

Role of Commercial Firms in Domestic Security in Xinjiang

This past year, companies provided a wide range of equipment and services to the government in the Xinjiang Uyghur Autonomous Region (XUAR), despite reports of the suppression of ethnic and religious minorities. International human rights organizations report that human rights abuses in the XUAR are widespread, including severe restrictions on freedom of religion⁵⁰ and the internment of hundreds of thousands to as many as 1.1 million individuals belonging to Muslim ethnic minority groups in a network of extrajudicial “political reeducation” centers or camps.⁵¹ In an analysis for the Jamestown Foundation, scholar Adrian Zenz documented a 92.8 percent increase in domestic security spending in the XUAR from 2016 to 2017.⁵² The same scholar analyzed procurement documents from local governments in the XUAR and found bids for the construction and operation of “political reeducation” camps, including the purchases of surveillance equipment, furniture, and food delivery services.⁵³ In one example, the government of Hotan (Hetian) city, Hotan prefecture, planned to purchase 900 specially designed smart phones from the state-owned China Telecom⁵⁴ for use in “political reeducation” centers.⁵⁵

**Role of Commercial Firms in Domestic Security in Xinjiang—
Continued**

According to a report in *Foreign Policy*, since 2016, the XUAR government has awarded contracts worth over US\$1 billion to two of the world's largest security camera manufacturers,⁵⁶ Chinese companies Hikvision and Dahua Technology for surveillance projects in the XUAR.⁵⁷ In the spring of 2018, international media reported that the international security services company Frontier Services Group had partnered with the state-owned enterprise CITIC Group to invest in the Beijing municipality-based International Security Defense College.⁵⁸ According to the school's website, it specializes in counterterrorism and other security training courses for Chinese military, police, private security firms, and the general public.⁵⁹ The school's founder told the *Washington Post* that it was building a branch in the XUAR to train military and police personnel in the region.⁶⁰ [For more information on human rights abuses in the XUAR, see Section IV—Xinjiang.]

COMMERCIAL FIRMS' COMPLIANCE WITH DOMESTIC LAW RAISES
PRIVACY CONCERNS

Human rights groups warn that Chinese laws allow for collection of personal data from commercial firms without adequately protecting individuals' internationally recognized right to privacy.⁶¹ The PRC Cybersecurity Law took effect on June 1, 2017, requiring companies to store user data inside mainland China.⁶² The law provides some privacy protections, such as requiring businesses to obtain user consent before collecting data,⁶³ though the law does not define consent.⁶⁴ The Information Security Technology—Personal Information Security Specification,⁶⁵ effective May 1, 2018, also requires consent to collect individual data,⁶⁶ but provides eleven exemptions to this requirement,⁶⁷ including when such information is "directly relevant to public security, public health, or significant public interest."⁶⁸ The PRC Cybersecurity Law further requires companies to provide technical support to authorities that are conducting criminal investigations or "protecting state security,"⁶⁹ without specifying what such technical support entails.⁷⁰ An expert in Chinese law noted that "police have broad powers to collect evidence" from companies without judicial review,⁷¹ and international human rights groups warned that Chinese laws governing authorities' collection of data do not adequately protect individuals' privacy rights.⁷² The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights provide for the right to privacy.⁷³

Despite these privacy concerns, reports from this past year indicate that international companies are increasingly storing Chinese user data inside mainland China to comply with the PRC Cybersecurity Law. In February 2018, Apple transferred operations of iCloud services for mainland Chinese accounts to the state-owned Chinese firm Guizhou-Cloud Big Data.⁷⁴ Apple notified Chinese users of the change and allowed them to opt out of using iCloud services.⁷⁵ Amnesty International warned that "Chinese authorities now have potentially unfettered access to all Apple's Chinese customers' iCloud data."⁷⁶ Even prior to passage of the Cybersecurity

Law, Microsoft, Amazon, and IBM reportedly had partnered with local Chinese firms on cloud services in China starting in 2013.⁷⁷ Chinese companies such as Alibaba and Tencent also collect large amounts of data from their users.⁷⁸ It is unclear how much data these companies share with authorities, but reports from international news media indicate that domestic technology firms work closely with police and other government authorities.⁷⁹

In one example of how company data may be used by police, a November 2017 Human Rights Watch (HRW) report described the “Police Cloud” (*jing wu yun*) system, which the Ministry of Public Security is developing to collect large amounts of data in order to surveil targeted individuals or groups of concern.⁸⁰ Police in one locality reportedly purchased company data from third parties such as e-commerce companies,⁸¹ and police in another locality reportedly plan to collect usernames, IP addresses, and package delivery information.⁸² According to HRW, the Police Cloud system will target groups seen as a threat to stability, including petitioners seeking redress from the government and ethnic minority groups,⁸³ potentially violating rights to the presumption of innocence and freedom of association.⁸⁴

ROLE OF COMMERCIAL FIRMS IN THE COLLECTION OF BIOMETRIC DATA

Government and companies’ large-scale collection of data in China includes the collection of biometric data such as faces, voice samples, and DNA, and raises concerns regarding the potential targeting of rights advocates and compliance with international standards protecting the right to privacy. In October 2017, HRW reported that national police databases contained over 1 billion faces and over 40 million DNA samples, and that the Ministry of Public Security began construction of a national voice recognition database in 2012.⁸⁵ HRW further reported that police in Anhui province and the Xinjiang Uyghur Autonomous Region (XUAR) purchased voice pattern collection systems from the Anhui province-based technology company iFLYTEK, which provides speech recognition and text-to-speech applications (apps) for millions of mobile phones in China,⁸⁶ and XUAR security personnel reportedly procured DNA sequencers from the U.S.-based firm Thermo Fisher Scientific.⁸⁷ The PRC Criminal Procedure Law allows police to collect biometric data including fingerprints, urine, and blood samples from anyone suspected of committing a crime.⁸⁸ Human rights organizations reported, however, that the Chinese government has brought criminal cases against individuals such as lawyers, journalists, human rights advocates, and religious believers for exercising their internationally recognized human rights.⁸⁹ Moreover, reports this past year indicate that DNA collection is not limited to criminal suspects.⁹⁰ For example, in the XUAR, authorities have reportedly been collecting DNA samples and other biometric data from all residents aged 12 to 65.⁹¹ According to HRW, the collection of biometric data should be “comprehensively regulated” and “narrow in scope” in order to comply with international standards protecting the right to privacy.⁹²

ROLE OF COMMERCIAL FIRMS IN THE SOCIAL CREDIT SYSTEM

During this reporting year, the Chinese government continued to work with Chinese companies to develop and implement a social credit system that aims to aggregate and monitor the data that the government and companies collect, which some observers warned could increase the government's capacity for social control. In 2014, the State Council released an outline for the creation of a national social credit system by 2020 to measure and improve the credibility of government agencies, organizations, and individuals.⁹³ Scholars describe the social credit system as an ambitious project that will aggregate and monitor the large amounts of data that the state and companies collect on citizens in order to guide citizens' behavior through the use of incentives.⁹⁴ The government has reportedly worked with Chinese companies on the technology needed to implement the program.⁹⁵ In February 2018, the People's Bank of China formally approved the first nationwide credit-scoring company, Baihang Credit Scoring, which is a joint venture between a state- and Party-organized entity and eight Chinese technology firms.⁹⁶ Although the social credit system remained in the pilot stage this past year,⁹⁷ human rights experts and other observers warned the system could be used to further tighten government control over citizens.⁹⁸

ROLE OF COMMERCIAL FIRMS IN THE EXPANSION OF SURVEILLANCE NETWORKS

Chinese security authorities are working with companies not only to collect and monitor individuals' data, but also to integrate improved technology into China's expanding network of surveillance cameras, as human rights advocates raised concerns over the government's use of surveillance to target rights advocates and ethnic minorities. For example, the Chinese company Megvii makes software for commercial photo apps while also providing facial recognition software that the company claims has helped police make 4,000 arrests since the beginning of 2016.⁹⁹ Major Chinese technology companies Alibaba and Tencent also reportedly work with Chinese authorities to equip Chinese cities with surveillance technology.¹⁰⁰ The state-owned technology firm Aebell is developing a nationwide system called "Sharp Eyes," which would link surveillance cameras installed in rural areas to individuals' televisions and smart phones, allowing individuals to assist authorities in monitoring their villages.¹⁰¹ The Party-run news outlet Legal Daily reported that by the end of 2017, authorities in Sichuan province had completed Sharp Eyes projects in 14,087 villages, installing 41,695 new surveillance cameras.¹⁰² The consulting firm IHS Markit predicted China would account for 46 percent of the global video surveillance market in 2018.¹⁰³ Discussing possible privacy concerns, the Chief Executive Officer of the Chinese company LLVision—which created glasses that Beijing police have tested that can match faces to a database of suspects in real time—told Reuters, "We trust the government."¹⁰⁴ Human rights advocates reported, however, that the government has used surveillance to target political dissidents and ethnic minority groups.¹⁰⁵ [For more

information on government surveillance, see Section III—Institutions of Democratic Governance.]

ROLE OF COMMERCIAL FIRMS IN INTERNET CENSORSHIP

The Chinese government continued to restrict freedom of expression online by blocking and censoring content. Freedom House called China “the world’s worst abuser of internet freedom,”¹⁰⁶ and international human rights organizations have documented ongoing and increasing censorship this past year, particularly censorship of online content.¹⁰⁷ The Chinese government is able to censor online speech both by preemptively blocking content and by censoring content after it appears online.¹⁰⁸ Moreover, the government has detained social media users, bloggers, and the founders of rights advocacy websites in connection with their online speech.¹⁰⁹ [For more information, see Section II—Freedom of Expression.]

In addition to blocking or censoring content, Chinese authorities require companies to monitor content on their websites and apps, and in several cases this past year, authorities threatened or punished companies over online content. The PRC Cybersecurity Law requires companies to monitor content their customers create or share, censor content that violates laws and regulations, and report such content to authorities.¹¹⁰ For example, in late September 2017, the Cyberspace Administration of China fined technology companies Sina, Tencent, and Baidu for violating the Cybersecurity Law over content its users shared, which reportedly included political content.¹¹¹ In January 2018, the Shanghai Cyberspace Administration forced the U.S.-based hotel chain Marriott to take its websites and apps in China offline for a week after it sent an email to Chinese customers that listed Tibet, Hong Kong, Macau, and Taiwan as countries.¹¹² The company quickly issued a public apology and an eight-point “rectification plan.”¹¹³ Radio Free Asia reported in March that the State Council Taiwan Affairs Office would not permit the screening of Taiwanese films in China if those films featured actors who had voiced support for Taiwan independence.¹¹⁴ In April, the State Administration of Radio and Television (SART) criticized a popular news app and a video app, both owned by the China-based company Bytedance (*Jinri Toutiao*), for “violating social morality”; those apps, and several other popular news and video apps, temporarily disappeared from app stores.¹¹⁵ SART then ordered Bytedance to permanently close a popular joke-sharing app, calling the app “vulgar.”¹¹⁶ Although the International Covenant on Civil and Political Rights—which China has signed and committed to ratify¹¹⁷—allows governments to limit freedom of expression for the protection of “morals,”¹¹⁸ the Chinese government has in the past used campaigns against pornography and other “unlawful information” to restrict the legitimate exercise of freedom of expression.¹¹⁹

Faced with the possibility of lost revenue and other forms of punishment, both domestic and international companies engaged in self-censorship. After authorities took disciplinary action against them, domestic technology companies Kuaishou and Bytedance reportedly announced plans to expand the number of employees who monitor and censor content on their platforms.¹²⁰ In October 2017, the German academic publishing company Springer Nature agreed

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to censor its journal articles in mainland China.¹²¹ In congressional testimony in March, one media scholar described how film industry executives outside mainland China have invited Chinese content regulators to speak at conferences to provide guidance on how to create content that Chinese censors will allow.¹²² The Chinese microblog Weibo announced that in May 2018 it had blocked or deleted 141,000 posts containing “harmful information about current politics.”¹²³ Weibo also closed or limited functionality for 5,450 accounts for sharing “harmful” political information, an increase of 355 percent from April.¹²⁴ In the summer of 2018, dozens of international airline companies reportedly changed their international websites to comply with Chinese government demands to remove references to Taiwan as a country.¹²⁵ Reports emerged in August 2018 that Google was developing a censored search app for the Chinese market.¹²⁶

Notes to Section III—Commercial Rule of Law and Human Rights

¹World Trade Organization, “Protocols of Accession for New Members Since 1995, Including Commitments in Goods and Services,” last visited 28 April 18. 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.

²Freedom House, “Freedom in the World 2018—China,” last visited 16 April 18; Human Rights Watch, “Submission to the Universal Periodic Review of China,” 29 March 18; Amnesty International, “China 2017/2018,” last visited 3 September 18.

³UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, HR/PUB/11/04, 16 June 11, principle 13.

⁴This subsection analyzes the Chinese government’s compliance with its World Trade Organization commitments vis-à-vis the rule of law. For in-depth analyses of the U.S.-China trade relationship, market access for U.S. businesses in China, and recent WTO disputes involving the United States and China, see U.S.-China Economic and Security Review Commission, 2017 Annual Report, 15 November 17, chap. 1, secs. 1, 3.

⁵See, e.g., Henry Gao, “The WTO Transparency Obligations and China,” *Journal of Comparative Law*, Vol. 12, No. 2 (5 March 18), 1, 13, 19–22; Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 23–24; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 126.

⁶World Trade Organization, Protocol on the Accession of the People’s Republic of China, WT/L/432, 10 November 01, Part I, 2(C)1–3; World Trade Organization, “Report of the Working Party on the Accession of China,” WT/ACC/CHN/49, 1 October 01, paras. 334–35; General Agreement on Tariffs and Trade (GATT 1947), 30 October 47, art. X; U.S. Government Accountability Office, “World Trade Organization: Analysis of China’s Commitments to Other Members,” GAO–03–4, October 2002, 31; Henry Gao, “The WTO Transparency Obligations and China,” *Journal of Comparative Law*, Vol. 12, No. 2 (5 March 18), 1, 3, 13, 19–22.

⁷Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 23–24; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 126; Henry Gao, “The WTO Transparency Obligations and China,” *Journal of Comparative Law*, Vol. 12, No. 2 (5 March 18), 14–15.

⁸Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 138; Henry Gao, “The WTO Transparency Obligations and China,” *Journal of Comparative Law*, Vol. 12, No. 2 (5 March 18), 19–20, 22.

⁹Henry Gao, “The WTO Transparency Obligations and China,” *Journal of Comparative Law*, Vol. 12, No. 2 (5 March 18), 15–18; Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 24; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 126.

¹⁰Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 18; American Chamber of Commerce in the People’s Republic of China and Bain & Company, “2018 China Business Climate Survey Report,” January 2018, 46; US-China Business Council, “2017 Member Survey,” 6 December 17, 10; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 86.

¹¹Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 16–17. See also PRC Anti-Unfair Competition Law [Zhonghua renmin gongheguo fan buzhengdang jingzheng fa], passed 2 September 93, amended 4 November 17, effective 1 January 18.

¹²Mark Cohen, “Updates March 6–12, 2018,” China IPR (blog), 14 March 18; “Interview: China Calls for Better Protection for Chinese IPR,” Xinhua, 12 April 18; State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 18, sec. 3(3).

¹³Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 16–17; US-China Business Council, “2017 Member Survey,” 6 December 17, 10; American Chamber of Commerce in the People’s Republic of China and Bain & Company, “2018 China Business Climate Survey Report,” January 2018, 41; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 37; German Chamber of Commerce in China, “German Business in China: Business Confidence Survey 2017/18,” 16 November 17, 20, 22, 24, 33.

¹⁴Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 18; European Union Chamber of Commerce in China, “European Business in China Position Paper 2017/2018,” 19 September 17, 89–90. For specific examples of online copyright infringement, see Office of the U.S. Trade Representative, “2017 Out-of-Cycle Review of Notorious Markets,” January 2018, 13–14, 20–22, 24.

¹⁵Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 3; US-China Business Council, “2017 Member Survey,” 6 December 17, 9; Julia Horowitz, “Why Tech Secrets, Not Steel, Could Cause the Real Clash Between the U.S. and China,” CNN, 21 February 18.

¹⁶Office of the U.S. Trade Representative, “Findings of the Investigation Into China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation Under Section 301 of the Trade Act of 1974,” 22 March 18, 19–20, 22.

¹⁷World Trade Organization, Protocol on the Accession of the People’s Republic of China, WT/L/432, 10 November 01, Part I, 2(A)(2), 3.

¹⁸National Development and Reform Commission et al., Fair Competition Review System Implementing Rules (Provisional) [Gongping jingzheng shencha zhidu shishi xize (zhanxing)],

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issued 23 October 17, art. 18. See also Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 143.

¹⁹National Development and Reform Commission et al., Fair Competition Review System Implementing Rules (Provisional) [Gongping jingzheng shencha zhidu shishi xize (zhanxing)], issued 23 October 17, art. 2; Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 143.

²⁰National Development and Reform Commission and Ministry of Commerce, Special Administrative Measures for Foreign Investment Access (Negative List) (2018 Edition) [Waishang touzi zhunru tebie guanli cuoshi (fumian qingdan) (2018 nian ban)], issued 28 June 18, effective 28 July 18, 4; Issaku Harada, “China To Abolish Foreign Ownership Caps in Finance in 2021,” Nikkei Asian Review, 30 June 18; Dorcas Wong, “How To Read China’s 2018 Negative List,” Dezan Shira & Associates, China Briefing (blog), 7 July 18.

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¹¹⁰PRC Cybersecurity Law [Zhonghua renmin gongheguo wangluo anquan fa], passed 7 November 16, effective 1 June 17, art. 47. See also Amnesty International, “China 2017/2018,” last visited 3 September 18; Chiang Ling Li et al., “China’s New Cybersecurity Law Brings Enforcement Crackdown,” Jones Day, October 2017.

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¹¹²Chen Aiping, “Shanghai Cyberspace Administration: Marriott International Group Introduces Eight Rectification Measures” [Shanghai wangxinban: wan hao guoji jituan tuichu ba xiang zhenggai cuoshi], Xinhua, 17 January 18; Catherine Lai, “Hurt Feelings: How Foreign Brands Are Proving To Be a Soft Target as China Wields Its Power,” Hong Kong Free Press, 25 February 18; Abha Bhattarai and Steven Mufson, “Marriott and Other Firms Bow to China To Protect Business Interests,” Washington Post, 19 January 18.

¹¹³Chen Aiping, “Shanghai Cyberspace Administration: Marriott International Group Introduces Eight Rectification Measures” [Shanghai wangxinban: wan hao guoji jituan tuichu ba xiang zhenggai cuoshi], Xinhua, 17 January 18; Catherine Lai, “Hurt Feelings: How Foreign Brands Are Proving To Be a Soft Target as China Wields Its Power,” Hong Kong Free Press, 25 February 18; Abha Bhattarai and Steven Mufson, “Marriott and Other Firms Bow to China To Protect Business Interests,” Washington Post, 19 January 18.

¹¹⁴“Mainland Kills Taiwan Film, Taiwan Affairs Office Prohibits Artists [Supporting] Taiwan Independence” [Tai dianying dalu zao fengsha guotaiban yao jin taidu yiren], Radio Free Asia, 28 March 18.

¹¹⁵State Administration of Radio and Television, “State Administration of Radio and Television Severely Deals With the Problem of Sharing Programs Violating Social Morality on ‘Jinri Toutiao’ [and] ‘Kuaishou’” [Guojia guangbo dianshi zongju yansu chuli “jinri toutiao” “kuaishou” chuanbo you wei shehui daode jiemu deng wenti], 4 April 18; Wang Meng, “Android App Store Takes Down Four Apps: Toutiao, Netease News, Phoenix News, and Daily Express” [Anzhuo yingyong shangdian yi xia jia jinri toutiao, wangyi xinwen, fenghuang xinwen, tiantian kuaibao si kuan yingyong], Caijing, 9 April 18; Raymond Zhong, “It Built an Empire of GIFs, Buzzy News and Jokes. China Isn’t Amused,” New York Times, 11 April 18.

¹¹⁶State Administration of Radio and Television, “State Administration of Radio and Television Orders ‘Jinri Toutiao’ Website To Permanently Close ‘Neihan Duanzi’ and Other Vulgar Audiovisual Products” [Guojia guangbo dianshi zongju zeling “jinri toutiao” wangzhan yongjiu guanting “neihan duanzi” deng disu shiting changpin], 10 April 18; “Bad Humour: China Watchdog Shuts Toutiao Joke App Over Vulgar Content,” Reuters, 10 April 18; Raymond Zhong, “It Built an Empire of GIFs, Buzzy News and Jokes. China Isn’t Amused,” New York Times, 11 April 18.

¹¹⁷United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 15 June 17; State Council Information Office, “National Human Rights Action Plan of China (2016–2020)” [Guojia renquan xingdong jihua (2016–2020 nian)], 29 September 16, sec. 5.

¹¹⁸International 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.

¹¹⁹See, e.g., Roseann Rife, Amnesty International, “Opinion: The Chilling Reality of China’s Cyberwar on Free Speech,” CNN, 25 March 15; Rebecca MacKinnon, “China’s Internet Censorship and Controls: The Context of Google’s Approach in China,” Human Rights in China, 16 July 10; Henry Sanderson, “China Targets Google in Pornography Crackdown,” Associated Press, reprinted in Washington Post, 5 January 09.

¹²⁰Raymond Zhong, “It Built an Empire of GIFs, Buzzy News and Jokes. China Isn’t Amused,” New York Times, 11 April 18; Jinri Toutiao (Headline—today), “Apology and Reflection” [Zhiqian he fansi], WeChat post, 11 April 18.

¹²¹Ben Bland, “Outcry as Latest Global Publisher Bows to China Censors,” Financial Times, 1 November 17.

¹²²U.S. Responses to China’s Foreign Influence Operations, Hearing of the Subcommittee on Asia and the Pacific, Committee on Foreign Affairs, U.S. House of Representatives, 21 March 18, Testimony of Aynne Kokas, Fellow, Kissinger Institute on China and the United States, The Woodrow Wilson Center for International Scholars, and Assistant Professor of Media Studies, University of Virginia.

¹²³Weibo, “Weibo May 2018 Community Management Work Announcement” [Weibo 2018 nian 5 yue shequ guanli gongzuo gonggao], 11 June 18, sec. 1. See also Xu Hailin, “Sina Weibo Removes 141,000 Harmful Posts on Politics,” Global Times, 12 June 18.

¹²⁴Weibo, “Weibo May 2018 Community Management Work Announcement” [Weibo 2018 nian 5 yue shequ guanli gongzuo gonggao], 11 June 18, sec. 1.

¹²⁵“U.S. Airlines Say Further Amending Websites To Change Taiwan References,” Reuters, 9 August 18; Daniel Shane, “US Airlines Give In to China’s Demands Over Taiwan,” CNN, 25 July 18; Bill Birtles, “Last Remaining US Airlines Give in to Chinese Pressure on Taiwan,” ABC News, 25 July 18.

¹²⁶Kate Conger and Daisuke Wakabayashi, “Google Employees Protest Secret Work on Censored Search Engine for China,” New York Times, 16 August 18; Douglas MacMillan, Shan Li, and Liza Lin, “Google Woos Partners for Potential China Expansion,” Wall Street Journal, 12 August 18; Ryan Gallagher, “Google Plans To Launch Censored Search Engine in China, Leaked Documents Reveal,” 1 August 18.

ACCESS TO JUSTICE

Party's Control Over the Judicial Process

Central authorities of the Chinese Communist Party continued to exert control over the judicial process in violation of international standards.¹ Although it is not formally part of the Party,² the judiciary's first priority in 2018 was to defend "the Party's centralized and unified leadership, with [Party General Secretary] Xi Jinping as the core leader," according to the March 2018 Supreme People's Court (SPC) work report³ delivered by senior Party official and SPC President Zhou Qiang.⁴ Zhou affirmed that the adjudication process should be improved through Party building,⁵ which included ideological conformity,⁶ and advocated for absolute loyalty and obedience to the Party.⁷ Zhou further saw it as the court's imperative to take part in a political initiative called "eliminate darkness and evil" that aims to "further strengthen the foundation of the Party's power."⁸ According to announcements by local authorities, targeted "dark forces" included persons involved in organized crime as well as individuals who "threaten political security" and those who "have a grip on political power at the local level."⁹ State-run media Xinhua explained that this campaign "is primarily aimed at consolidating the [Communist Party's] ruling foundation,"¹⁰ and some commentators drew comparisons with earlier anti-crime campaigns such as "Strike Hard" and "Strike Black" in terms of the potential for serious human rights abuses.¹¹

In February 2018, Xiong Xuanguo, a vice minister at the Ministry of Justice, urged lawyers to "conform their thoughts and actions with the Party's plan" and to join the "eliminate darkness and evil" campaign.¹² He also announced that the All China Lawyers Association had established a "defense lawyer guidance committee" to "strengthen guidance on cases" relating to the campaign.¹³ Some lawyers expressed concern that the unprecedented efforts to coordinate defense lawyers was actually a "stability maintenance" measure and would undermine lawyers' independence in defending their clients.¹⁴

Persecution and Harassment of Human Rights Lawyers and Advocates

CRIMINAL PROSECUTION

Chinese authorities continued to criminally prosecute rights lawyers and advocates detained during the nationwide, coordinated crackdown that began in and around July 2015 (July 2015 crackdown),¹⁵ which affected over 300 individuals and led to a total of 14 criminal convictions.¹⁶ This past year, authorities sentenced three individuals and continued to hold one person under incommunicado pretrial detention.¹⁷ International human rights groups, in anticipation of the November 2018 session of the UN Human Rights Council's Universal Periodic Review of the Chinese government's human rights record,¹⁸ expressed in their reports concerns about persecution of rights lawyers.¹⁹

- On November 21, 2017, a court sentenced disbarred rights lawyer **Jiang Tianyong**²⁰ to two years' imprisonment on the

charge of “inciting to subvert state power.”²¹ Authorities alleged that Jiang counseled Xie Yang’s wife to fabricate torture allegations.²² Rights lawyer **Xie Yang**²³ reportedly told his lawyers in January 2017 that authorities had tortured him,²⁴ but he later retracted that claim at trial.²⁵ On December 26, 2017, a court convicted Xie of “inciting to subvert state power” and decided not to impose criminal punishment.²⁶ After releasing Xie from detention, authorities restricted his freedom of movement²⁷ and photocopied his case files, a step that suggests authorities were preparing to revoke Xie’s law license as retaliation against his resuming rights defense work, according to his wife.²⁸

- On December 26, 2017, a court sentenced rights advocate **Wu Gan**²⁹ to eight years in prison for “subverting state power.”³⁰ On April 17, 2018, the court of second instance affirmed the original sentence.³¹ Shortly before the second instance court issued the decision, authorities reportedly prevented citizens from attending the hearing and detained Wu’s father in a hotel located in Guilin municipality, Guangxi Zhuang Autonomous Region.³²

- Authorities took rights lawyer **Wang Quanzhang**³³ into custody around July 2015 and continued to hold him under incommunicado detention³⁴ on the charge of “subverting state power.”³⁵ In April 2018, Wang’s wife Li Wenzu said authorities never informed her of Wang’s whereabouts, and she started a symbolic march from her home in Beijing municipality to Wang’s presumed detention location in Tianjin municipality.³⁶ Authorities intercepted Li in Tianjin, returned her to Beijing, and placed her under “soft detention” in her apartment, during which individuals believed to be working for government officials blocked and assaulted Li’s visitors.³⁷

Authorities likewise criminally detained other lawyers subsequent to the July 2015 crackdown:

- In October 2017, authorities detained rights lawyer **Li Yuhua**³⁸ on the charge of “picking quarrels and provoking trouble.”³⁹ Staff at the detention center reportedly denied her hot water for showers, denied her medical treatment, and threatened to beat her to death.⁴⁰ At the age of 60, Li suffered from health conditions including heart disease, hypertension, and hyperthyroidism.⁴¹ Previously, Li represented lawyer Wang Yu,⁴² whom authorities detained during the July 2015 crackdown.⁴³

- In January 2018, authorities detained rights lawyer **Yu Wensheng**⁴⁴ and in April formally arrested him on the charges of “obstructing official business” and “inciting subversion of state power.”⁴⁵ Earlier, the Beijing Municipal Justice Bureau revoked Yu’s law license reportedly because he had represented rights lawyer Wang Quanzhang.⁴⁶ Yu’s detention came shortly after he made a Twitter post advocating constitutional reform.⁴⁷ In April, police showed Yu’s defense lawyers a declaration in which Yu allegedly terminated their representation.⁴⁸ Yu’s wife, Xu Yan, refused to terminate the lawyers because the declaration contradicted an earlier declaration that Yu wrote, in which he stated that he would not voluntarily ter-

minate his lawyers were he to be detained.⁴⁹ In February, authorities restricted Xu Yan's ability to travel to Hong Kong and in April pressured her not to discuss her husband's case.⁵⁰

RESTRICTION, PERSECUTION, AND HARASSMENT OF LAWYERS

Beside criminal prosecution, authorities persecuted, harassed, and imposed restrictions on rights lawyers by means including revocation⁵¹ and suspension⁵² of licenses, delay in the annual license renewal process,⁵³ exclusion from courthouses,⁵⁴ restriction of movement,⁵⁵ restriction on speech,⁵⁶ and physical assault.⁵⁷ Authorities also conducted intrusive "inspections" in a number of law firms.⁵⁸ In September 2017, for example, at least seven law firms were subjected to inspection, with some on-site inspections reportedly lasting for days.⁵⁹ Observers said these inspections targeted law firms that engaged in rights defense work.⁶⁰

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits system," has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.⁶¹ The petitioning system reportedly has been ineffective in addressing citizens' grievances due to factors such as the large number of petitions,⁶² the limited authority of local *xinfang* offices,⁶³ shortcomings in the accountability system,⁶⁴ and corruption.⁶⁵

Chinese authorities experimented with measures to streamline the petitioning system that one scholar said may produce limited benefits. The State Bureau of Letters and Visits (the central-level government agency responsible for overseeing the petitioning system) expanded the online petitioning platform,⁶⁶ and central and local authorities formalized the reform of categorizing petition matters for the purpose of diverting certain cases to administrative or judicial resolution mechanisms.⁶⁷ One China-based scholar pointed out, however, that many petitioners from rural areas are unfamiliar with the online interface, and that adding a way of submitting petitions does not in itself enhance the petitioning system's capacity to resolve disputes.⁶⁸ In addition, the scholar noted that petitioners are not legally bound to use other methods to seek remedies, particularly when doing so would require increased cost and time.⁶⁹

During this reporting year, petitioners continued to face official repression. Authorities detained petitioners, alleging criminal or administrative offenses including "disrupting order in a public place,"⁷⁰ "picking quarrels and provoking trouble,"⁷¹ and "obstructing official business."⁷² In addition, authorities reportedly detained petitioners in the period leading up to and during the 19th National Congress of the Chinese Communist Party in October 2017,⁷³ and the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2018.⁷⁴

Legal Aid

The legal aid system remained a state-controlled institution. State Council regulations specify that justice bureaus of local governments appoint legal aid organizations and administer legal aid programs through them.⁷⁵ Legal aid organizations may assign eligible applicants to in-house lawyers or make referrals to law firms, grassroots legal services, or other social organizations.⁷⁶ Lawyers are legally obligated to provide legal aid services and may be disciplined or fined for refusing to do so.⁷⁷

While the government continued to expand the legal aid system, it further tightened the space for legal aid services not administered by the government. The Ministry of Justice spent 2.12 billion yuan (approximately US\$320 million) on legal aid programs during 2016, representing a 12.1 percent annual increase.⁷⁸ It further stated that the majority of provincial-level governments lowered the eligibility standard and expanded the scope of legal aid by covering civil matters, such as employment, family, food and drugs, education, and healthcare.⁷⁹ In January 2018, the All China Lawyers Association (ACLA), which is the national bar association⁸⁰ that works under the Ministry of Justice's direction,⁸¹ issued a set of trial rules prohibiting lawyers from accepting cases at discounted rates or without fees, except for legal aid cases.⁸² A China-based lawyer said he was concerned that the provision would prevent lawyers from providing pro bono legal services to disadvantaged individuals in cases of significant interest to the public.⁸³

Judicial Reform Efforts

Government and Party-directed reform efforts⁸⁴ have focused on improving the judiciary's capacity to process cases, while requiring that the judiciary remain an instrument of the Chinese Communist Party. In November 2017, Supreme People's Court (SPC) President Zhou Qiang reported to the National People's Congress Standing Committee that the judiciary made progress in completing or setting into motion judicial reform objectives—such as judicial responsibility and case opening reforms—laid out by the 18th Central Committee in 2013 and in the Third and Fourth Plenum Decisions in 2014.⁸⁵ Some legal experts observed that, rather than removing obstacles to delivering justice,⁸⁶ judicial reform efforts have focused on technically improving the efficiency⁸⁷ of the legal system, which central authorities continue to use as “a mechanism to constrain local-level functionaries . . . and repress dissent . . .”⁸⁸

JUDICIAL APPOINTMENT AND MANAGEMENT

This past year, Chinese lawmakers deliberated legislative amendments in an effort to formalize reforms of the judicial appointment and management system.⁸⁹ The draft amendment of the PRC Organic Law of People's Courts provides that appointment of judges is subject to a quota assigned by the SPC based on the locality's population size, caseload, and other measurable factors.⁹⁰ Candidates would also undergo a merit-based selection process to qualify as judges.⁹¹ The draft amendment of the PRC Judges Law raises the education threshold and generally requires prior judicial experience for promotion to higher courts.⁹² Despite emphasis on

merit-based considerations, “high political quality” remained a selection requirement.⁹³

PEOPLE’S ASSESSORS

The National People’s Congress Standing Committee (NPCSC) passed new legislation to improve lay participation in courts during this reporting year, though some observers said that pilot versions of this reform had been ineffective. People’s assessors, who do not need to be legally trained, participate in case adjudication alongside judges.⁹⁴ The previous system reportedly suffered from problems such as insufficient rotation of people’s assessors and lack of genuine participation, with one expert referring to people’s assessors as “decoration.”⁹⁵ In April 2018, the NPCSC passed the PRC People’s Assessors Law,⁹⁶ following nearly three years of pilot programs in 10 jurisdictions.⁹⁷ The new law requires that most people’s assessors be randomly selected, and it expands the current three-person panels to seven-person panels in certain types of cases, such as those involving food and drug safety, land expropriation, and environmental protection.⁹⁸ Some China-based scholars said that the random selection mechanism was the right step forward; some observed, however, that the pilot programs did not improve actual participation by people’s assessors in case adjudication.⁹⁹

USE OF TECHNOLOGY

The judiciary used technology to facilitate court proceedings and enforcement, which are elements of access to justice.¹⁰⁰ In November 2017, Zhou Qiang reported that over 2,200 courts across China established Web-based litigation services, enabling litigants to complete transactions online, for example, to open a case, pay fees, examine evidence, and make court appearances.¹⁰¹ In addition, in August 2017, the Supreme People’s Court implemented a Party-approved plan to establish the first “internet court” to handle litigation entirely online in certain internet-related disputes.¹⁰² Zhu Shenyuan, Vice President of the Zhejiang Province High People’s Court, explained that the cross-jurisdictional and decentralized nature of online transactions presented challenges to the judicial system.¹⁰³ A scholar observed that the internet court could help litigants save on travel expenses and reduce overall litigation costs.¹⁰⁴ In July 2018, Zhou Qiang convened a Supreme People’s Court Judicial Reform Leading Small Group meeting during which an agenda for establishing additional internet courts in Beijing municipality and Guangdong province was passed.¹⁰⁵

Zhou Qiang further reported that the judiciary’s online enforcement system was linked to the databases of over 10 government bodies, enabling it to track down judgment debtors’ property for the purpose of enforcement.¹⁰⁶ According to Zhou, judgment debtors’ information also was shared with the developing social credit system, which authorities could use to tighten social control, according to some observers.¹⁰⁷ [For more information on potential abuses of the social credit system, see Section III—Institutions of Democratic Governance and Commercial Rule of Law and Human Rights.]

In February 2018, the Supreme People’s Court issued provisions requiring courts, beginning in September, to use a unified online

platform to disclose various stages of the litigation process, including case opening, process service, hearing date, and issuance of court documents.¹⁰⁸ Other aspects of the Supreme People's Court's efforts to improve disclosure of information included new online platforms for judicial documents and status of enforcement.¹⁰⁹

Notes to Section III—Access to Justice

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, arts. 2, 14, 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 7–8; Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, arts. 1, 4; Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, preamble.

²PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 128.

³“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18.

⁴“Résumé of Supreme People’s Court President” [Zuigao renmin fayuan yuanzhang jianli], Xinhua, 18 March 18.

⁵“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18, sec. 8.

⁶Chen Zhong, “Thoughts on Strengthening and Improving Organizational Party Building Work” [Jiaqiang he gajin jiguan dangjian gongzuo de sikao], People’s Daily, 26 October 11; Chinese Communist Party Constitution, adopted 6 September 82, amended 1 November 87, 18 October 92, 18 September 97, 14 November 02, 21 October 07, 14 November 12, 24 October 17, art. 18. Zhou also stated in the 2017 SPC work report the judiciary’s submission to the Party’s direct supervision for ideological conformity. “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18, sec. 8.

⁷“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18, sec. 8; Zhang Hao, “Firmly Upholding Party’s Absolute Leadership Over People’s Courts” [Jianchi dang dui renmin fayuan de juegui lingdao], Legal Daily, 4 January 18.

⁸“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18; “CCP Central Committee and State Council Issued ‘Circular on Specialized Struggle To Eliminate Darkness and Evil’” [Zhonggong zhongyang guowuyuan fachu “guanyu kaizhan saohai chu’e zhuanxiang douzheng de tongzhi”], Xinhua, 24 January 18.

⁹See, e.g., Lin Yuanqin and Su Gongxin, “Jiangsu Acts Upon Hearing Order To Eliminate Darkness and Evil” [Saohei chu’e jiangsu wenling erdong], Xinhua Daily, 15 February 18; Du Yuquan, “Sichuan Announced Ten Main Targets in Elimination of Darkness and Evil” [Sichuan gongbu shi lei saohai chu’e zhongdian daji duixiang], Chengdu Economic Daily, 14 February 18; “Political Security Tops List of 12 Targeted Groups in ‘Elimination of Darkness and Evil’” [“Dahei chu’e” 12 lei zhongdian zhengquan anquan jushou], Radio Free Asia, 21 February 18.

¹⁰“China Focus: Fight Against Organized Crime Reflects Xi’s Governance Thought,” Xinhua, 27 January 18.

¹¹“Elimination of Darkness and Evil’ Campaign Well Underway, Huge Disparity Between Recovered Ill-Gotten Money and Number of People Detained Raises Suspicion” [“Sao hei chu e” yundong ruhuo rutu zangkuan yu bei bu renshu xuanshu shou zhiyi], Radio Free Asia, 7 February 18; “New China ‘Crime’ Crackdown Targets Threats to Party Rule,” Associated Press, reprinted in Voice of America, 15 March 18; “Thousands Arrested in Elimination of Darkness and Evil Struggle in China, Shandong’s Order to Local Authorities Raises Controversy” [Zhongguo saohai chu’e douzheng shuqian ren beibu shandong gei jiceng xia zhibiao yin zhengyi], BBC, 9 February 18. See also James T. Areddy, “Xinjiang Arrests Nearly Doubled in ‘14, Year of ‘Strike-Hard’ Campaign,” Wall Street Journal, China Real Time Report (blog), 23 January 15; Sharon LaFraniere and Jonathan Ansfield, “Crime Crackdown Adds to Scandal Surrounding Former Chinese Official,” New York Times, 26 March 12; Philip P. Pan, “China Strikes Hard at Criminals, Dissidents,” Washington Post, 11 May 01.

¹²Cai Changchun, “Lawyers Must Actively Participate in Struggle To Eliminate Darkness and Evil and To Lawfully Commence Defense Representation Work in Cases Involving Dark Forces” [Lushi yao jiji canyu saohai chu’e zhuanxiang douzheng yifa kaizhan shexian hei’e shili fanzui anjian bianhu daili], Legal Daily, 1 February 18.

¹³Ibid.

¹⁴“All China Lawyers Association Established Elimination of Darkness and Evil Committee, Profession Worries Officials Will Control Defense” [Quanguo luxie chengli saohai yewu weiyuanhui yejie you guanfang caokong bianhu], Radio Free Asia, 5 February 18.

¹⁵See, e.g., Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15; Human Rights Watch, “China: Secretly Detained Lawyers at Risk of Torture,” 20 July 15; Huang Qingchang and Zou Wei, “Revealing the Dark Secrets of ‘Rights Defense’ Incidents” [Jiekai “weiquan” shijian de heimù], Xinhua, 11 July 15.

¹⁶China Human Rights Lawyers Concern Group, “List of 42 Lawyers and Citizens Whose Cases Entered Criminal Prosecution Process” [42 ge jinru xingshi susong chengxu de lushi ji gongmin liebiao], 21 February 18.

¹⁷Ibid.; Lawyers’ Rights and Interests Concern Net, “Lawyers Xie Yang and Lin Qilei’s Request To Meet Wang Quanzhang Denied” [Xie yang he lin qilei lushi yaoqiu huijian wang quanzhang bei jujue], 20 April 18.

¹⁸UN Human Rights Council, “Tentative Timetable for the 31st Session of the UPR Working Group (5–16 November 2018),” last visited on 18 May 18.

¹⁹See, e.g., Human Rights in China, “Stakeholder Submission by Human Rights in China,” March 2018, para. 3; Lawyers’ Rights Watch Canada, “Joint Submission to the 31st Session of the Universal Periodic Review of China,” March 2018, paras. 12–22; Front Line Defenders, “Submission for Universal Periodic Review for the 31st session (November 2018),” 1 April 18.

²⁰Guo Baosheng, “Guo Baosheng: Lawyer Jiang Tianyong as I Know Him” [Guo baosheng: wo suo renshi de jiang tianyong lushi], Human Rights in China Biweekly, No. 205, 17 March 17. For more information on Jiang Tianyong, see the Commission’s Political Prisoner Database record 2011-00179.

²¹Cai Changchun, “Jiang Tianyong Publicly Sentenced at Changsha Intermediate Court in Inciting Subversion of State Power Case” [Jiang tianyong shandong dianfu guojia zhengquan an zai changsha zhong yuan yishen gongkai xuanpan], Legal Daily, 21 November 17.

²²Ibid.

²³Chinese Human Rights Defenders, “Xie Yang,” 6 September 16. For more information on Xie Yang, see the Commission’s Political Prisoner Database record 2015-00295.

²⁴Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (One)” [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17.

²⁵Josh Chin, “China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce,” Wall Street Journal, 8 May 17.

²⁶Zeng Yan, “Public Announcement of First Instance Trial Judgment in Case of Inciting To Subvert State Power Charge Against Xie Yang” [Xie yang shandong dianfu guojia zhengquan an yishen gongkai xuanpan], People’s Court Daily, 27 December 17.

²⁷Rights Defense Network, “Lawyer Xie Yang’s Wife Chen Guiqiu: Reporting to President Xi Jinping—Lawyer Xie Yang Illegally Prevented From Crossing Border, Hope You Will Give Him Special Help” [Xie yang lushi qizi chen guiqiu: xiang xi jingping zhuxi huibao—xie yang lushi bei feifa bianjing kongzhi qidai nin de tebie bangzhu], 1 May 18.

²⁸ChinaAid, “Case File Handled by Lawyer Xie Yang Photocopied, Chen Guiqiu Intends To Establish Hunan Overseas Report Center” [Lushi xie yang daili anjuan bei kaobei chen guiqiu ni chengli hunan haiwai jubao zhongxin], 9 May 18.

²⁹Chinese Human Rights Defenders, “Wu Gan,” 11 March 16. For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2010-00348.

³⁰Liu Lan, “Public Announcement of First Instance Judgment in Case of Inciting To Subvert State Power Charge Against Wu Gan” [Wu gan dianfu guojia zhengquan an yishen gongkai xuanpan], People’s Court Daily, 27 December 17.

³¹“Court of Second Instance in Tufu’s Case Upholds Original Decision of Eight-Year Sentence” [Tufu ershen weichi banian tuxing yuanshen caijue], Radio Free Asia, 17 April 18.

³²“Second Instance Hearing on Wu Gan’s Case Soon To Be Held, Father Xu Xiaoshun Placed Under Soft Detention” [Wu gan an er shen jiang kaiting fuqin xu xiaoshun bei ruanjin], Radio Free Asia, 16 April 18; “Court of Second Instance in Tufu’s Case Upholds Original Decision of Eight-Year Sentence” [Tufu ershen weichi banian tuxing yuanshen caijue], Radio Free Asia, 17 April 18.

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¹⁰¹ Zhou Qiang, "Supreme People's Court's Report on Status of Comprehensive Deepening of Judicial Reform by People's Court" [Zuigao renmin fayuan guanyu renmin fayuan quanmian shenhua sifa gaige qingkuang de baogao], National People's Congress, 1 November 17. See also He Xin, "First Attempt by Beijing Court System, Portable Smart Platform Enables Handling of Entire Litigation Process Online" [Beijing fayuan xitong de shouci changshi zhang shang zhihui pingtai zaixian quan liucheng ban'an], Beijing Morning Post, 11 January 18; Liu Xian, "The Entire Litigation Process Can Be Carried Out Online, Chongqing Court's 'Easy Litigation' Platform Goes Online" [Da guansi quan liucheng ke wangshang jinxing chongqing fayuan "yi su" pingtai shangxian], China News, 22 January 18; Ding Xiaoxi, "SPC's 'Smart Court Navigation System' Is Online and Operating" [Zuigao fa "zhihui fayuan daohang xitong" shangxian yunxing], Xinhua, 5 January 18; Zhang Yu and Yin Shen, "Creating 'Internet+' Litigation Service, Informatization Shows Distinguished Results" [Dazao "hulianwang+" susong fuwu xinxihua yingyong xiaoguo zhuzhu], People's Daily, 7 February 18; Lu Junyu, "Three Trends in Informatization in Chinese Courts, Smart Court Prototype Completed" [Zhongguo fayuan xinxihua jianshe cheng san ge xin taishi zhihui fayuan chubu jiancheng], Xinhua, 7 February 18.

¹⁰² Xu Juan, "Internet Court: Litigating 'Key to Key'" [Hulianwang fayuan: "jian dui jian" da guansi], People's Daily, 6 September 17; Zhou Qiang, "Supreme People's Court's Report on Status of Comprehensive Deepening of Judicial Reform by People's Court" [Zuigao renmin fayuan guanyu renmin fayuan quanmian shenhua sifa gaige qingkuang de baogao], National People's Congress, 1 November 17.

¹⁰³ Xu Juan, "Internet Court: Litigating 'Key to Key'" [Hulianwang fayuan: "jian dui jian" da guansi], People's Daily, 6 September 17.

¹⁰⁴ Ibid.

¹⁰⁵ Zhou Bin, "Conscientiously Perform Preparatory Work for Adding Beijing and Guangzhou Internet Courts" [Qieshi zuo hao zengshe beijing guangzhou hulianwang fayuan gongzuo], Legal Daily, 19 July 18.

¹⁰⁶ Zhou Qiang, "Supreme People's Court's Report on Status of Comprehensive Deepening of Judicial Reform by People's Court" [Zuigao renmin fayuan guanyu renmin fayuan quanmian shenhua sifa gaige qingkuang de baogao], National People's Congress, 1 November 17.

¹⁰⁷ Ibid.; Mara Hvistendahl, "A Revered Rocket Scientist Set in Motion China's Mass Surveillance of Its Citizens," Science, 14 March 18; Eva Pils, Human Rights in China (Medford: Polity Press, 2018), 97; Simina Mistreanu, "Life Inside China's Social Credit Laboratory," Foreign Policy, 3 April 18.

¹⁰⁸ Supreme People's Court Provisions on People's Courts' Disclosure of Judicial Process Information on the Internet [Zuigao renmin fayuan guanyu renmin fayuan tongguo hulianwang gongkai shenpan liucheng xinxi de guiding], issued 12 February 18, effective 1 September 18,

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¹⁰⁹ Yan Shuai and Song Xinrui, “Liu Guixiang: Expedite Construction of Smart Courts, Promote Modernization of Adjudication System and Capabilities” [Liu guixiang: jiakuai jianshe zhihui fayuan, chujin shenpan tixi he shenpan nengli xiandaihua], People’s Daily, 23 April 18.

IV. Xinjiang

Mass Internment in “Political Reeducation” Centers

During the Commission’s 2018 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) intensified an integrated state surveillance and security apparatus that reportedly targeted members of the region’s predominantly Muslim ethnic minority populations, resulting in detention and severe limits on their freedom of movement,¹ expression,² and religion.³ XUAR officials reportedly arbitrarily detained Uyghurs, Kazakhs, Kyrgyz, Hui, and others in extrajudicial facilities known as “political reeducation” centers or camps.⁴ Reports from international rights groups, scholars, and media organizations indicated that as many as 800,000 to 1.1 million individuals had been or remained detained at such facilities since around April 2017,⁵ after the XUAR People’s Congress adopted the region’s first anti-extremism regulations.⁶ U.S.-based scholar Rian Thum noted in August 2018 that initial estimates of over 1 million detainees were based on information observers obtained in early 2018, but that Uyghurs, Kazakhs, and others “have continued to disappear,” and officials have continued to plan the construction of additional “political reeducation” facilities, making current figures potentially higher.⁷ Security personnel reportedly detained people in “reeducation” facilities based on factors such as praying in a certain way or engaging in “religious extremism”;⁸ having “politically incorrect” views;⁹ wanting to travel abroad;¹⁰ or having foreign connections, such as previous travel abroad or relatives living in another country.¹¹ Security personnel at these facilities reportedly subjected detainees to political indoctrination and forced marching;¹² overcrowding;¹³ poor quality food;¹⁴ and torture,¹⁵ including in the forms of medical neglect and maltreatment,¹⁶ waterboarding,¹⁷ sleep deprivation,¹⁸ lack of adequate clothing in cold temperatures,¹⁹ and other forms of abuse.²⁰ Extralegal and extrajudicial forms of detention violate Article 9 of the Universal Declaration of Human Rights²¹ and Article 9(1) of the International Covenant on Civil and Political Rights.²²

In May 2018, Germany-based scholar Adrian Zenz published research documenting the existence of online information posted by the Chinese government, including government procurement documents and construction bids for “political reeducation” centers in the XUAR valued at about 680 million yuan (approximately US\$108 million).²³ Zenz described how the mass detentions of Uyghurs, Kazakhs, and Kyrgyz in “political reeducation” centers began soon after Chen Quanguo took office as XUAR Party Secretary in August 2016, although “reeducation” facilities existed in the XUAR beginning in 2014.²⁴ The bids are for projects involving both the construction of new facilities and the addition of security elements such as walls, fences, barbed wire, watchtowers, and guard rooms to existing facilities; several planned facilities were to exceed 10,000 square meters in size.²⁵ In August 2018, Zenz estimated that “up to 1,300” “political reeducation” centers existed throughout the XUAR.²⁶ An American scholar noted in May 2018 that a bid invitation posted on the XUAR Development and Reform Commission website on April 27 indicated that additional “reeducation” facilities were being built.²⁷ In August, the Wall Street Jour-

nal reported it had analyzed satellite images, with the help of an expert in satellite imagery analysis, which revealed ongoing construction of “reeducation” facilities in the XUAR, and that one facility in Turpan municipality had expanded within the previous month.²⁸ A Canada-based law student also analyzed satellite images that he said showed the existence and continued construction of “political reeducation” camps.²⁹

International observers expressed alarm over the scope and nature of “political reeducation” facilities. In written testimony presented at a July 2018 Commission hearing, U.S.-based scholar Rian Thum stated that “[t]he situation of the Uyghurs and Kazakhs in China is an emergency that calls for immediate action.”³⁰ At an August review of China’s compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)³¹ by the UN Committee on the Elimination of Racial Discrimination, committee member Gay McDougall said Chinese officials had turned the XUAR into “something resembling a massive internment camp, shrouded in secrecy, a sort of no-rights zone.”³² The Chinese government has publicly denied the existence of facilities used for arbitrary detention in the XUAR, with senior Communist Party official Hu Lianhe telling the committee: “The argument that 1 million Uighurs are detained in re-education centres is completely untrue . . . [t]here are no such things as re-education centers.”³³

A Western researcher and rights advocate presented a case that the severity and extent of “political reeducation” detentions and other rights abuses in the XUAR are consistent with “crimes against humanity,” as defined by the Rome Statute of the International Criminal Court. In a CNN opinion piece, the researcher argued that the situation in the XUAR “fits the textbook definition of crimes against humanity.”³⁴ Article 7 of the Rome Statute provides a list of 11 acts that may constitute “crimes against humanity,” “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”³⁵

Regional government authorities reportedly ordered officials in some XUAR jurisdictions to meet quotas to detain a certain percentage or number of the local population in “political reeducation” camps.³⁶ Officials in Qaraqash (Moyu) county, Hotan prefecture, told Radio Free Asia (RFA) that they had received orders to detain 40 percent of local residents in “political reeducation” centers, but they were having difficulties meeting this quota.³⁷ XUAR authorities reportedly placed the children of individuals detained in “political reeducation” centers in orphanages in some jurisdictions in such high numbers that the orphanages became overcrowded, and in some instances officials responded by sending some children to facilities in provinces outside of the XUAR.³⁸

In addition to “reeducation” facilities detaining inmates 24 hours a day, reports from rights groups and media documented other types of “reeducation” facilities and programs.³⁹ In August 2018, international non-governmental organization (NGO) Chinese Human Rights Defenders (CHRD) reported the findings of a survey it conducted with the China-based NGO Equal Rights Initiative (ERI) on “reeducation” programs in the XUAR, including informa-

tion on both detentions and forced attendance of “education sessions” during the day or evening.⁴⁰ According to the report, based partly on interviews conducted with Uyghurs living in rural areas in southern XUAR, county or municipal authorities administered “reeducation” camps, and township or village government officials administered day and evening “study sessions” or “open camps.”⁴¹ CHRD and ERI estimated that as of June 2018, authorities may have forced around 2.2 million XUAR residents to attend day or evening “education sessions.”⁴² The groups reported that “study session” attendees consisted mostly of women and elderly individuals whose family members had been detained or had traveled abroad.⁴³

The Commission observed numerous reports regarding individuals detained at “political reeducation” centers, some of which are described below.

- **Detention-related deaths; detentions of the elderly, minors, and the ill.** Elderly people,⁴⁴ minors,⁴⁵ and ill individuals⁴⁶ were reportedly among those detained in the centers. Renowned Uyghur Islamic scholar, 82-year-old Muhammad Salih Hajim, reportedly died in January 2018, either in a “political reeducation” camp or another type of detention facility.⁴⁷ In May, Ayhan Memet, the elderly mother of World Uyghur Congress president Dolkun Isa, died in a “political reeducation” camp, following years of official harassment in connection with her son’s rights advocacy.⁴⁸ In November 2017, 88-year-old Uyghur religious scholar Abdulnehed Mehsum died in a “political reeducation” center in Hotan prefecture.⁴⁹ In June 2018, Radio Free Asia (RFA) reported that more than two dozen Uyghurs had died in “political reeducation” centers in Qaraqash county, Hotan, most of whom were elderly individuals who had suffered complications from high blood pressure.⁵⁰ RFA reported that four people died in “political reeducation” centers in Yengisar (Yingjisha) county, Kashgar prefecture, between August and October 2017, including 71-year-old Hesen Imin⁵¹ and Sawut Raxman,⁵² who was in his 60s.⁵³ The four deaths were reportedly due in part to the “poor conditions and psychological pressure” at the “political reeducation” centers.⁵⁴ Uyghur teenager Yaqupjan Naman reportedly died in a “political reeducation” center in or around late February 2018.⁵⁵ A 34-year-old Uyghur cook in Ili (Yili) Kazakh Autonomous Prefecture (KAP), Abdughappar Abdujappar, reportedly died in a hospital in late 2017 after he became ill while detained for nearly six months in a “political reeducation” center.⁵⁶ An elderly Uyghur woman reportedly died in March 2018 due to being “unable to cope with the pressure and terrible conditions” at a “political reeducation” center in Ghulja (Yining) county, Ili KAP, where she was detained in connection with having relatives living in Egypt.⁵⁷ A 65-year-old Uyghur businessman from Ghulja (Yining) municipality, Ili KAP, Abdulreshit Seley Hajim, reportedly died in or around June 2018 after being detained for nine months in a “political reeducation” center, and his brother told RFA those who saw his body said “he was hit with a blunt object on his head.”⁵⁸ Additional deaths reported to have occurred in or after detention at

“political reeducation” camps included 24-year-old Nurimangul Memet, in Bayangol (Bayinguoleng) Mongol Autonomous Prefecture,⁵⁹ and Adalet Teyip, the mother of Canada-based Uyghur Abdulaziz Sattar.⁶⁰

• **Detentions of Uyghur officials, their family members, and other prominent Uyghur individuals.** Uyghur officials and their family members⁶¹ were among those whom authorities held in “political reeducation” centers or detained in relation to “political reeducation” efforts, as were other prominent members of Uyghur society. In January 2018, authorities reportedly detained Pezilet Bekri, the Party Secretary of a sub-district committee in Kashgar prefecture, in a “political reeducation” center, after she had expressed sympathy toward people detained in the centers.⁶² Bekri’s responsibilities as Party Secretary had included overseeing the detention of individuals and their transfer to “political reeducation” centers.⁶³ In May 2017, authorities sentenced two officials in Hotan, Omerjan Hesen and Elijan Ehmet, to 11 years in prison, reportedly in large part for failing to send Uyghurs to “political reeducation” centers.⁶⁴ In August 2018, the *New York Times* reported that Rahile Dawut, a Uyghur scholar well regarded for her research on traditional Uyghur culture, had disappeared in December 2017, and her family and friends expressed the belief that authorities had detained her in a “reeducation” camp or another type of detention facility.⁶⁵ Authorities also targeted other prominent Uyghur individuals for detention in “political reeducation” centers,⁶⁶ including Kashgar city-based Uyghur businessmen Abdujelil Hajim,⁶⁷ Gheni Haji,⁶⁸ Memet Tursun Haji,⁶⁹ and Imin Hajim⁷⁰ for displaying signs of “religious extremism”; hotelier Obulkasim Haji, whom authorities took into custody in December while he was undergoing treatment at a hospital in Urumqi municipality;⁷¹ Urumqi-based Uyghur scholar and poet Abduqadir Jalalidin;⁷² Uyghur pop singer Ablajan Ayup;⁷³ and Uyghur soccer player Erfan Hezimjan (also known as Erfan Hezim)—formerly a member of China’s national youth soccer team—reportedly for “visiting foreign countries,” after he trained and competed abroad.⁷⁴

• **Detentions in the XUAR of family members of U.S.-based Uyghurs.** XUAR authorities detained dozens of XUAR-based family members of six U.S.-based Uyghur RFA journalists in “political reeducation” camps and other locations, and otherwise harassed their family members.⁷⁵ Authorities reportedly sentenced some of the family members to prison terms; subjected some elderly and other family members to medical maltreatment and neglect; and refused to provide information on the whereabouts and health conditions of some family members.⁷⁶ In written testimony submitted at a July 2018 Commission hearing, RFA journalist Gulchehra Hoja stated that “more than two dozen of my relatives in China are missing.”⁷⁷ XUAR authorities reportedly also detained dozens of family members of U.S.-based rights advocate Rebiya Kadeer, including her children and grandchildren, and possibly detained at least some of them in “political reeducation” centers.⁷⁸ Those detained reportedly included sons Ablikim and Alim Abdureyim,

whom authorities have previously detained and subjected to torture.⁷⁹ In addition, U.S.-based Uyghur poet and filmmaker Tahir Hamut told the Wall Street Journal that Chinese authorities had detained his brother in the XUAR after the newspaper published an article in late 2017 that included comments from Hamut.⁸⁰

• **Detentions of Kazakh citizens; testimony of an ethnic Kazakh forced to teach at a “political reeducation” camp.** XUAR authorities also detained Kazakh citizens who had previously held Chinese citizenship in “political reeducation” centers when they traveled back to the XUAR. In one such case, authorities detained Kayrat Samarkan from October 2017 to February 2018, during which authorities subjected him to severe maltreatment.⁸¹ Samarkan said authorities forced detainees to study political subjects, sing Communist songs, and participate in military-style training.⁸² According to Samarkan, authorities punished rule-breakers, people who were late for studies, and others by placing them in handcuffs and ankle cuffs, subjecting them to waterboarding, or strapping them into a “tiger chair.”⁸³ In another case, authorities detained Omir Bekali in both a prison and a “political reeducation” center for a total of more than seven months without charge, initially shackling him to a bed and refusing to provide him with medication for his high blood pressure.⁸⁴ In the “political reeducation” center, where he was detained for several weeks, authorities placed him in solitary confinement for part of the time, and deprived him of food for 24 hours.⁸⁵ According to Bekali, authorities punished detainees with “solitary confinement, beatings and food deprivation” for refusing to “criticize the people and things they love.”⁸⁶ Bekali said authorities also punished some detainees by forcing them to eat pork in spite of their Muslim faith, and likewise forced detainees accused of being “religious extremists” to drink alcohol.⁸⁷ In July 2018, a court in Kazakhstan tried Chinese citizen Sayragul Sauytbay (also known as Sairagul Sawytbai), an ethnic Kazakh, on the charge of “illegally crossing the border” after she fled China in April 2018.⁸⁸ Sauytbay told the court that in 2018, Chinese authorities sent her to work “in a political reeducation camp in the mountains,” which she said held over 2,500 ethnic Kazakhs.⁸⁹ She also told the court that Chinese authorities would consider her public discussion of XUAR “reeducation” facilities as “revealing state secrets,” and that they would sentence her to death if Kazakh government officials deported her to China.⁹⁰ On August 1, the court released Sauytbay from custody, giving her a six-month suspended sentence, but lawyers expressed concern that Chinese officials could still ask the government of Kazakhstan to extradite her.⁹¹

Intensified Security Measures

During this reporting year, central and regional government authorities implemented intense security measures throughout the XUAR, using security personnel, surveillance technology, mass detentions, and other methods to tighten state control over predominantly Muslim ethnic minority groups in the XUAR. International

observers highlighted the leading role of XUAR Party Secretary Chen Quanguo in heightening repressive security measures.⁹² In October 2017, Chen was selected as a member of the Communist Party Central Committee Political Bureau (Politburo),⁹³ likely a signal that high-level officials approved his work in the XUAR and previously in the Tibet Autonomous Region.⁹⁴

XUAR authorities carried out the mass, involuntary collection of DNA and other biometric information from XUAR residents;⁹⁵ conducted widespread and frequent checks of residents' cell phones and required residents to install monitoring applications on their cell phones;⁹⁶ maintained checkpoints and facial recognition cameras in neighborhoods, on roads, and in train stations;⁹⁷ operated "convenience police stations," a form of street-level management that enhances authorities' ability to closely surveil and police local communities;⁹⁸ and installed cameras in and around mosques and homes, in order to monitor residents' religious and private activities.⁹⁹ Rights advocates indicated that officials appeared to be focused on using much of the surveillance and data collection to monitor and repress Uyghurs.¹⁰⁰ XUAR authorities reportedly use a centralized system called the "Integrated Joint Operations Platform" (IJOP) to gather and analyze data from closed-circuit cameras, computers, smartphones, license plates, and identification cards, as well as individuals' family planning, banking, and travel records.¹⁰¹ Authorities used such data to identify individuals they would later subject to investigation and detention, including in "political reeducation" camps.¹⁰² [For more information on authorities' use of surveillance technology in the XUAR, see Section III—Commercial Rule of Law and Human Rights.]

Both XUAR and central government officials increased spending on security in the region. According to research into official data on security expenditures compiled by Germany-based scholar Adrian Zenz, XUAR authorities increased their spending on security measures by nearly 93 percent in 2017 compared to 2016; a sample of 18 Chinese provinces and regions saw an average increase of just under 12 percent in 2017.¹⁰³ Zenz also detailed evidence showing that central government authorities likely spent billions of yuan to fund the deployment of People's Armed Police in the XUAR in recent years.¹⁰⁴

Analysis of Chinese government data that was published by international non-governmental organization (NGO) Chinese Human Rights Defenders (CHRD) in July 2018 showed that 21 percent of all criminal arrests in China in 2017 took place in the XUAR, which is home to only 1.5 percent of China's population.¹⁰⁵ CHRD reported that, according to the research it conducted with the China-based NGO Equal Rights Initiative, the number of criminal arrests in the XUAR increased by 731 percent in 2017 over 2016, coinciding with policies implemented by XUAR Party Secretary Chen Quanguo to enhance regional security following his appointment to the XUAR in August 2016.¹⁰⁶ These figures do not include detentions in "reeducation" camps, which are carried out extrajudicially, though authorities reportedly transferred some "re-education" camp detainees to prison after a period of time.¹⁰⁷

XUAR authorities implemented security measures at the grassroots level in order to combat "separatism." In January 2018,

XUAR government chairperson Shohrat Zakir stated that continued “terrorist” activity and “an intense struggle against separatists” in the XUAR necessitated an extended security crackdown.¹⁰⁸ He said authorities would continue to carry out measures to guarantee security in the XUAR, including the *fang hui ju* program, in which officials conduct mandated visits to rural ethnic minority families, as well as measures to combat “double-faced” people, referring to those who “pretend to support national unity but secretly spread separatism and extremism.”¹⁰⁹ Under the *fang hui ju* program, teams of police officers or officials visit Uyghurs’ homes to compile dossiers of their personal information, reporting on “extremist” behavior such as fasting during Ramadan or abstaining from alcohol.¹¹⁰

Intrusive Homestay Programs

Under programs similar to the *fang hui ju* program, such as “pairing relatives” (*jiedui renqin*) and “pairing assistance” (*jiedui bangfu* or *jiedui fubang*), authorities assign cadres and government workers (usually of Han ethnicity) to live with ethnic minority families in their homes for certain periods of time, in part, according to official rhetoric, to contribute to stability and security in the XUAR.¹¹¹ According to a December 2017 report in the Party-run newspaper Xinjiang Daily, under one such program, begun in 2017, XUAR officials sent nearly 1 million cadres and workers to live with local families from targeted ethnic groups.¹¹² In April 2018, international rights NGO ChinaAid Association reported that authorities had sent male “working group personnel” between the ages of 25 and 45 to live with Kazakh women and children in the XUAR while officials detained the men in these families in “political reeducation” centers.¹¹³ According to an April Agence France-Presse report, authorities sent a “work team” comprised of staff members from a university in the XUAR on a similar program, to a village in Qaraqash (Moyu) county, Hotan prefecture.¹¹⁴ Officials sent more than 100 people, one-fifth of the village’s adult population, to “political reeducation” centers, after compiling dossiers identifying them as having engaged in “religious extremism” or other types of “untrustworthy” behavior.¹¹⁵ According to a May Human Rights Watch report, under the “pairing relatives” program, cadres spend at least five days every two months in families’ homes, during which they carry out political indoctrination, make the families participate in activities such as singing the Chinese national anthem, and document online the families’ domestic activities.¹¹⁶

XUAR authorities undertook additional efforts to collect residents’ information during this reporting year. Officials in the XUAR, including from the Urumqi Municipal Public Security Bureau, reportedly issued a registration form requiring individuals working in Urumqi who were not in possession of an Urumqi household registration permit (*hukou*)¹¹⁷ to provide information on their personal details, such as whether they had visited any of 26 countries officials had linked to terrorism.¹¹⁸ According to one of these forms, which an exiled Uyghur provided to the Wall Street Journal, certain sections on the form ask officials to rate individuals on a six-point scale, and to classify them as “safe,’ ‘average,’

or ‘unsafe.’”¹¹⁹ According to Human Rights Watch, one Urumqi resident said authorities required him to submit a similar form to the IJOP system in 2017, including information about travel to the 26 “sensitive” countries, how many times he prayed each day, and the name of his regular mosque.¹²⁰

Freedom of Religion

XUAR officials continued to use measures that narrowed the scope of Muslim residents’ ability to peacefully practice their religious faith and express their Muslim cultural identity, including through the following actions:

- **Restrictions on the Quran.** Authorities in the XUAR imposed restrictions on the Quran, including through confiscations and prohibitions on the study of the Quran. In early 2018, in Sa’ertamu township, Qaba (Habahe) county, Ili (Yili) Kazakh Autonomous Prefecture (KAP), local officials reportedly asked residents to sign a pledge stating that neither they nor their family members would study the Quran or learn Arabic.¹²¹ In September 2017, officials in locations throughout the XUAR reportedly confiscated Qurans, prayer mats, and other items of Islamic significance from local Uyghur, Kazakh, and Kyrgyz residents.¹²² In November, Radio Free Asia (RFA) reported that a court in Burultokay (Fuhai) county, Altay (Aletai) prefecture, sentenced ethnic Kazakh Manat Hamit, a government employee, to 16 years and 6 months in prison in May 2017 on charges related to “disseminating terrorism-related audiovisual material” and “inciting ethnic hatred,” after authorities found files containing Quranic recitations on his computer.¹²³ In December, RFA reported that the Ministry of Public Security had designated the storage of Quranic audiovisual material on cell phones as “terrorist” in nature.¹²⁴
- **Targeting religious leaders.** Officials throughout the XUAR detained individuals for violating laws and regulations regarding religion. According to a January 2018 RFA report, the number of imams detained in “political reeducation” camps and other locations was so large that in some locations, no imams were available to preside over funerals.¹²⁵ In November 2017, public security officials in Sa’ertamu criminally detained ethnic Kazakh imam Salheti Haribek, allegedly because he had carried out religious activities without a required government permit.¹²⁶
- **Obstructing burial and other religious practices.** In April 2018, RFA reported that authorities in two counties in Hotan prefecture had set up “burial management centers” that Uyghur exiles believed would prevent Uyghurs from performing religious funerary rites.¹²⁷ Reports emerging in recent months also indicated that officials in the XUAR were building crematoria in order to eliminate Uyghurs’ funerary and burial traditions.¹²⁸ In February 2018, RFA reported that officials in Kashgar prefecture had launched a campaign about two months earlier through local police stations to urge local Muslim residents not to believe in religion.¹²⁹

• **Controlling the observance of Ramadan.** As in previous reporting years,¹³⁰ XUAR officials reportedly imposed controls on Muslims' observance of Ramadan. In Ili KAP and Changji Hui Autonomous Prefecture, authorities reportedly forced restaurants to stay open and students to eat at school during Ramadan.¹³¹ In Peyziwat (Jiashi) county, Kashgar, a student told RFA that officials at his school had required all students to sign agreements stating that they would not fast during the Ramadan period.¹³²

Freedom of Expression

MOBILE PHONE AND INTERNET USE

Central and regional officials placed restrictions on communication tools and implemented strict controls on internet activity. Officials in multiple XUAR jurisdictions reportedly continued to order residents to install an application (app) called “Web-Cleansing Guard” (*jingwang weishi*) on their cell phones that enables the government to surveil their online activities, monitoring “terrorist” and “illegal religious” content.¹³³ The app reportedly served as one of the mechanisms of the integrated surveillance and security network police operated to monitor residents, with the capacity to send all of the file names from a mobile device to a government server.¹³⁴ [For more information on internet restrictions in China, see Section II—Freedom of Expression.]

Members of predominantly Muslim ethnic minority groups in the XUAR were at risk of detention for sharing or storing “extremist” or other types of online content, or for possessing a certain type of communications device. Security personnel manning checkpoints reportedly detained Kazakhs, Uyghurs, and other ethnic minority individuals throughout the XUAR if they carried an iPhone, holding them in custody for up to several weeks.¹³⁵ Authorities reportedly detained Uyghurs, Kazakhs, and others for storing and sharing items on mobile devices that officials said promoted terrorism or extremism.¹³⁶ Measures aimed at countering “extremism” in the XUAR in recent years reportedly have often threatened to criminalize Uyghurs' peaceful practice of religious faith and other peaceful activities.¹³⁷ In November 2017, state media, citing official figures, reported that officials in various locations in the XUAR had detained 15 people, including 9 Uyghurs, a Hui individual, a Kazakh individual, and 4 Han Chinese individuals, on suspicion of using the internet to promote, store, and transmit material involving terrorism and violence, religious extremism, ethnic separatism, and fabricating rumors.¹³⁸ Among the laws and regulations authorities said those detained had violated were regulations the XUAR People's Congress issued in December 2016 that provided for punishment for residents who spread “false” or “harmful” information on the internet.¹³⁹ In addition, in September 2017, a U.S.-based news and commentary website reported that authorities had sentenced the 25-year-old niece of imprisoned Uyghur scholar Ilham Tohti to 10 years in prison after security personnel inspecting her cell phone in early 2016 found photographs of Tohti and two RFA articles about him.¹⁴⁰

FOREIGN JOURNALISTS OBSTRUCTED IN THE XUAR

Foreign journalists reported facing increased official restrictions on reporting from the XUAR in 2017. According to a report published by the Foreign Correspondents' Club of China (FCCC) in January 2018,¹⁴¹ 73 percent of journalists completing an FCCC survey who traveled to the XUAR in 2017 said officials and security personnel told them their work was "prohibited or restricted," an increase of 31 percent over the previous year's responses.¹⁴² The FCCC report noted the detention of a Globe and Mail correspondent whom security officials held for three hours in the XUAR in August 2017, after he tried to interview residents of a township in Yarkand (Shache) county, Kashgar prefecture.¹⁴³ The FCCC reported that XUAR authorities detained an anonymous American journalist for 11 hours.¹⁴⁴ [For more information on obstruction of foreign journalists in China, see Section II—Freedom of Expression.]

Freedom of Movement

As in past reporting years,¹⁴⁵ XUAR officials continued to restrict Uyghurs' and Kazakhs' ability to travel freely, in violation of Chinese law and international legal standards.¹⁴⁶ Beginning in October 2016, authorities in many locations throughout the XUAR reportedly ordered residents to turn their passports in to police, with varying deadlines of up to four months.¹⁴⁷ In October 2017, authorities reportedly broadened the passport recall to include Uyghurs living in areas of China outside the XUAR, requiring them to submit their passports to the nearest police station or to their school.¹⁴⁸ Officials also reportedly required XUAR residents and those with a household registration permit (*hukou*) registered in the XUAR to submit to the collection of their biometric information prior to applying for passports or conducting other "*hukou*-related business."¹⁴⁹

Labor

According to an October 2017 RFA report, in recent months, government authorities had sent hundreds of women and children from Qaraqash (Moyu) county, Hotan prefecture, to Aksu prefecture, to engage in forced agricultural labor and other heavy labor.¹⁵⁰ A police officer in Qaraqash reportedly said authorities had detained the men from these families in "political reeducation" centers, and that if the women and children refused to participate in the forced labor, authorities could detain some of them in the "political reeducation" centers as well.¹⁵¹ Forced labor violates the International Labour Organization's Convention Concerning Forced or Compulsory Labour.¹⁵² [For more information on forced labor in China, see Section II—Human Trafficking.]

Language Policy and "Bilingual Education"

XUAR government authorities continued to expand Mandarin-focused "bilingual education" in the region, a policy that contravenes international law.¹⁵³ Under "bilingual education," class instruction takes place primarily in Mandarin, largely replacing instruction in

languages spoken by ethnic minority groups.¹⁵⁴ In October 2017, the Chinese Communist Party's United Front Work Department reported that the total number of ethnic minority students at all levels in the XUAR who had received "bilingual education" had increased from 1.22 million in 2012 to 1.92 million in 2016, and between 2013 and 2016, authorities had invested 6 billion yuan (approximately US\$954.98 million) to build 3,075 rural "bilingual kindergartens" in the XUAR.¹⁵⁵ Official media reported in April 2018 that XUAR authorities planned to construct additional kindergartens during the year, in order to improve students' Mandarin skills.¹⁵⁶ The plans continued a regional government initiative to expand "bilingual education" at the preschool level between 2016 and 2020 using central government funds.¹⁵⁷ [For more on language policy toward ethnic minority populations, as well as information on the United Front Work Department and ethnic policy, see Section II—Ethnic Minority Rights.]

Notes to Section IV—Xinjiang

¹See, e.g., “Xinjiang Authorities Detain Uyghurs ‘Wanting To Travel Abroad,’” Radio Free Asia, 27 March 18; “China Expands Recall of Passports to Uyghurs Outside of Xinjiang,” Radio Free Asia, 8 December 17; Mercy A. Kuo, “Uyghur Biodata Collection in China,” *The Diplomat*, 28 December 17.

²See, e.g., PEN America, “Forbidden Feeds: Government Controls on Social Media in China,” 13 March 18; “China Detains Five More Ethnic Kazakhs Over ‘Ethnic Hatred,’ ‘Terrorist’ Content,” Radio Free Asia, 19 December 17; Nithin Coca, “China’s Xinjiang Surveillance Is the Dystopian Future Nobody Wants,” *Engadget*, 22 February 18.

³See, e.g., “China Detains Five More Ethnic Kazakhs Over ‘Ethnic Hatred,’ ‘Terrorist’ Content,” Radio Free Asia, 19 December 17; Joyce Huang, “Stepped-up Surveillance of Uyghurs Sends ‘Relatives’ Into Homes,” *Voice of America*, 26 December 17; “Chinese Police Order Xinjiang’s Muslims To Hand in All Copies of the Quran,” Radio Free Asia, 27 September 17.

⁴Human Rights Watch, “China: Free Xinjiang ‘Political Education’ Detainees,” 10 September 17; Gerry Shih, “China’s Mass Indoctrination Camps Evoke Cultural Revolution,” *Associated Press*, 18 May 18; Adrian Zenz, “New Evidence for China’s Political Re-Education Campaign in Xinjiang,” *Jamestown Foundation, China Brief*, Vol. 18, Issue 10, 15 May 18; Bruce Pannier, “Kazakhstan Confronts China Over Disappearances,” *Radio Free Europe/Radio Liberty*, 1 June 18. For examples of the various terms that official and unofficial sources have used to refer to “political education” centers or camps, see, e.g., Adrian Zenz, “New Evidence for China’s Political Re-Education Campaign in Xinjiang,” *Jamestown Foundation, China Brief*, Vol. 18, Issue 10, 15 May 18 (“anti-extremism education training centers” (*qu jiduanhua jiaoyu peixun zhongxin*) and “educational training centers” (*jiaoyu peixun zhongxin*)); “Uyghur Businessman Flees Abroad, Family Members Suffer Abuse in [Training Center]” [Weiwu’er shangren tao wang haiwai jieren guan “peixun zhongxin” canzao nuedai], Radio Free Asia, 19 January 18 (“training centers” (*peixun zhongxin*)); Human Rights Watch, “China: Free Xinjiang ‘Political Education’ Detainees,” 10 September 17 (“anti-extremism training classes” (*qu jiduanhua peixun ban*) and “education and transformation training centers” (*jiaoyu zhuanhua peixun zhongxin*)); “Ten Ethnic Kazakhs Detained in Karamay, Xinjiang, Nearly 100 Uyghurs Fined for Refusing To Stop Fasting” [Xinjiang kelamayi 10 ming hasake zu ren bei bu jin bai weiwu’er zu ren ju fengzhai bei fakuan], Radio Free Asia, 16 June 17 (“anti-extremism training schools” (*qu jiduanhua peixun xuexiao*)); “Ethnic Cleansing in Xinjiang, a Large Number of Uyghurs Are Detained in ‘Reform Centers’” [Xinjiang zhongzu qingxi daliang weizu ren bei guan “gaizao zhongxin”], Radio Free Asia, 28 March 18 (“education and reform centers” (*jiaoyu gaizao zhongxin*)); Qiao Nong, ChinaAid, “Over a Hundred Ethnic Minority Christians in Xinjiang Sent to ‘Training Center’” [Xinjiang yu bai ming shaoshu minzu jidu tu bei song “peixun zhongxin”], 3 February 18 (“vocational skills training centers” (*zhiye jineng peixun zhongxin*), “political study centers” (*zhengzhi xuexi zhongxin*), and “study centers” (*xuexi zhongxin*)); Qiao Nong, ChinaAid, “90-Year-Old Man Exposes ‘Training Center’ Torture Beyond Human Imagination” [Jiu xun laoren pu “peixun zhongxin” kuxing chaochu renlei xiangxiang], 24 March 18 (“wild imam training centers” (*ye ahong peixun zhongxin*)); “Islamic Imams in Xinjiang Are Gradually Disappearing, There Is a Lack of Imams To Preside Over Funerals When Muslims Pass Away” [Xinjiang yisilan jiao ahong zhujian xiaoshi musilin qushi que ahong zhuchi zangli], Radio Free Asia, 6 January 18. (“wild imam education centers” (*ye ahong jiaoyu zhongxin*)). See also Jeremy Daum, “XJ Education Centers Exist, but Does Their Legal Basis?” *China Law Translate* (blog), 14 August 18.

⁵“Xinjiang Authorities Detain Uyghurs ‘Wanting To Travel Abroad,’” Radio Free Asia, 27 March 18; “A Summer Vacation in China’s Muslim Gulag,” *Foreign Policy*, 28 February 18; Adrian Zenz, “New Evidence for China’s Political Re-Education Campaign in Xinjiang,” *Jamestown Foundation, China Brief*, Vol. 18, Issue 10, 15 May 18; Chinese Human Rights Defenders and Equal Rights Initiative, “China: Massive Numbers of Uyghurs & Other Ethnic Minorities Forced Into Re-Education Programs,” 3 August 18.

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⁹“Xinjiang Authorities Detain Uyghurs ‘Wanting To Travel Abroad,’” Radio Free Asia, 27 March 18.

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¹⁵ See, e.g., ChinaAid, “90-Year-Old Man Exposes ‘Training Center’ Torture Beyond Human Imagination” [Jiu xun laoren pu “peixun zhongxin” kuxing chaochu renlei xiangxiang], 24 March 18; “Interview: ‘I Lost All Hope of Surviving,’” Radio Free Asia, 30 January 18.

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²¹ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

²² International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1). 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 17 June 18. China has signed but not ratified the ICCPR. See also Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 4; International Justice Resource Center, “Increased Oppression of Chinese Human Rights Defenders Draws International Criticism,” 22 February 16.

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as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act described herein or any crime within the jurisdiction of the International Criminal Court; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. See also Michael Caster, "China's Crimes Against Humanity You've Never Heard Of," CNN, 26 July 18; China Digital Times, "'Crimes Against Humanity' in Xinjiang Draw Attention," 30 July 18.

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⁴²Ibid.

⁴³Ibid.

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⁴⁵"Uyghur Teenager Dies in Custody at Political Re-Education Camp," Radio Free Asia, 14 March 18.

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V. Tibet

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

There has been no formal dialogue between the Dalai Lama's representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010.¹ In its 2017 Report on Tibet Negotiations, the U.S. State Department reiterated the policy of the U.S. Government "to encourage meaningful and direct dialogue between Chinese authorities and the Dalai Lama or his representatives, without preconditions, to lead to a settlement that resolves differences."² In keeping with the Chinese government's longstanding policy,³ executive deputy head of the Party's United Front Work Department Zhang Yijiong stated on October 21, 2017, that the Chinese government opposes meetings between foreign officials and the Dalai Lama, calling him "a leader of a separatist group that is engaging in separatist activities."⁴ At a November 23, 2017, meeting of the Indian Chamber of Commerce in Kolkata, the Dalai Lama reaffirmed the Middle Way Approach of seeking autonomy for Tibet within the People's Republic of China,⁵ stating that the Tibetan people "are not seeking independence" and that they "want to stay with China."⁶ On April 3, 2018, Central Tibetan Administration (CTA) President Lobsang Sangay stated that "back channel talks" continue between the Chinese government and the CTA.⁷

Reincarnation and the 14th Dalai Lama

The Chinese central government maintains that only it has the right to decide the Dalai Lama's successor,⁸ a policy at odds with international standards of religious freedom.⁹ The 14th Dalai Lama, Tenzin Gyatso, who reached the age of 83 in July 2018,¹⁰ has stated that he will "consult the high Lamas of the Tibetan Buddhist traditions, the Tibetan public, and other concerned people who follow Tibetan Buddhism, and re-evaluate whether the institution of the Dalai Lama should continue or not,"¹¹ and has hinted that he may select a successor while he is still alive.¹²

The Chinese government continues to suppress expression of devotion to or support for the Dalai Lama. In February 2018, the Tibet Autonomous Region (TAR) Public Security Department issued a circular encouraging people to report illegal activities of "criminal groups connected to the Dalai clique."¹³ Despite these and other measures attempting to undermine the stature of the Dalai Lama, Tibetan Buddhists continue to revere him as their spiritual leader and take great risks to access his teachings, possess an image of him, or express their devotion in other ways.¹⁴ For example, on May 8, 2018, public security officials in Chiduo (Trido) township, Suo (Sog) county, Naqu (Nagchu) municipality, TAR, detained a father of two for possession of books and audio recordings of the Dalai Lama.¹⁵

Chinese authorities also continued to expand the public profile of their chosen Panchen Lama, Gyaltzen Norbu, whom Party and government officials selected as the 11th Panchen Lama in 1995, shortly after declaring the Dalai Lama's recognition of then six-

year-old Gedun Choekyi Nyima to be “illegal and invalid.”¹⁶ According to observers, Gyaltzen Norbu is likely to play a significant role in the Party and government’s selection of their endorsed successor to the 14th Dalai Lama.¹⁷ Chinese authorities abducted Gedun Choekyi Nyima and his parents on May 17, 1995, three days after the Dalai Lama recognized him as the reincarnation of the 10th Panchen Lama, and have refused to permit an independent expert to visit him.¹⁸ The Panchen Lama and his parents’ whereabouts remain unknown.¹⁹

Religious Freedom for Tibetan Buddhists

The Party and government continued to regulate Tibetan Buddhism and its practices in an effort to strengthen their control over Tibetan Buddhists.²⁰ During Saga Dawa, a month-long celebration of the Buddha’s life and enlightenment that fell between May 15 and June 15, 2018, TAR authorities set up “service centers”²¹ for worshippers and barred current and retired government employees from participating in religious activities.²² Authorities in Chengguan (Chamdo) township, Changdu (Chamdo) municipality, TAR, forbade students attending the Second Kindergarten School, as well as their parents, from participating in religious activities or visiting monasteries during Saga Dawa.²³ [For information on relevant laws relating to religious freedom in China, see Section II—Freedom of Religion.]

Further Clampdown on Larung Gar

In July 2016, provincial authorities in Ganzi Tibetan Autonomous Prefecture (TAP), Sichuan province, began the process of demolishing dwellings and expelling monks and nuns at Larung Gar Buddhist Institute (Larung Gar), in Seda (Serthar) county, Ganzi TAP, Sichuan.²⁴ Government control of Larung Gar continued during the Commission's 2018 reporting year.²⁵ An October 2017 report by Free Tibet and Tibet Watch shows that by the end of May 2017 authorities had leveled at least 4,725 homes and forced at least 4,828 residents to leave Larung Gar since July 2016.²⁶ Human Rights Watch (HRW) obtained a brochure that authorities issued in August 2017, which laid out "standardization" procedures at Larung Gar in the name of security.²⁷ According to the brochure, the government will install cadres at every level and section of the monastery, many in top-level roles, while officials will surveil the monastery as a whole using a grid management system,²⁸ instituting real-name registration for all visitors and residents, and requiring monks, nuns, and laypeople to wear colored tags indicating their status within the institute.²⁹ According to HRW's January 2018 report, 40 percent of the monastery's curriculum must include politics and other non-religious subjects.³⁰ On October 29, 2017, authorities in Sichuan abruptly cancelled observance of the prayer festival Dechen Shedrub at Larung Gar for the second consecutive year, reversing an earlier decision to permit celebrations.³¹ HRW China Director Sophie Richardson said the government's actions "show a pernicious intent to exercise extreme control over religious practice."³² According to the International Campaign for Tibet and the Tibetan Centre for Human Rights and Democracy, the expulsions and demolitions at Larung Gar are also driven by the Chinese government's plans to increase business and tourism in the area.³³

Self-Immolations

Self-immolations by Tibetans as a form of protest continued during this past year,³⁴ including three known self-immolations in Tibetan autonomous areas³⁵ of China. All three were confirmed to be fatal, bringing the total number of such self-immolations by Tibetans living in China to 147 since 2009, 130 of which were reportedly fatal.³⁶ Since 2009, many Tibetan self-immolators have called for the long life of the Dalai Lama, his return from exile, and freedom for Tibet.³⁷

- **Tenga**, a 63-year-old monk, self-immolated in Ganzi (Kardze) county, Ganzi TAP, Sichuan, on November 26, 2017, while calling for freedom for Tibet.³⁸ Armed police quickly came and confiscated his body.³⁹ Authorities cut off telephone lines and social media services in Ganzi TAP following Tenga's death, while police were stationed at Tenga's family home.⁴⁰
- **Konpe**, a former monk in his thirties, set himself on fire on December 23, 2017, near Kirti Monastery in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan.⁴¹ The police quickly extinguished the fire and brought Konpe to a hospital in Maerkang (Barkham) county, Aba T&QAP.⁴² Konpe died of his injuries on December 24.⁴³ Around that time,

authorities detained his father, Gyakyab, on unknown charges.⁴⁴ According to the International Campaign for Tibet, 24 current and former Kirti monks have self-immolated since 2009.⁴⁵

- **Tsekho Tugchag (Tsekho Tugchak)**, a former monk at No. 4 (Namsoma) village, Mai'erma (Me'uruma) township, Aba, self-immolated and died on March 7, 2018, in Aba.⁴⁶

Tibetans have also faced detention for sharing information about self-immolations. For instance, in October 2017, authorities in Yushu (Yulshul) TAP, Qinghai province, detained seven Tibetans⁴⁷ for posting to the messaging service WeChat a two-year-old video about the lives of self-immolators.⁴⁸

Security, Surveillance, and Party Policy

The government and Party continued implementing repressive policies in Tibetan autonomous areas of China through the use of extensive and intrusive surveillance, stringent measures that restrict Tibetans' fundamental rights, and pervasive displays of police and military force.⁴⁹ Domestic security spending in two Tibetan prefectures in Sichuan increased nearly 300 percent between 2007 and 2016, while the TAR's domestic security spending grew 404 percent over the same time period, compared to a 215 percent increase nationwide.⁵⁰ Under Chinese President and Party General Secretary Xi Jinping, the Chinese Communist Party's United Front Work Department (UFWD) has assumed the primary role of administering religious and ethnic affairs, making it the locus of management of Tibetans within China as well as of relations with overseas Tibetans.⁵¹

Security measures markedly increased around the 19th National Congress of the Chinese Communist Party (19th Party Congress) in October 2017.⁵² The central government reportedly banned foreigners from visiting the TAR between October 18 and 28⁵³ and deployed security forces to the TAR and other Tibetan areas as the 19th Party Congress began, with public military drills reported in the TAR and in Guoluo (Golog) Tibetan Autonomous Prefecture (TAP), Qinghai province.⁵⁴ In Shannan (Lhokha) municipality, TAR, "temple management cadres" went to monks' quarters to conduct "one-on-one study" of the "19th Party Congress spirit."⁵⁵ After the congress concluded, reports emerged of mandatory "patriotic re-education" in Tibetan areas, with abbots and monastery teachers told to organize "training courses" on the "19th Party Congress spirit."⁵⁶

In a report submitted for the November 2018 session of the UN Human Rights Council's Universal Periodic Review (UPR) of the Chinese government's human rights record, the International Federation for Human Rights and International Campaign for Tibet warned that "the human rights situation in the Tibetan areas of China has significantly worsened" since the UN Human Rights Council's last UPR of China in 2013.⁵⁷ The TAR government has reportedly constructed a "mass surveillance" system powered by humans and technology,⁵⁸ posting security officials to "convenience police stations" and Party cadres to villages and monasteries,⁵⁹ while also incentivizing Tibetans to police each other. The Naqu

(Nagchu) Municipal Public Security Bureau in Naqu municipality, TAR, issued a circular on March 13, 2018, promising cash rewards for tips on a number of alleged offenses, from illegal possession of firearms to “the abuse of religion, power, and family connections to illegally encroach on property.”⁶⁰ The circular, reprinted in Radio Free Asia (RFA), indicates that public security officers will offer 50,000 yuan (US\$7,300) for certain tips, and up to 100,000 yuan (US\$14,700) for tips on “criminal gangs” advocating for “separatism,”⁶¹ which RFA reported may implicate the promotion of Tibetan cultural and religious practices or support for the Dalai Lama’s Middle Way Approach.⁶²

Status of Tibetan Culture

China’s 2016–2020 National Human Rights Action Plan (HRAP) provides both that “the cultural rights of ethnic minorities shall be guaranteed” and that “[t]he right of ethnic minorities to learn, use and develop their own spoken and written languages shall be respected and guaranteed,” echoing provisions of China’s Constitution, the PRC Regional Ethnic Autonomy Law, and the PRC Education Law.⁶³ Tibetan culture and language face increasing marginalization, however, particularly as the Chinese government and Party continue to promote Mandarin Chinese as the main language of instruction in Tibetan areas.⁶⁴

Nearly two years after the New York Times interviewed him and published a short film about his advocacy for Tibetan language education, Tashi Wangchug (Tashi Wangchuk) stood trial at the Yushu (Yulshul) Prefecture Intermediate People’s Court in Qinghai province on January 4, 2018.⁶⁵ Tashi Wangchug denied the charge of “inciting separatism,” arguing that he was “exercising his right as a citizen to criticize” the local government concerning the preservation of Tibetan culture and language.⁶⁶ Authorities permitted only three of his relatives into the courtroom, and denied entry to diplomats from the United States, the European Union, the United Kingdom, Germany, and Canada.⁶⁷ On May 22, the court found Tashi Wangchug guilty and sentenced him to five years in prison.⁶⁸ The Qinghai High People’s Court reportedly rejected his appeal in August 2018.⁶⁹

Freedom of Expression

This past year, Tenzin Tethong, Tibetan Service Director for Radio Free Asia, testified before the U.S. Congress that the Tibet Autonomous Region (TAR) “ranks among the world’s worst media environments after North Korea.”⁷⁰ In certain Tibetan areas, censorship further tightened around the 19th Party Congress in October 2017,⁷¹ including a digital communications blackout imposed by the TAR government during the Party Congress.⁷²

Public security bureaus (PSB) in some Tibetan areas of China introduced local directives to control and censor social media groups, operationalizing features of the PRC Cybersecurity Law as well as the Provisions on the Administration of Internet Group Information Services, which took effect on October 8, 2017.⁷³ The provisions hold social group creators and administrators responsible for con-

tent shared among public and private groups.⁷⁴ Selected examples follow.

- In **Gannan (Kanlho) Tibetan Autonomous Prefecture (TAP), Gansu province**, the Machu County PSB issued directives forbidding chat group administrators and WeChat public account owners from sharing nine different categories of information, from “state secrets” and “rumors” to “other illegal information,” noting that violators “will be dealt with by the relevant departments in accordance with relevant laws and regulations.”⁷⁵
- In advance of the 19th Party Congress in October 2017, PSB officials in **Zeku (Zekog) county, Huangnan TAP, Qinghai province**, forced 248 Tibetan WeChat group administrators to undergo legal training and write statements of responsibility for group chat content as part of an effort to resist “illegal criminal activity” and “harmful information.”⁷⁶
- Authorities reportedly forced monks at Tsang Monastery in **Tongde (Gepasumdo) county, Hainan (Tsolho) TAP, Qinghai**, to attend a March 2018 “legal education” session during which monks received instruction on the PRC Cybersecurity Law’s provisions against sharing “illegal content” online.⁷⁷ On April 16, 2018, local PSB officials reportedly detained two of the monks at Tsang Monastery.⁷⁸ Reports only named one monk, Oechung Gyatso, whom authorities detained in connection with the unauthorized sharing of politically “sensitive” photos and writings on WeChat.⁷⁹

The Commission observed one significant case of a high-profile political prisoner whose detention contravened international standards of freedom of expression.⁸⁰ On January 10, 2018, the Haibei Intermediate People’s Court in Haibei (Tsojang) TAP, Qinghai, sentenced Tsegon Gyal⁸¹ to three years in prison for “inciting separatism.”⁸² According to a February 18 statement by the Tibetan Centre for Human Rights and Democracy, authorities detained Tsegon Gyal on December 9, 2016,⁸³ apparently in connection to a blog post he wrote criticizing the Chinese government for failing to truly support its policy of “ethnic unity.”⁸⁴

Authorities released at least four political prisoners during the reporting year.⁸⁵ On March 19, 2018, popular Tibetan writer and intellectual Drukar Gyal⁸⁶ (pen name Shogjang) completed a three-year prison sentence for “inciting separatism” in connection to his writing.⁸⁷ Around August 2, authorities released popular singer Gonpo Tenzin upon completing a sentence of three years and six months.⁸⁸ Authorities detained him in 2013, apparently in connection with his hit song “How Can We Have New Year’s Celebrations in Tibet?” which encouraged Tibetans to preserve their culture and language.⁸⁹ On August 10, Namkha Jam finished a nearly six-year⁹⁰ sentence for “inciting separatism.”⁹¹ The Huangnan Intermediate People’s Court of Huangnan (Malho) TAP, Qinghai, convicted him and three other Tibetans in connection with the sharing of information about self-immolations and protests with allegedly “separatist” Tibetan organizations.⁹² Authorities also released Gonpo Tseten on August 13, one year and six months before the end of his 12-year sentence for “inciting separatism” for leading a protest in Awangcan (Bhelpa) township, Maqu (Machu) county,

Gannan (Kanlho) TAP, Gansu province in March 2008.⁹³ All four men still face from two to four years' deprivation of political rights.⁹⁴

Filmmaker Dondrub Wangchen (Dhondup Wangchen), who had served six years in prison and three years' deprivation of political rights⁹⁵ for "inciting separatism,"⁹⁶ fled China in fall 2017 and reunited with his family in San Francisco on December 25, 2017.⁹⁷ Authorities detained Dondrub Wangchen in March 2008 for his role in making the documentary "Leaving Fear Behind," in which ordinary Tibetans in China shared their feelings about a range of issues, including the Dalai Lama and the August 2008 Summer Olympics in Beijing municipality.⁹⁸

Censorship of Social Media and Reporting on Jokhang Fire

Limited access to information about a fire that broke out at the Jokhang temple complex in Lhasa municipality, Tibet Autonomous Region (TAR), on February 17, 2018, raised concerns among Tibetan communities and experts about the extent of the damage at the site.⁹⁹ Tibetans posted distressed messages and video of the fire to the messaging service WeChat, including some messages questioning why the fire department did not immediately arrive.¹⁰⁰ Within hours, the TAR government reportedly imposed a ban on discussion of the fire on social media,¹⁰¹ while the state-run media outlet Xinhua reported that the fire had been extinguished.¹⁰² A leaked document later revealed that the authorities took 30 minutes to respond, even though in December 2017 China reported to the UN Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee that the temple had a fire brigade stationed on premises "for the safety and protection of cultural relics."¹⁰³ The temple remained open on February 18, but drapes covered the site of the central Jowo Shakyamuni statue,¹⁰⁴ the namesake of the temple and one of the most sacred statues in Tibetan Buddhism.¹⁰⁵ The State Administration of Cultural Heritage reported that the fire did not damage the Jowo Shakyamuni statue.¹⁰⁶

According to scholar Robert Barnett, "almost total suppression of information"¹⁰⁷ quickly followed the fire at the 1,300-year-old Jokhang temple complex,¹⁰⁸ which is a sacred site for Tibetans, Mongolians, and other Buddhists in the Himalayas and Central Asia.¹⁰⁹ Barnett indicated that the restriction of information about the fire caused many Tibetans to fear that the damage was far worse than had been reported.¹¹⁰ In June, the advocacy organization Free Tibet published satellite images showing damage to the Jowo Rinpoche Chapel, which houses the Jowo Shakyamuni statue.¹¹¹

Freedom of Movement

The Chinese government severely restricts the ability of Tibetans to travel abroad, often in relation to religious pilgrimage.¹¹² For example, this past year Radio Free Asia reported that Chinese authorities threatened the families of Tibetans traveling to attend the Dalai Lama's teachings in Bodh Gaya, India, and that Chinese immigration authorities destroyed some of their passports upon their return to China and failed to reissue new passports.¹¹³ According to international advocacy organization Free Tibet, in March 2018,

Chinese authorities detained 60 Tibetans upon their return from pilgrimage to India and Nepal, and reportedly sent them to a “re-education” program.¹¹⁴

Authorities also continued to restrict movement of Tibetans within Tibetan areas of China. This past year, Tibetans making pilgrimage to Lhasa on foot reportedly faced a fine of 3,000 yuan (US\$440) per day.¹¹⁵ In April 2018, plainclothes officers in Dali (Darlag) county, Guoluo (Golog) TAP, Qinghai province, detained and interrogated a 60-year-old pilgrim on her way to Lhasa.¹¹⁶ The pilgrim, Lhamo Drolma (Lhamo Dolkar), from Bora village, Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, remained missing as of April 13, 2018.¹¹⁷

Chinese officials increasingly seek to restrict the freedom of movement of Tibetans in neighboring Nepal with the cooperation of Nepalese authorities. The Chinese government has stationed Chinese police on the Nepali side of the border to capture Tibetan refugees.¹¹⁸ The Chinese government reportedly provided funding for a new training academy for the Nepal Armed Police Force, which allegedly plays an important role in preventing Tibetan refugees from entering Nepal.¹¹⁹ Nepal has hosted Tibetan refugees since the 1950s¹²⁰ and currently has a population of around 20,000 Tibetans.¹²¹

Economy, Environment, and Development

The Commission observed no evidence during its 2018 reporting year that the Party or government solicited systematic or representative input from the Tibetan population on economic development in Tibetan autonomous areas of China.¹²² Chinese officials reportedly used environmental protection regulations to restrict the land use of Tibetan herders¹²³ and in one instance detained at least 30 people who protested a mining project located on a mountain considered a sacred site, while one protester went missing.¹²⁴ Other infrastructure projects may threaten environmental damage and the livelihood and safety of Tibetans.¹²⁵

On November 27, 2017, Chinese authorities announced that only security and other authorized officials would have access to the Hoh Xil Nature Reserve, which spans Qinghai province, the TAR, and the Xinjiang Uyghur Autonomous Region (XUAR); Qiangtang (Chang Tang) National Nature Reserve in the TAR; and Altun Shan Nature Reserve in the XUAR.¹²⁶ UNESCO approved the nomination of Hoh Xil as a World Heritage site in July 2017,¹²⁷ the highest and largest plateau in the world¹²⁸ and China’s largest World Heritage site at 3.74 million hectares (14,423.35 square miles), with a buffer zone of 2.29 million hectares (8,845.23 square miles).¹²⁹ The Chinese government estimated that 50,000 people herd in the reserve’s buffer zone,¹³⁰ and stated that it would “fully respect the will of the local herders and their traditional culture, religious beliefs, and lifestyle.”¹³¹ A white paper released by the State Council Information Office in June 2018, however, claimed that Hoh Xil is “free of human activity.”¹³²

Infrastructure projects in the TAR could further impact the local people and the environment, as well as communities beyond the TAR. For example, a proposed 1,000-kilometer (621.37-mile) water tunnel from the TAR to the XUAR¹³³ would divert the Yarlung

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Tsangpo River, which becomes the Brahmaputra downstream in Bangladesh and India.¹³⁴ Some observers fear this is a sign that the Chinese government is attempting to expand its influence over neighboring countries.¹³⁵ Fan Xiao, a senior engineer at the Sichuan Bureau of Geological Exploration,¹³⁶ warned that the scheme willfully ignores the environmental, social, and cultural costs of diverting a major water source, including flooding and displacement of local residents.¹³⁷

This past year, TAR officials continued to promote tourism, efforts allegedly connected to the demolition of Tibetan religious and cultural centers.¹³⁸ According to the state-run Xinhua news agency, the TAR received 1.2 million tourists during the National Day holiday in October 2017, up 16.5 percent from the previous year, in part as the result of the opening of a new highway connecting Lhasa municipality and Linzhi (Nyingchi) municipality.¹³⁹ In May 2018, about 60 Tibetan nomad families in the village of Lhadul in Nimu (Nyemo) county, Lhasa, TAR, made a video that circulated online appealing to officials beyond their township to regain access to pastureland which Chinese authorities had designated for tourism.¹⁴⁰

Notes to Section V—Tibet

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⁵⁸Tibetan Centre for Human Rights and Democracy, “2017 Annual Report on Human Rights Situation in Tibet,” 7 May 18, 8.

⁵⁹Ibid., 8–9.

⁶⁰“Police in Tibet Offer Cash Rewards for Tips on Crime, Disloyal Behavior,” Radio Free Asia, 4 April 18; Zhen Dan, “Nagchu Authorities Restrict Tibetans’ International Communications” [Naqu dangju yanjin zangren yu jingwai lianxi], Radio Free Asia, 3 April 18.

⁶¹“Police in Tibet Offer Cash Rewards for Tips on Crime, Disloyal Behavior,” Radio Free Asia, 4 April 18.

⁶²Ibid.

⁶³State Council Information Office, “National Human Rights Action Plan of China (2016–2020),” August 2016, reprinted in Xinhua, 29 September 16, sec. III(1); Clemence Henry, “The Chinese Education System as a Source of Conflict in Tibetan Areas,” in *Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China’s West*, eds. Ben Hillman and Gray Tuttle (New York: Columbia University Press, 2016), 100; PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, arts. 4, 121; PRC Regional Ethnic Autonomy Law [Zhonghua renmin gongheguo minzu quyü zizhi fa], passed 31 May 84, amended and effective 28 February 01, arts. 10, 21, 37; State Council, Certain Provisions on Implementing the “PRC Regional Ethnic Autonomy Law” [Guowuyuan shishi “zhonghua renmin gongheguo minzu quyü zizhi fa” ruogan guiding], passed 19 May 05, effective 31 May 05, art. 22; PRC Education Law [Zhonghua renmin gongheguo jiaoyü fa], passed 18 March 95, amended 27 August 09, 27 December 15, effective 1 June 16, art. 12. China’s Constitution and the PRC Regional Ethnic Autonomy Law provide nominal protection for the use of minority languages.

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⁶⁴Nikhil Sonnad, “Taiwan’s Laws on Language Are Showing China What It Means To Be a Modern, Inclusive Country,” *Quartz*, 9 May 18; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2017—China (Includes Tibet, Hong Kong and Macau),” 20 April 18, 90.

⁶⁵Chris Buckley, “A Tibetan Tried To Save His Language. China Handed Him 5 Years in Prison,” *New York Times*, 22 May 18; Amnesty International, “China: Sham Trial Exposes Absurd Charge Against Tibetan Activist,” 4 January 18. For more information on Tashi Wangchuk, see the Commission’s Political Prisoner Database record 2016-00077.

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⁶⁷*Ibid.*

⁶⁸Chris Buckley, “A Tibetan Tried To Save His Language. China Handed Him 5 Years in Prison,” *New York Times*, 22 May 18; Lucas Niewenhuis, “China Sentences Tibetan Language Activist to Five Years in Prison,” *SupChina*, 22 May 18.

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⁷¹“248 WeChat Group Organizers Forced To Go Through Trainings in Zeku County, Qinghai” [Qinghai zeku xian 248 ming weixin qunzhu bei qiangzhi jieshou jiaoyu], *Radio Free Asia*, 2 October 17; Freedom House, “Freedom in the World 2018—Tibet,” last visited 3 September 18.

⁷²Masashi Crete-Nishihata et al., “Managing the Message: What You Can’t Say About the 19th National Communist Party Congress on WeChat,” University of Toronto, Munk School of Global Affairs, Citizen Lab, 6 November 17; “248 WeChat Group Administrators Forced To Go Through Trainings in Zeku County, Qinghai” [Qinghai zeku xian 248 ming weixin qunzhu bei qiangzhi jieshou jiaoyu], *Radio Free Asia*, 2 October 17; Freedom House, “Freedom in the World 2018—Tibet,” last visited 3 September 18.

⁷³Tibetan Centre for Human Rights and Democracy, “China Issues Vague and Overbroad Rules on Internet Censorship in Tibet,” 17 November 17; Cyberspace Administration of China, Provisions on the Administration of Internet Group Information Services [Hulianwang qunzu xinxi fuwu guanli guiding], issued 7 September 17, effective 8 October 17.

⁷⁴Cyberspace Administration of China, Provisions on the Administration of Internet Group Information Services [Hulianwang qunzu xinxi fuwu guanli guiding], issued 7 September 17, effective 8 October 17, art. 11; Lulu Yilun Chen and Keith Zhai, “China’s Latest Crackdown on Message Groups Chills WeChat Users,” *Bloomberg*, 12 September 17.

⁷⁵Tibetan Centre for Human Rights and Democracy, “China Issues Vague and Overbroad Rules on Internet Censorship in Tibet,” 17 November 17; Tenzin Monlam, “China Issues Localized Internet Censorship Rules in Tibet,” *Phayul*, 18 November 17.

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⁷⁷Tibetan Centre for Human Rights and Democracy, “Chinese Authorities Detain Two Tibetan Monks for Sharing ‘Illegal’ Contents on Social Media,” 18 April 18; “Two Monks From Tongde County, Qinghai’s Tsang Monastery Detained” [Qinghai tongde xian shizang si liang seng bei bu], *Radio Free Asia*, 18 April 18; “Tsang Monastery Monk Oechung Gyatso Detained by Chinese [Authorities]” [Gtsang dgon-pa’i dge-dun pa ‘od-chung rgya-mtsho rgya-nag gis ‘dzin-bzung byas-dug], *Radio Free Asia*, 18 April 18.

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⁸⁰The International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19(2). Article 19 of the ICCPR holds that freedom of expression includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

⁸¹UN Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 4/2017 on Tsegon Gyal (China), A/HRC/WGAD/2017/4, 11 August 17. For more information on Tsegon Gyal, see the Commission’s Political Prisoner Database record 2004-01163.

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⁸³Tibetan Centre for Human Rights and Democracy, “Charged of Inciting Separatism, Detained Former Tibetan Political Prisoner Tsegong Gyal on ‘Silent Protest,’” 29 December 16.

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⁸⁶Tenzin Dharpo, “Noted Writer Shogjang Released After Three Years in Chinese Prison,” Phayul, 20 March 18; PEN America, “Shokjang (Druklo),” last visited 2 July 18. For more information on Drukar Gyal (pen name Shogjang; also known as Druglo), see the Commission’s Political Prisoner Database record 2010-00153.

⁸⁷PEN America, “Shokjang (Druklo),” last visited 16 July 18; Independent Chinese PEN Center, “218: Shogjang” [218: Xuejiang], 21 March 18; “Tibetan Author Druglo Sentenced to Three Years” [Zangren zuojia zhuluo panjian 3 nian], Radio Free Asia, 20 February 16; International Campaign for Tibet, “Popular Tibetan Blogger Asserts His Innocence in Letter From Prison,” 4 April 16; Tibetan Centre for Human Rights and Democracy, “Revoke Discriminatory, Unjust Verdict Against Tibetan Writer Shokjang,” 7 April 16.

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⁸⁹Ibid.; “China Detains Two Tibetan Singers from Driru,” Radio Free Asia, 16 December 13; “China Arrests Tibetan Monk in Tawu, Sentences Popular Singer from Driru,” Voice of America, 21 May 15.

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⁹²Richard Finney, “Chinese Court Jails Four Tibetans on ‘Separatism’ Charge,” Radio Free Asia, 15 April 13; Tibetan Centre for Human Rights and Democracy, “Two Tibetans Convicted for ‘Inciting Separatism’ Released After Serving Long Prison Terms,” 17 August 18. For more information on the three other men detained at the same time as Namkha Jam, see the Commission’s Political Prisoner database records 2013-00139 on Choepa Gyal, 2013-00142 on Chagthar, and 2013-00143 on Gonpo.

⁹³Tibetan Centre for Human Rights and Democracy, “Two Tibetans Convicted for ‘Inciting Separatism’ Released After Serving Long Prison Terms,” 17 August 18; Free Tibet, “Tibetan Political Prisoner Released After 10 Years,” 17 August 18.

⁹⁴Federal Foreign Office of the Federal Republic of Germany, “Statement by Human Rights Commissioner Kofler on Shokjang’s Release,” 21 March 18; Tibetan Centre for Human Rights and Democracy, “Tibetan Singer Sentenced to Prison After Prolonged Secret Detention,” 21 May 15; “Tibetan Freed After Serving Six Years on ‘Separatism’ Charge,” Radio Free Asia, 14 August 18; Free Tibet, “Tibetan Political Prisoner Released After 10 Years,” 17 August 18; 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, 4 November 17, art. 55. Drukar Gyal’s sentence included two years of deprivation of political rights; Gonpo Tenzin’s included four; and Namkha Jam’s, three. The sources available to the Commission state that Gonpo Tseten faces an unknown amount of time under deprivation of political rights; Article 55 of the PRC Criminal Law stipulates that the term can last from one to five years.

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⁹⁶Dondrub Wangchen, “Putting Tibet Back on the Agenda,” Project Syndicate, 15 May 18; Tibet “From All Angles”: Protecting Human Rights, Defending Strategic Access, and Challenging China’s Export of Censorship Globally, Hearing of the Congressional-Executive Commission on China, 14 February 18, Testimony of Dhondup Wangchen, Tibetan filmmaker and recently escaped political prisoner. For more information on Dondrub Wangchen’s case, see the Commission’s Political Prisoner Database record 2008-00586.

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⁹⁸CECC, 2010 Annual Report, 10 October 10, 225–26.

⁹⁹Tom Phillips, “Jokhang Temple: Fire Engulfs Ancient ‘Heart’ of Tibetan Buddhism,” Guardian, 17 February 18; Françoise Robin, “Guest Post: The Silence of the State: The Jokhang Fire and the Response of the Chinese Government,” High Peaks Pure Earth (blog), 21 March 18; China Digital Times, “‘Almost Total Suppression of Information’ After Tibet Fire,” 20 February 18.

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¹⁰¹Ibid.

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¹⁰³International Campaign for Tibet, “New Fears for Historic Structure of Jokhang Temple After Major Fire, as China Covers up Extent of Damage,” 12 March 18.

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¹⁰⁶State Administration of Cultural Heritage, “World Heritage: Historic Ensemble of the Potala Palace, Lhasa (C 707) State of Conservation 2017—Appendix: Report on the Local Fire Accident Happening to Jokhang Monastery, Lhasa Presented by the People’s Government of Tibet Autonomous Region,” November 2017, 5. The report does not state when the appendix was added.

¹⁰⁷Tom Phillips, “Jokhang Temple: Fire Engulfs Ancient ‘Heart’ of Tibetan Buddhism,” Guardian, 17 February 18.

¹⁰⁸Francoise Robin, “Guest Post: The Silence of the State: The Jokhang Fire and the Response of the Chinese Government,” High Peaks Pure Earth (blog), 21 March 18. The Jokhang is the central chapel of the Tsuglakhang temple complex. The term “Jokhang temple” refers to Tsuglakhang, not the Jokhang chapel.

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¹¹¹Free Tibet, “The Jokhang Fire Four Months On,” 22 June 18.

¹¹²Freedom House, “Freedom in the World 2018—Tibet,” last visited 3 September 18; Human Rights Watch, “Submission to the CERD Review of China,” 21 June 18.

¹¹³“Authorities in China’s Qinghai Province Block Tibetans From Travel Amid Dalai Lama Teachings,” Radio Free Asia, 24 January 18.

¹¹⁴Free Tibet, “China Detains Tibetan Pilgrims,” 22 March 18. The source does not specify the nature of the reeducation program the Tibetans were believed to be undergoing.

¹¹⁵Ibid.

¹¹⁶“Tibetan Pilgrim Disappears After Chinese Police Interrogation on Her Way to Lhasa,” Radio Free Asia, 13 April 18.

¹¹⁷Ibid. The source gives the pilgrim’s name as Lhamo Dolkar, while the Commission’s Political Prisoner Database lists her under the name Lhamo Drolma. Her detention is reportedly connected to her visit to an imprisoned Tibetan monk, Sanggyal Gyatso. For information about these cases, see the Commission’s Political Prisoner Database records 2018-00168 on Lhamo Drolma and 2012-00127 on Sanggyal Gyatso.

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¹²¹Sudha Ramachandran, “Sino-Nepali Relations: Scaling New Heights,” Jamestown Foundation, China Brief, Vol. 18, Issue 6, 9 April 18.

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¹²³International Campaign for Tibet, “Ban on Access to Nature Reserves in Tibet Raises Concern About Tibetan Nomads at UNESCO Site,” 11 December 17. See also Freedom House, “Freedom in the World 2018—Tibet,” last visited 3 September 18.

¹²⁴“30 Tibetans Detained for Mining Protest, One Missing,” Phayul, 15 May 18. For information on some of the detained protesters, see the Commission’s Political Prisoner Database records 2018-00132 on Karma, 2018-00197 on Khyenrab, 2018-00198 on Rinchen Namdrol, 2018-00199 on Tsultrim Gonpo, 2018-00200 on Jangchub Ngodrub, 2018-00201 on Dongye, 2018-00202 on Sogru Abu, and 2018-00203 on Namse.

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¹²⁷UN Educational, Scientific, and Cultural Organization, World Heritage Convention, “World Heritage Committee Inscribes Three Natural Sites and One Extension on UNESCO’s World Heritage List,” 7 July 17.

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¹²⁹Ibid.

¹³⁰“Unesco Heritage Listing Sparks Tibetan Resettlement Fears,” BBC, 10 July 17.

¹³¹International Campaign for Tibet, “UNESCO Approves Controversial World Heritage Tibet Nomination Despite Concerns,” 7 July 17.

¹³²State Council Information Office, White Paper on “Ecological Progress on the Qinghai Tibet Plateau,” July 2018, sec. VI; International Union for Conservation of Nature, “Qinghai Hoh Xil—Wilderness in the Heights,” last visited 24 July 18. Section VI of the White Paper states, “In its assessment report, the World Conservation Union took note of Hol Xil’s expansive nat-

ural beauty—free of human activity—describing it as ‘an amazing scene to behold.’ The World Conservation Union, which is also called the International Union for Conservation of Nature, stated that the “World Heritage listing unequivocally supports the rights of the Tibetan pastoralists in the area,” thus acknowledging human activity there.

¹³³ Stephen Chen, “Chinese Engineers Plan 1,000km Tunnel To Make Xinjiang Desert Bloom,” South China Morning Post, 30 October 17.

¹³⁴ Yarlung Tsangpo, “An Ongoing ‘Quake Lake’ Scare in India (With Images From Planet Labs),” American Geophysical Union, Landslide Blog, 2 January 18; “China Says Earthquake Behind Turbidity of Brahmaputra Waters,” Indo-Asian News Service, reprinted in New Indian Express, 2 January 18; Fan Xiao, “Opinion: The Madcap Scheme To Divert the Brahmaputra,” China Dialogue (blog), 17 January 18.

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¹³⁸ International Campaign for Tibet, “ICT Inside Tibet: Safety Fears Over Tibet Railway Raised Amid Concern Over Mega-Projects,” 21 November 17.

¹³⁹ “Tibet Receives 1.2 Mln Tourists During Holiday,” Xinhua, 9 October 17.

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VI. Developments in Hong Kong and Macau

Hong Kong

During its 2018 reporting year, the Commission observed a continued erosion of Hong Kong's autonomy,¹ as guaranteed under the "one country, two systems" policy enshrined in the Basic Law in accordance with the principles of the 1984 Sino-British Joint Declaration.² Reports showed diminishing space for political action by pro-democracy groups and individuals in Hong Kong's democratic institutions.³ Observers also expressed concerns regarding the erosion of universal human rights protected by international instruments applicable under the Hong Kong Basic Law.⁴

CHINESE CENTRAL GOVERNMENT'S POLICY TOWARDS HONG KONG

At the 19th National Congress of the Chinese Communist Party in October 2017, Party General Secretary and Chinese President Xi Jinping reiterated that the central government must maintain "overall" or "comprehensive" jurisdiction over Hong Kong and Macau while ensuring a "high degree of autonomy."⁵ Government officials emphasized the importance of Hong Kong's economic integration with mainland China and joint cooperation through the Belt and Road Initiative.⁶ After a meeting with Party General Secretary Xi in December 2017, Hong Kong Chief Executive Carrie Lam Cheng Yuet-ngor said that it is the Hong Kong government's responsibility to create a "suitable environment" for enacting a national security law as obligated by Article 23 of the Basic Law, emphasizing that every person who "loves [the] nation and loves Hong Kong" should protect national security.⁷ At the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2018, top Party officials warned that the central government has "zero tolerance" for calls for Hong Kong independence.⁸ The University of Hong Kong surveyed 500 Hong Kong residents and found that 70.6 percent of young people (aged 18 to 35) in Hong Kong felt that "democracy is equally or more important than economic development."⁹

MARCH 2018 LEGISLATIVE COUNCIL BY-ELECTION SUBJECTED TO "POLITICAL SCREENING"

In March 2018, a Legislative Council (LegCo) by-election was held to replace legislative seats vacated by four out of six disqualified pro-democracy legislators.¹⁰ The Hong Kong High Court disqualified six legislators in 2016 and 2017,¹¹ citing the interpretation on oath-taking issued by the National People's Congress Standing Committee in November 2016¹² and deeming the legislators' oaths invalid.¹³ Candidates from both the pro-democracy and pro-establishment camps won two seats each.¹⁴ The LegCo consists of 70 total seats—35 of which are elected by functional constituencies representing different professional sectors, while the other 35 are directly elected by Hong Kong geographical constituencies.¹⁵ After the March by-election, the pro-democracy camp held a total of 16 seats in geographical constituencies, which is not enough to veto bills, while the pro-establishment camp maintained a majority of 17 seats.¹⁶

During the nomination period preceding the March by-elections, the government of Hong Kong carried out what observers called “political screening” of prospective election candidates for the LegCo based on their political party or political beliefs.¹⁷ Government officials from the Electoral Affairs Commission (EAC) who review nomination applications (“returning officers”)¹⁸ rejected the nomination of several candidates,¹⁹ including Demosistō Party candidate Agnes Chow on grounds that her affiliated party’s platform promoting “self-determination” contradicts the Basic Law.²⁰ The EAC also rejected the nominations of “localist” candidates Ventus Lau Wing-hong and James Chan Kwok-keung who previously voiced support for Hong Kong independence.²¹ Hong Kong’s Chief Executive Carrie Lam defended the rejection of Chow, saying that “self-determination,” similar to “Hong Kong independence” and “self-autonomy,” is not consistent with the Basic Law and “deviates from the important principle of ‘one country, two systems.’”²² In February 2018, the Hong Kong High Court ruled in the election petition of Andy Chan Ho-tin, an advocate of Hong Kong independence whose nomination for candidacy in the September 2016 LegCo General Election was rejected, that “returning officers” have the power to bar candidates based on the candidates’ political views.²³

The U.K. government and the European Union expressed concern that the rejection of Chow based on her political beliefs constituted a violation of the right to stand for election enshrined in Hong Kong’s Basic Law, Hong Kong’s Bill of Rights Ordinance, and the International Covenant on Civil and Political Rights (ICCPR).²⁴ The Hong Kong Bar Association criticized the court ruling against Chan as “an introduction of a political screening process for any prospective candidate,” which lacks “fair, open, and clear procedure to regulate this process” and relies on a civil servant’s interpretation of the unspecified requirement of “upholding the Basic Law.”²⁵

GOVERNMENT LEGAL ACTION AGAINST POLITICAL OPPOSITION

This past year, the Hong Kong government continued to pursue cases against leaders and participants of the 2014 pro-democracy protests (Occupy Central) and activists from the political opposition. As of April 2018, the government reportedly brought a total of 40 court cases against 26 pro-democracy leaders since 2014, resulting in 13 convictions among 22 concluded cases.²⁶ In October 2017, a Hong Kong court found 9 people guilty of criminal contempt for refusing to leave when a court ordered the clearance of protest sites in November 2014; 11 others who also had refused to leave the protest site pleaded guilty to contempt of court.²⁷ As of February 2018, nine democracy protest leaders faced pending charges of “inciting people to incite others to create a public nuisance” and “inciting others to incite more people to create a public nuisance,” with Occupy Central protest leaders Benny Tai, Chan Kin-man, and Chu Yiu-ming facing an additional charge of “conspiring to create a public nuisance.”²⁸ In June 2018, the Hong Kong High Court sentenced localist Edward Leung Tin-kei to six years in prison on the charges of “assaulting a police officer,” which he pleaded guilty to, and “rioting” for a February 2016 clash with the police sparked by a crackdown on unregistered local street food stands in Mong Kok.²⁹ Foreign observers such as Chris Patten,

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former governor of Hong Kong under British colonial rule, criticized the charges under the Public Order Ordinance³⁰ as “vague,” “open to abuse,” and used to “place extreme sentences on the pan-democrats and other activists.”³¹ International lawyers and Hong Kong judges reportedly expressed concerns about the impact of political pressure exerted by the central government on the judiciary.³²

Cases of Democracy Activists Joshua Wong, Nathan Law, and Alex Chow

In October 2017, authorities released on bail democracy activists and Nobel Peace Prize nominees³³ Joshua Wong Chi-fung, Nathan Law Kwun-chung, and Alex Chow Yong-kang, after their imprisonment in August 2017,³⁴ allowing them to appeal their prison sentences of six to eight months ordered by the Court of Appeal on charges related to “unlawful assembly.”³⁵ A lower court had previously sentenced Wong and Law to community service, which the two had completed, and had ordered Chow to serve a suspended sentence.³⁶ In February 2018, the Court of Final Appeal overturned the sentences of imprisonment for Wong, Law, and Chow, holding that the original sentences imposed by the magistrate were “not manifestly inadequate,”³⁷ while recognizing that the Court of Appeal appropriately issued sentence guidelines for future cases of unlawful assemblies involving violence.³⁸ Wong criticized the judgment as endorsing “a very narrow definition of non-violent civil disobedience actions” for future cases.³⁹

“CO-LOCATION” OF HIGH-SPEED RAIL STATION IN WEST KOWLOON

This past year, Hong Kong and mainland Chinese officials continued negotiations and finalized “co-location” plans for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link in West Kowloon.⁴⁰ In November 2017, Guangdong provincial governor Ma Xingrui and Hong Kong’s Chief Executive Carrie Lam signed a cooperation agreement to allow the enforcement of mainland Chinese law by mainland officials in a designated “Mainland Port Area” within the West Kowloon railway station.⁴¹ The National People’s Congress Standing Committee (NPCSC) approved the “co-location” plan in December,⁴² which was projected for completion in the third quarter of 2018.⁴³ In January 2018, the Hong Kong government introduced the co-location bill in LegCo,⁴⁴ which passed in June despite opposition from pro-democracy LegCo members and supporters.⁴⁵ The Hong Kong Bar Association (HKBA) criticized the NPCSC approval of the co-location plan as a serious violation of the Basic Law, asserting that it undermines the rule of law and the “one country, two systems” framework in Hong Kong.⁴⁶ The HKBA argued that the arrangement constitutes “the most retrograde step to date in the implementation of the Basic Law” and that it “severely undermines public confidence in ‘one country, two systems.’”⁴⁷

FREEDOM OF EXPRESSION AND ASSOCIATION

This past year, the Commission observed reports of restrictions on the freedom of expression and association in Hong Kong against

academics and politicians who hold views the government deems unfavorable. In a report released in January 2018, the human rights monitoring organization Hong Kong Watch highlighted the government's political considerations in the removal from post and obstruction of promotions of several academic figures since 2015, including pro-democracy professors Chin Wan-kan, Johannes Chan, Benny Tai, and Cheng Chung-tai.⁴⁸ The study noted that while academic freedom in Hong Kong remained relatively free compared to mainland China, "elements of academic control" in mainland China are "gradually being incorporated into the Hong Kong system."⁴⁹ Pro-democracy scholars and activists also said that the environment for academic freedom is deteriorating in Hong Kong.⁵⁰ In March 2018, Benny Tai, one of the conveners of the pro-democracy protests in 2014, attended an academic forum in Taiwan, during which he hypothesized future political options for Hong Kong, including independence if the mainland were to become democratic.⁵¹ The Hong Kong government subsequently issued a statement that "strongly condemned" Tai's remarks.⁵² Civil society groups and pro-democracy politicians condemned the government's statement as breaching the right to freedom of expression.⁵³ In July 2017, the government of Hong Kong began considering banning a political party that advocates for independence,⁵⁴ and subsequently opposed an August event hosted by the Foreign Correspondents' Club of Hong Kong featuring the party's founder, Andy Chan.⁵⁵ The U.K. government issued a statement of concern showing support for Hong Kong's "rights and freedoms" under the Basic Law and Hong Kong Bill of Rights and "its way of life."⁵⁶ A Hong Kong Journalists Association survey from April 2018 cited pressure from the Chinese central government as a key obstruction to press freedom in Hong Kong in connection with self-censorship of criticisms of the central government.⁵⁷ In advance of the UN Human Rights Council's Universal Periodic Review of the Chinese government's human rights record, including compliance with the ICCPR, 53 Hong Kong non-governmental organizations raised concerns about the narrowing space for lawful dissent and expression in Hong Kong and the future of democratic development.⁵⁸

Chinese authorities reportedly used intimidation tactics against members of a pro-democracy group and played a role in barring a foreign rights advocate's entry into Hong Kong. In August 2018, pro-democracy group Demosistō reported that mainland officials detained and extensively questioned two of its members on their political associations and activities in Hong Kong when they attempted to return to Hong Kong from mainland China.⁵⁹ In October 2017, Hong Kong authorities barred British human rights advocate Benedict Rogers from entering Hong Kong after the Chinese embassy in London reportedly warned against his visit.⁶⁰

Hong Kong Bookseller Gui Minhai Detained Again

This past year, Chinese authorities first released and then detained Swedish citizen Gui Minhai, one of the five Hong Kong booksellers abducted and brought to mainland China in late 2015.⁶¹ In October 2017, authorities reportedly released Gui from custody after two years of detention for an alleged “traffic offense”⁶² and placed him under surveillance at a rented home in Ningbo municipality, Zhejiang province.⁶³ In January 2018, Gui was forcibly detained by plainclothes Chinese authorities while he was traveling with two Swedish diplomats to Beijing municipality, reportedly to seek a medical examination for neurological symptoms.⁶⁴ The Swedish foreign minister condemned the Chinese government’s acts as a “brutal intervention” against a Swedish citizen,⁶⁵ while the European Union condemned China’s actions as violations of international rules on consular support and protections against deprivation of liberty.⁶⁶ Chinese authorities confirmed that Gui was detained and facing additional criminal charges⁶⁷ for “endangering state security,” which included allegations of “illegally providing national secrets and intelligence to overseas groups.”⁶⁸

On February 10, Gui appeared in an interview with the South China Morning Post (SCMP), among other news media outlets, reportedly arranged by the Ministry of Public Security,⁶⁹ during which he said Sweden was “hyping up” his case for political reasons and using him as a “chess piece.”⁷⁰ Gui has appeared in at least three televised confessions in mainland and Hong Kong media outlets,⁷¹ which the international NGO Safeguard Defenders believes are typically extracted through threats and torture, and used for both domestic and overseas propaganda.⁷² Journalists⁷³ and advocates⁷⁴—including Gui Minhai’s daughter Angela Gui⁷⁵—questioned the journalistic integrity of SCMP, which Safeguard Defenders called “the first English-language, non-state media that collaborated with the Chinese police to circulate a televised confession.”⁷⁶

Macau

Macau’s Basic Law does not provide for elections by “universal suffrage,”⁷⁷ though its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau⁷⁸ and guarantee Macau a “high degree of autonomy” within China.⁷⁹ During its 2018 reporting year, the Commission did not observe progress in Macau toward “an electoral system based on universal and equal suffrage” in line with the ICCPR,⁸⁰ as recommended by the UN Human Rights Committee.⁸¹ In advance of the November 2018 session of the UN Human Rights Council’s Universal Periodic Review (UPR) of China, pro-democracy group New Macau Association submitted a report calling for direct elections for the Chief Executive, Legislative Assembly, and members of a newly proposed municipal administration body that would replace the Civic and Municipal Affairs Bureau.⁸²

This past year, proposed legislative amendments raised concerns regarding Macau’s autonomy and rule of law. In March 2018, the government completed a draft law amending Macau’s Judicial Framework Law to bar foreign judges from hearing national security and defense cases.⁸³ Portuguese lawyers were alarmed by the

proposal and feared that it may violate Macau's Basic Law and further erode the independence of the city's judiciary.⁸⁴ In December 2017, the government completed a draft cybersecurity law and released the draft for public comment.⁸⁵ While the government reportedly stated that the draft law would not compromise freedom of expression,⁸⁶ cyber analysts said that based on the low level of cyber attacks in Macau the legislation is not warranted, raising concerns from cyber industries about the interpretation and impact of the law.⁸⁷

In December 2017, Macau's legislature suspended 26-year-old legislator Sulu Sou Ka Hou⁸⁸—one of four pro-democracy legislators elected in September 2017 to the Macau Legislative Assembly (AL), a body composed of 33 total seats, 14 of which are directly elected.⁸⁹ The AL voted by secret ballot to suspend Sou 48 days after he took office, a move that lifted his immunity from being prosecuted in court under the charge of “aggravated disobedience” for his role in a 2016 protest⁹⁰ and stripped him of his right to legislate.⁹¹ This marked the first time that a legislator has been suspended from his duties since Macau's 1999 handover from Portugal to China.⁹² In May 2018, a Macau court found Sou guilty of organizing an unlawful protest and fined him 40,800 patacas (US\$5,100);⁹³ Sou appealed the sentence in June,⁹⁴ which he later withdrew in order to have his suspension at the AL lifted.⁹⁵

Access and travel to Macau were reportedly limited for certain events and individuals this past year. In March 2018, the China Liaison Office in Macau reportedly warned organizers of a literary festival in Macau that the government could not guarantee entry to several book authors,⁹⁶ including U.K.-based writer and Mao Zedong biographer Jung Chang.⁹⁷ In a March 2018 statement, PEN Hong Kong, an international advocacy organization for freedom of expression, said that the lack of assurance for the entry of authors “infringes directly on the right of freedom of expression” in Macau.⁹⁸ Immigration authorities denied pro-democracy and centrist Hong Kong politicians entry to Macau this past year, citing concerns over their participation in activities “which may jeopardize the public security . . . of the Macao SAR.”⁹⁹ In response to an inquiry about the denial of Hong Kong politician Casper Wong Chun-long from entry, a Macau official cited the prevention of “chaos” for the city.¹⁰⁰

Notes to Section VI—Developments in Hong Kong and Macau

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